

NEVADA JUDICIAL BRANCH
FUNDING:

RESOURCES AND OPERATIONS
DURING FISCAL YEAR 2003

A Report of the
Supreme Court of Nevada
Court Funding Commission

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A REPORT OF THE SUPREME COURT OF NEVADA COURT FUNDING COMMISSION



March 2005

Creation of Commission: “a Supreme Court Commission shall be created for the purpose of studying the funding levels of the various courts and the mechanisms used to fund the various courts and recommending to this Court proposals to ensure that all courts are funded fairly, adequately and reasonably.” (Order Establishing Administrative Assessment Commission and Court Funding Commission, ADKT No. 347, filed March 12, 2003.)

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Mark Gibbons, Associate Justice
Michael L. Douglas, Associate Justice
James W. Hardesty, Associate Justice
Ronald D. Parraguirre, Associate Justice

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A MESSAGE FROM THE CHAIR

To the People of the State of Nevada:

I am pleased to present the Report of the Court Funding Commission of the Supreme Court of Nevada. This Commission began its work in November 2003, for the purpose of assessing the level of funding and resources in, and services offered by, each court within the Nevada court system.

Never before in the history of Nevada has anyone known at any particular point in time, by any estimate, the cost of operating the courts in Nevada or what we get for our money. According to the Nevada Constitution, the Chief Justice of the Supreme Court is the administrative head of all the courts. And yet, no Chief Justice has ever had any detailed knowledge of the budget of any of the courts of Nevada other than the budget of the Supreme Court itself. This is not the fault of the Supreme Court. Rather, it is the logical consequence of the historical, constitutional structure of the courts in Nevada, in which all the general jurisdiction (District Courts) and limited jurisdiction courts (Justices' and Municipal Courts) are financially supported by the counties or cities they serve.

Since statehood was achieved in 1864, the number of courts and judges in Nevada has increased substantially. Their responsibilities and duties have also changed substantially over time and will continue to change. The creation of small claims courts, the institution of court-annexed arbitration, court mediation, family court, mandatory statistical reporting, mandatory criminal reporting, changes in the civil jurisdictional dollar limits of the Justices' Courts, the creation of the system of administrative assessments, changes in jury trial requirements in the District and Justices' Courts, the advent of specialization in the District Courts, the new emphasis on active case management by judges, experimentation with problem-solving courts (such as drug courts) and business courts, and the institution of the Short Trial Program are just some of the more recent changes in judicial responsibilities that come to mind. Additionally, the needs of the public have also changed over time, whether reflected in amendments to rules or statutes or not. Increasingly, new legisla-

tive mandates, and mandates from the Supreme Court per its rule-making authority, are designed to enhance consistency within the judicial branch of government. It is one thing to mandate, however, and quite another to assure that the courts have the tools and resources to meet their responsibilities and to promote justice.

The adequacy of local funding will determine the length of the wait an individual might experience while in line to pay a traffic ticket, to obtain a trial date for a Municipal Court trial, or to file a small claims action. Funding will dictate how long a person is placed on hold when telephoning a court, and the availability of knowledgeable staff to answer questions. Funding will dictate whether a court has a web site providing the public with information about the courts and helpful forms for litigants, and the extent to which such a web site is maintained. Funding will dictate how secure a person will be and feel when coming to the court to do business or simply observe as a spectator. Funding will dictate what accommodations will exist for jury panels and how comfortable potential jurors will be when they respond to a summons to appear for jury service. Funding will dictate if secure space exists to separate witnesses from litigants, to separate victims from the accused, to separate the jury from the public, and to separate adverse parties and their attorneys. Funding will dictate the ability of limited jurisdiction courts to supervise their probationers, to monitor the collection of fines or administrative assessments, or to monitor compliance with court orders – the very essence of the integrity of a court. Funding will determine whether a drug offender in the District Court will go to prison or instead be given the opportunity to rehabilitate in the drug court environment. Funding will determine if a mentally ill offender will be monitored and provided valuable mental health assistance through mental health court. Funding will determine if a judge can even order a neutral professional to investigate the living conditions of children in the control of one parent when serious questions about those living conditions are raised by the other. Funding will determine whether divided families in distress will

have a monitored or unmonitored exchange point for children when visitation has been ordered.

When some courts are better supported than others, serious questions arise about the public's equal access to justice across the state. It is certainly unfair if a criminal defendant goes to prison simply because a local jurisdiction cannot afford resources for rehabilitation efforts, when that same defendant would be given a chance at rehabilitation in another jurisdiction that has more resources available to the courts.

The work of the Court Funding Commission is an important first step in gaining information about the comparative financial health and condition of all Nevada courts. But I emphasize that the work of the Commission is just that: a first step. Now remains the tasks of making policy determinations about how best to fund Nevada's courts, at what minimum levels they ought to be funded, whether objective, qualitative markers and indicators exist that can be identified for use in determining the effectiveness and financial stability of Nevada's courts, and how best to organize programs and services to deliver justice equally across the state.

Commission members were invited to participate in this endeavor, and my goal was to assemble an inclusive collection of individuals with a desirable level of expertise and interest. The Commission, therefore, included representatives from the State Legislature, the courts at every level (both judges and court administration), local governmental entities that fund courts' budgets, and the public. The diversity of the Commission's membership lends credibility to its work. This was truly a collaborative and collegial effort. I wish to acknowledge and thank every advisory and ad hoc member of the Commission. I am deeply grateful to each and every one of them for their selfless sacrifices of time, their enthusiastic expenditures of energy, and their genuine and abiding commitment and dedication to this enormous task. All understood the importance of this work. All created time in their busy schedules to accomplish the goals of the Commission.

I also owe a great debt to those members of the staff of the Administrative Office of the Courts, under the leadership of Ron Titus, who were assigned to support this project. Without com-

plaint, members of AOC staff made the work of the Commission a priority among their so many other, unrelated priorities. They too recognized the ground-breaking nature of this project and supported it with their expertise, enthusiasm, interest and, of course, great chunks of time. I am awed by their commitment; the public is well served by their efforts.

I also wish to acknowledge the invaluable assistance of the Justice Management Institute (JMI). In particular, I want to thank Alan Carlson of JMI, who was hired to provide technical assistance as a consultant to the Commission. Alan's expertise was extraordinarily helpful in formulating the survey instrument, bringing focus to the Commission's work, and in producing the final product.

I wish to thank the members of the Supreme Court of Nevada, both as it was constituted in 2003 when the Commission was convened under their authority and as it is currently constituted in 2005. In 2003, I had asked District Judges Jim Hardesty and Ron Parraguirre to participate as members of the Commission. Now, as this report is being published, they are members of the Supreme Court of Nevada. I thank them as members of the Commission and now as members of the Supreme Court.

Finally, I wish you, the reader, well. This is not an easy report to review in detail. Plenty of numbers and charts exist both within the body of the report and in the appendix. Numbers are never easy to absorb in casual reading. Nevertheless, I encourage you all to read the report in its entirety, patiently, and with the dedication of some time. I thank you for doing that. The future of the judicial system of Nevada depends upon it and deserves no less.

Sincerely,



Deborah A. Agosti
Senior Justice and
Chair of Court Funding Commission
Supreme Court of Nevada

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Nevada Judicial Branch Funding: Resources and Operations During Fiscal Year 2003

EXECUTIVE SUMMARY

In Nevada, the court structure places every individual court's budget under separate governmental units. The Supreme Court budget is approved by the Nevada State Legislature, which meets every other year. District Courts are funded primarily by the counties in which those courts are located. Justices' Courts' budgets are approved and funded by the county within which each court is situated. Municipal Courts' budgets are approved and funded by the local municipal governments of the communities they serve.

Because every court in the state individually seeks the resources for its operation from the governmental unit responsible for its support, neither the Supreme Court of Nevada nor any court or governmental unit in this state has ever before known the cumulative cost of operating the courts or the variety of programs and services available to litigants. The Supreme Court of Nevada Court Funding Commission was convened in 2003 to begin the enormous task of collecting financial data from every court in Nevada to answer important questions about the cost of the courts and the services provided by the judicial system of this state.

In the performance of its mission, the Commission observed and concluded that great diversity exists in the levels of funding that courts within each jurisdictional level receive. Better funded courts tend to operate more efficiently, be more secure and safe for the public and staff, and offer more and better services to the communities they serve. Courts that are not well funded lack the resources to operate as smoothly, and struggle to guarantee safety, security, and the same services. As a result, access to justice across the state is not equal for all citizens.

While local prioritization of community needs is desirable, the separate battle that each

court fights for its budget and the lack of uniformity among the governmental funding entities regarding the courts' interests when it comes to evaluating and funding programs to benefit the public results in disparities in the quality of justice across the state.

From the Commission's perspective, another difficulty with the current state of affairs is that every county, municipality, and court maintains its financial records slightly different. In addition, reference to the budget of an individual court to determine its cost of operation rarely answered the question completely as to what it costs to operate the judiciary. Some services are included within one court's budget but not included within another. For example, bailiffs in the Eighth Judicial District (Clark County) are paid by the court, but in the Second Judicial District (Washoe County), bailiffs are provided for in the Sheriff's budget. Further, most governmental units provide a variety of administrative support services to the courts; but these are rarely reflected in the courts' budgets and are difficult to quantify. As a result, the Commission was heavily challenged to account for local differences in practice and accounting in preparing its estimate of the actual cost of operating the Nevada courts.

The Court Funding Commission conservatively estimates that for the fiscal year ending June 30, 2003, the cost to operate the Nevada Judiciary just exceeded \$184 million. The primary expense was personnel.

The money used to fund the courts at the local level is taken primarily from the local governments' general fund monies. At the Supreme Court level, State General Fund monies are used only for roughly one-half the cost of court operation. The other half comes from the locally collected administrative assessments,

which by law are turned over to the state. Despite the state's increased reliance on funding the Supreme Court through administrative assessments, the Commission considers administrative assessments to be an unstable funding source, undesirable, and perhaps suggests that the State Legislature has at some point adopted the view that the courts ought to pay for themselves.

The Commission makes recommendations that primarily look to the future, recognizing that much more work must be done to systematically address the needs of the courts of Nevada. The Commission recommends, among several suggestions for improvement, that minimum standards for operation of the trial courts at every level be identified and adopted.

An unwarranted conclusion to be drawn from the Commission's work is that the courts should be unified at the state level at this time. This Commission's mission was not to investigate the advantages and disadvantages of such a monumental, constitutional shift in court organization. Such a study should only be considered, if at all, after the current financial and operational picture of the Nevada courts is better known and understood.

OVERVIEW

The Nevada Constitution establishes a Judicial Branch of state government consisting of the Supreme Court, the District Courts, and the Justices' Courts located in statutorily defined districts and in townships. Nevada's statutes authorize the establishment of limited jurisdiction courts in incorporated cities. Resources for the operation of the courts come from many sources. The State General Fund pays a portion of the Supreme Court budget and finances all the District Judges' salaries. The counties are responsible for paying most of the salaries, operational expenses, and facility costs of the District and Justices' Courts. Likewise, the cities fund most of the Municipal Courts' salaries, operational expenses, and facilities costs. In addition to funds from local tax revenues, courts are supported from a portion of the funds collected from administrative assessments, fees, reimbursements, and grants.

The level at which courts are funded varies widely across Nevada. This is the result of several factors including the rather confusing array of funding sources (administrative assessments, fees, grants, and available general fund money) as well as the decisions made at the discretion of the state and local governing bodies as to what the courts need for their operation. Decentralized funding and authority have resulted in significant differences in the level of funding received by courts with identical core responsibilities. These differences consequently dictate the existence and level of services and programs these courts are financially capable of providing to litigants and the public. These differences affect both access to justice and the quality of justice experienced by the people across Nevada. Because every court at every level is separately funded, no one source has information about what resources are made available to courts and how the resources are spent. Even the Supreme Court has limited knowledge as to the budget of a single court other than its own.

Recognizing that it is important to assess the financial condition of every court in this state

and recognizing further that no single repository exists for any information relating to the Nevada courts' budgets, the Supreme Court of Nevada, in March 2003, established the Court Funding Commission "for the purpose of studying the funding levels of the various courts and the mechanisms used to fund the various courts and recommending to this Court proposals to ensure that all courts are funded fairly, adequately and reasonably."

Members of the Court Funding Commission include judges, court administrators, attorneys in private practice, representatives of both state and local governments, and lay members. Meetings commenced in November 2003.

Early in its work, the Commission distributed a survey to every Nevada court to obtain a complete picture about each court's funding, expenditures, programs, and services during fiscal year 2003 (July 1, 2002, to June 30, 2003). This was the first time this type of information was assembled in a systematic and consistent manner. The courts provided meaningful responses to the survey request. The staff and consultants analyzed the survey responses and provided the Commission with information from which they assessed the effectiveness of the courts and the extent to which the courts are fairly, adequately, and reasonably funded. This report summarizes the Commission's findings and recommendations about Judicial Branch funding in Nevada.

As mentioned, the Commission's analysis and findings reflect the condition of the Nevada Judicial Branch in fiscal year 2003, and therefore represent only a 1-year snapshot of court funding. Notwithstanding changes that may have occurred since June 2003, this report provides a starting point for assessing the condition of the courts in Nevada and for developing a plan to improve the effectiveness of the courts so they may better serve the needs of the people of Nevada.

One aspect of the survey analysis included how the courts could be grouped, based on their

workload, staffing, and operating expenses. Not surprisingly, the analysis showed that there are several groups for each type of court, reflecting both the rural/urban aspect of the courts, as well as their size. The analysis clearly indicates differences throughout the courts regarding resources available to each court to address their workload. Consequently, it is unlikely any “one size fits all” approach will work in Nevada for achieving fair, adequate, and reasonable funding in all courts.

An objective of this study was to begin to assess the cost of operating the Nevada courts. This first estimate has been subject to many challenges because of differences in state, county, and city accounting systems and practices, the lack of recordkeeping and consequent lack of information about some courts, inconsistencies in how courts record their budgets, and what is included in courts’ budgets. The total statewide estimated cost to operate the courts of Nevada in fiscal year 2003, unadjusted for inflation, was more than \$184 million. This sum does not include significant administrative support costs and costs for services such as court security and indigent defense that are not uniformly included as line items in court budgets. This total represents about 5 percent of the total Nevada state budget for fiscal year 2003. Also worth noting is that most of the funding for the courts in Nevada does not come from the State’s biennial budget. The Supreme Court and its associated offices spent about \$13 million in fiscal year 2003; District Courts spent about \$109 million; Justices’ Courts spent at least \$31 million; and Municipal Courts spent at least \$31 million.

Of the estimated total, about 74 percent is attributed to judicial and staff compensation. The significance of this amount is this: because the proportion of costs for personnel is so high, any mandated “across the board” budget reduction will virtually always force a reduction in personnel. In contrast, the level of capital investment in equipment and facilities is very low, amounting to about 4 percent of the grand total of reported expenditures. Similarly, the level of expenditures

for information technology is low, accounting for only 1.7 percent of total reported expenditures. This level of capital investment in productivity improving equipment, facilities, or information technology is much lower than that of private sector companies whose business, like courts, involves workload management as well as the maintenance and storage of information and paper documents.

The sources of funding for courts are quite diverse. In fiscal year 2003, on a statewide basis, approximately 12 percent of court funding came from the State General Fund, 60 percent from counties’ general funds, 21 percent from cities’ general funds, and about 7 percent from other sources, primarily from administrative assessments. The proportions of the sources of funding change for each type of court. Supreme Court funding is 49 percent from the State General Fund and 51 percent from other sources. District Courts’ funding is primarily from the counties’ general funds (83 percent), with the state contributing almost 14 percent. Justices’ Courts’ funding is primarily from the counties, and Municipal Courts’ funding is primarily from the cities. With the primary source of funding from their counties, District and Justices’ Courts “compete” against county agencies for funding, in particular against the criminal justice agencies, health and welfare agencies, and public works agencies, as well as the courts against each other. Primarily city funded, Municipal Courts “compete” against city agencies and city services for funds.

The survey responses revealed that within courts at the same level, a wide range and diversity of programs and services were offered. Every District, Justices’, and Municipal Court creates programs, and develops services and procedures; these programs vary widely and this variance is attributable to several factors – the interest of the judges in experimenting with offering forms of assistance to the public, the extent of the local need for a proposed program or service, the availability of funding to pay for the program or service, and the availability of resources in the community to support the operation of the program or service. The surveys

indicate that the larger and more urban District Courts offer more programs than the District Courts that serve smaller cities and counties. About half of the District Courts have problem-solving courts, such as drug courts. The problem solving courts tend to be offered more frequently in the larger courts or those nearer to urban areas. Only two District Courts operate a self-help program. Almost all of the District Courts have some type of collections effort for court-ordered fines, fees, and assessments. The most common types of programs existing in Justices' Courts are sentencing alternatives programs and collections programs. About a third have domestic violence programs and about a fifth have self-help programs for pro-per litigants, although the majority of the courts providing legal forms through self-help programs are located in Clark County. Municipal Courts located in Clark and Washoe Counties offer more programs and services than Municipal Courts located elsewhere. Half offer domestic violence programs and more than half offer victim assistance programs. Almost three-quarters of Municipal Courts have sentencing alternative and collections programs. Clearly, the services available to a litigant depend on where the litigant lives.

The survey also collected data about the resources available to courts. The term "resource" was defined broadly to include money budgeted to pay for court operations, personnel, services, supplies, automation, facilities, etc., available to the courts to enable them to fulfill their role. Personnel, automation, and facility issues were of particular concern.

District Court Judges are paid by the state but the county wherein they sit pays for the court staff and the judges' secretarial and clerical support. The level of court and secretarial support seems to be provided at comparable levels across the state. The level of staffing in the Justices' Courts across the state is much less uniform. More than 10 percent of the Justices' Courts did not, in 2003, have a regular courtroom clerk, and fewer than half had a regular court reporter or a judicial secretary. The staffing

in the Municipal Courts is similar to that of Justices' Courts.

A core function of every court is the maintenance of its records. In Nevada, some of the District Courts directly control the maintenance of their records; in most of the District Courts the elected county clerk performs this function for the District Court as the *ex officio* clerk of the court. In the Justices' and Municipal Courts, where the elected county clerk is not involved as the *ex officio* clerk of the court, several different practices exist; the direct supervision and involvement of the court itself depends upon the local practice that has developed over time. The court has clear responsibility for its records and should be in a position to oversee those maintaining its records. As mentioned, in most of the District Courts, judicial control of the clerk of court's recordkeeping functions is not direct. According to the survey results, only two District Courts directly hire and supervise a person to perform these clerical recordkeeping functions. In contrast, judges in the Justices' Courts more often have direct control over their court clerk. In 28 of 32 reporting courts, the Justices of the Peace hire and supervise the person who performs these clerical functions. In the majority of the Municipal Courts, by means that are not uniform among the courts, the judges also hire and supervise the person performing the functions of a clerk of the court. In 7 of 11 reporting Municipal Courts, the judges select the person to perform the services of a clerk of court. In one Municipal Court, the judge and the municipality's city council jointly appoint the clerk of court. In three Municipal Courts, the clerk is separately appointed by the City Council without consultation with the Municipal Court.

Because the courts deal with an enormous amount of information and are required to maintain vast quantities of records, information technology (IT) can have a dramatic and positive impact upon the court's workload, its scheduling, the quality of its service, and its efficiency. The courts must be able to track, schedule, and monitor its cases in order to maximize the

effective use of its time as well as be positively accountable for its operations and expenditures. The courts can best accomplish these tasks if the court has control over its automated case management system and other information technology applications and support. Almost all of the District Courts receive automated case management support for all major case types heard, although the adequacy and effectiveness of the systems were not assessed. Only 85 percent of the Justices' Courts reported receiving case management support for their major case types. For Municipal Courts, the figure dropped to 80 percent for traffic cases and 73 percent for criminal cases. In two-thirds of the District Courts, IT services were provided jointly by the court and county Executive Branch staff. In the remaining one-third, the county provided all IT services. In 9 percent of the Justices' Courts, the court itself or the clerk of court staff provided all IT services. IT services were provided by a combination of Judicial Branch and Executive Branch staff in 60 percent of the Justices' Courts. In the remaining 31 percent, the Executive Branch staff provided all IT services. In a slight majority of the Municipal Courts, court and city staff provided IT services jointly. The next most common pattern was city staff providing all IT support.

Many basic administrative support services are needed by every governmental entity, judicial or not. In the Judicial Branch, all courts need accounting, banking, purchasing, payroll, and human resources services, in order to function. The survey indicated that most administrative support services are provided to District Courts through a combination of Judicial and Executive Branch staff. The value of these services to the courts is very great, yet it is difficult to quantify the dollars it costs a county or a city to provide this necessary support. District Courts operate more independently in the areas of recruitment and selection of staff, staff training, and purchasing. In the Justices' Courts, administrative services are also provided more often by a combination of Judicial and Executive Branch staff. The Justices' Courts operate more indepen-

dently in the areas of banking, staff training, purchasing, and, to a lesser extent, the recruitment and selection of staff and accounting activities. Municipal Courts are more likely to receive all support services from the city agencies. The areas where some degree of independence was found in the Municipal Courts are banking and purchasing.

After the expenses paid by the courts for personnel, consisting primarily of payroll, the next largest set of costs associated with courts is for courtrooms and court facilities. The capital costs of courtrooms and associated support facilities are significant, and can be a major financial burden on a jurisdiction. At the same time, having a judge and a case ready to be heard, and no courtroom in which to hear the case is also very costly. The survey inquired about the availability of courtrooms as compared to the number of judges at a court. Six District Courts noted they had more judges than courtrooms, although one county is building additional courtrooms. Neither the Justices' nor the Municipal Courts reported a shortage of courtrooms. Only one Municipal Court reported having more judges than courtrooms. Because the number of courtrooms and judges is equal in most jurisdictions, the courts are not prepared to accommodate any increase in the number of judges without incurring the concurrent expense of developing new facilities.

While the availability of space is important, the adequacy of the space is equally important to a properly functioning court. District Courts are most satisfied with the size of their courtrooms and the maintenance of their facilities and least satisfied with the space for the public, storage space for court records, secure, safe, and comfortable accommodations for jurors, the safety and security of the courthouse for both the public and court staff, and properly functioning air conditioning, heating, and power sources. When asked for their most pressing facility issues, the District Courts most frequently cited lack of security, inadequate public space – particularly for lawyers to meet with their clients, an insufficient number of courtrooms, and inadequate

space for the storage of court records. Justices' Courts reported being most satisfied with the number and size of courtrooms, space for staff, maintenance of the facilities, and air conditioning and heating. When asked for their most pressing facility problems, the Justices' Courts most frequently cited lack of courtroom and building security, and inadequate public space – particularly for jurors, and for the separation of victims and witnesses from defendants. The Municipal Courts are generally more satisfied with their facilities than either District or Justices' Courts. Municipal Courts are most satisfied with the size and number of courtrooms and the maintenance of their facilities and least satisfied with the space for court records storage and the amount of space for litigants, their lawyers, and the public. Municipal Courts most frequently reported as facility problems the inadequacy of public space, particularly to allow separation of victims and witnesses from defendants, and to allow attorneys and their clients to confer.

Ensuring the integrity of the courts' records and court proceedings is easier if the courts control the use of their facilities. In most District Courts, the courtrooms are exclusively used by the courts, and the court staff space is exclusively for the court's use. In the remaining, mostly rural District Courts, the courtrooms are also used by other county agencies, and the court staff space is shared with other county agencies. In several counties, courtrooms are shared with other courts. The Justices' Courts often have exclusive space for their staff, while sharing courtrooms often as well. A few of the Justices' Courts are in separate buildings not shared with any county agencies. In a majority of the Justices' Courts, the courtrooms are exclusively used by the courts, and the court staff space is exclusively used by court staff. In a few Justices' Courts, the courtrooms are shared with other county agencies. A few Municipal Courts are in separate buildings not shared with any city agencies. About half of the Municipal Courts have exclusive use of the courtrooms, and the court staff space is exclusively used by court

staff. In the other half of the Municipal Courts, the courtrooms are shared with other county agencies, and in two Municipal Courts the office space is shared.

Assessing the fairness, adequacy, reasonableness, and equity of court funding becomes less difficult if minimum standards and best practices are identified to compare against current practices. Because Nevada currently lacks articulated best practices and minimum standards for the courts (facilities is a prime example), the analysis of the Court Funding Commission essentially compares similar courts with each other. A problematic assumption, however, is that the "average" of the courts that responded to the survey is at an acceptable level of service, funding, and facilities. Unfortunately, no generally accepted national standards exist regarding the operations of courts, partly because of the broad range of their responsibilities (civil, criminal, family, traffic, etc.). Further assessment of the adequacy and reasonableness of the levels at which Nevada courts are funded would require the identification of minimally acceptable standards regarding programs and services.

As described, the Commission found considerable differences in the levels of services, programs, and funding for the courts throughout Nevada. This diversity is attributable to the dispersed authority and discretion regarding both the operation and funding of the courts. The dangerous consequence of funding differences is unequal access to justice across the state in terms of programs and resources available to courts, the public, and the litigants. The Commission's recommendations (see following section) seek to reduce these differences. The recommendations propose defining more clearly the role of the courts and what minimum service and program levels are necessary to fulfill this role. The recommendations also provide direction as to how this can be accomplished through coordination and cooperation and the sharing of services among courts to provide services to more people, and reduce the need to increase resources. The recommendations also suggest clarification of the authority of the courts to manage their

affairs, both to improve service levels and promote accountability. The development of standards is also proposed in order to assess and evaluate progress toward more adequate and equitable resources, and wider use of successful programs and services. Among other things, these standards would require a sustained capability in the Judicial Branch to monitor the conditions and funding of the courts. Finally, the Commission recommends formation of a broadly based group to study the issues, concerns, benefits, and implications of various alternative means and sources of funding the Judiciary in order to achieve equal access to justice for everyone in Nevada in a cost-effective and accountable manner.

RECOMMENDATIONS

The Commission finds that an independent judiciary should have the ability to (1) dispense justice without disruption and without fear of unpredictability in the availability of funds, and (2) provide equal access to justice for every Nevadan, regardless of their geographical location, ability to pay, or the relative wealth and population of the county or city governments. With these fundamental assumptions in mind, the Commission recommends as follows:

RECOMMENDATION No. 1: The Supreme Court should define the role of courts and identify what programs, services, and service levels are essential for the minimum acceptable level of justice that is equally accessible to everyone in Nevada. The courts should encourage state and local funding bodies to work toward a level of funding for the courts that is adequate to achieve these levels of service.

RECOMMENDATION No. 2: In response to recent proposals to the Legislature, and concerns among rural and smaller counties, the Supreme Court should request the Legislature to fund a broadly based commission to study the issues, concerns, benefits, and implications of alternative means and sources of funding the courts to achieve equal access to justice for everyone in Nevada in a cost-effective and accountable manner. The new commission should also examine what aspects or programs of the courts should be funded from basic General Fund monies rather than fees, fines, assessments, reimbursements, or other sources, and, in particular, examine the relation between fluctuations in judicial workload and fluctuations in revenues from varied funding sources.

The new commission should include representatives of:

- Counties and cities, which pay for most services under the current funding structure;
- Courts, which provide the services;
- The Legislature, which funds some services;
- The State Bar; and
- The public.

RECOMMENDATION No. 3: It was outside the scope of this Commission to evaluate or consider a unified court system in Nevada. No consideration of a unified court system in Nevada should be undertaken by the Supreme Court or the Nevada Legislature unless and until the current financial and operational picture of the Nevada courts is better known and understood.

RECOMMENDATION No. 4: Working with the local governments and their courts, the Supreme Court should direct the Judicial Council to develop and adopt recommendations as to:

- What expenditures should be included in court budgets or other, separate budget units;
- A chart of accounts for court budgets that simplifies and improves reporting on court expenditures and sources of funds;
- What expenditures should be under court control, in order to improve management of costs and accountability for expenditures; and
- Internal control procedures to be followed regarding court expenditures and revenue collected through courts to improve accountability for funds received and disbursed.

RECOMMENDATION No. 5: The Nevada Legislature should discontinue funding the Supreme Court through administrative assessments that fluctuate unpredictably. The Nevada Legislature should fund from the State General Fund the Supreme Court's core functions including, but not limited to, the operating budget, Senior Justice Program, and Administrative Office of the Courts.

RECOMMENDATION No. 6: The Legislature should fund from the State General Fund the costs necessary for the courts to develop a uniform reporting system that:

- Continues to gather, maintain, analyze, and refine a subset of the information that was gathered for this study about court programs, resources, and funding;
- Trains court, county, and city staff to develop and improve their ability to gather this information in an efficient and consistent manner;

- Expands the information gathered to obtain more complete information about the cost of support services provided to courts by the counties and cities; and

- Assesses the strengths, weaknesses, and opportunities facing the Nevada courts to be used by the courts, Legislature, Executive Branch and the public.

Relevant financial and other information about the courts should be published in the *Annual Report of the Nevada Judiciary*.

RECOMMENDATION No. 7: The Supreme Court should direct the Judicial Council to explore and develop:

- Service levels for basic court services (for example, waiting times and case processing times);

- Security standards – courtroom and courthouse;

- Court facility standards – courtroom and all ancillary spaces;

- Staffing level standards – in the courtroom and overall;

- Uniform job descriptions, including minimum qualifications, for positions in each type of court, especially for use in smaller courts and rural courts;

- Operation of problem solving courts such as drug courts or mental health courts;

- An appropriate budget for a fully functional court with a particular caseload; and

- Performance and related accountability standards

RECOMMENDATION No. 8: The Supreme Court should direct the Judicial Council to study opportunities for shared programs and services. Nevada’s Courts should be encouraged to share programs and services and provide services and programs to one another across counties within Districts, across Districts, regionally, or state-wide. Encourage counties to negotiate joint funding of such services in a fair and equitable manner. The objective of the collaboration and sharing of resources is to:

- Increase or equalize access to court services by everyone within a geographic area;

- Make available to litigants programs or services not previously available;

- Minimize the distance people must travel to access court services;

- Minimize the distance judges and court staff must travel to serve litigants;

- Reduce costs of providing court services or programs;

- Make best use of resources made available from the state or counties for court services;

- Take advantage of services available in courts in surrounding geographic areas; and

- Recognize and respond to a population shift that will impact the revenue of local government.

RECOMMENDATION No. 9: District and Justices’ Courts with overlapping and concurrent jurisdiction to issue temporary protective orders should negotiate with one another and establish consistent, published protocols about which courts will hear requests for temporary protective orders in cases of domestic violence in order to eliminate public confusion, reduce the need for multiple hearings, and to provide “one-stop” assistance to litigants.

RECOMMENDATION No. 10: The Supreme Court should direct the Judicial Council to clarify the discretion and identify the options available to trial courts to supervise staff, and to direct the provision of services essential to carrying out core judicial functions, including:

- Recruitment and selection of staff, in particular the position serving as court administrator and clerk of court;

- Clerk of court functions, including records management;

- Information technology services, particularly supporting case management and court recordkeeping;

- Court facilities; and

- Accounting for court expenditures and revenue collected through the court.

INTRODUCTION AND BACKGROUND

The funding of the Judicial Branch of the State of Nevada comes from many sources. The State General Fund finances part of the Supreme Court of Nevada budget and also the salaries of the District Judges. The counties are responsible for court staff salaries, and all facilities costs for District and Justices' Courts including the salaries of the Justices of the Peace. Any Nevada incorporated city with a Municipal Court is responsible for the Municipal Court expenses including judge salaries, court staff salaries, and all facilities costs. Additional funding comes from administrative assessments added to criminal fines, primarily in misdemeanor cases, and collected primarily by either the Justices' or Municipal Courts. Proceeds from the administrative assessments are distributed to the Supreme Court of Nevada as well as several Executive Branch agencies.¹ Courts also receive funds from fees, reimbursements, and grants.

Because the primary funding sources of general and limited jurisdiction courts in Nevada are from counties and cities, the local governing bodies have a significant impact on these courts. A delicate balancing act is required as the local governing bodies discharge their responsibilities for a balanced budget while assuring that the courts have adequate funding to fulfill their judicial responsibilities in a fair and equitable manner.

The Legislative Commission of the Legislative Counsel Bureau studied the structure and funding of Nevada's courts in 1968 and 1976 (Legislative Commission of the Legislative Counsel Bureau, 1968; 1976). Both of these studies resulted in many recommendations for change. Some were implemented; however, many were not.

In recent years, the Supreme Court of Nevada and its departments have begun re-searching and studying elements related to the Nevada judiciary as well. These published studies include (see also References section):

- A review of the rural courts and their challenges in overcoming the special limitations they face (Judicial Council of the State of Nevada, 2003);
- A review of the jury system in Nevada, including recommendations for change (Supreme Court of Nevada, 2002);
- A review of the decline in administrative assessments for fiscal years 2001 and 2002 (Titus and others, 2003), which are currently an element in funding the judiciary; and
- A complete review and overhaul of the accounting standards used in Nevada trial courts (Nevada Judicial Collections Task Force, 2001).

While these commission reports and other studies provided insights into specific elements of the Nevada judiciary, no current statewide understanding of the funding levels of the courts and the corresponding allocated resources is apparent.

In March 2003, the Supreme Court of Nevada signed an order establishing the Court Funding Commission (ADKT No. 347) "for the purpose of studying the funding levels of the various courts and the mechanisms used to fund the various courts and recommending to this Court proposals to ensure that all courts are funded fairly, adequately and reasonably."

In the fall of 2003, then Chief Justice Deborah Agosti set about assembling a committed group of individuals from many public and private arenas to help with this important study. The committee members and their affiliations are listed on page *iii*.

¹ NRS 176.059(8).

The Court Funding Commission came together with the goals of gathering information about the programs and operations of the Nevada courts and providing a preliminary assessment of whether the Nevada courts are funded fairly, adequately, and reasonably. The Commission adopted the following as its mission statement:

“To collect, analyze and publish financial and operational information from all Nevada courts to assess the current level of funding and resources in, and services offered by, each court and to determine the degree to which each court is funded fairly, adequately, and reasonably.”

The Commission began meeting in November 2003 and, with the assistance of the Justice Management Institute, began drafting a detailed survey instrument that was subsequently sent to all 84 trial courts throughout the state in the spring of 2004. The survey requested information from the courts for fiscal year 2003 (July 1, 2002, to June 30, 2003). The Supreme Court of Nevada also provided its financial information for use by the Commission. Subsequently, calls

were made to the courts with offers of assistance from the Administrative Office of the Courts (AOC) staff in responding to the survey.

The results of the survey provided the Commission with a wide range of information about the Nevada trial courts. Not only was financial information provided, but also information regarding the staffing, resources, record-keeping, facilities, and administrative support, including information technology.

The Commission developed the recommendations contained herein. However, it is important to note that the recommendations are by no means comprehensive. Many challenges to the trial courts became apparent during the Commission’s work; however, the Commission referred to its mission statement during meetings to help focus the discussions and recommendations. To the extent possible, the Commission has limited its recommendations to the initial focus of the group – to gather information about the programs and operations of the courts and to explore whether the courts are funded fairly, adequately, and reasonably, and consequently to explore whether equal access to justice is provided to all the citizens of Nevada.

COURT STRUCTURES

The Nevada judiciary has one appellate court, a general jurisdiction court, and two types of limited jurisdiction courts, but is not a unified court system. Each type of court is discussed below.

The Supreme Court of Nevada is the court of last resort and the only appellate court in the state. Nevada does not have an intermediate appellate court. The Supreme Court reviews all appeals from the decisions of the District Courts, including all automatically appealed death penalty cases. The Supreme Court does not have discretion as to which appeals it will review and must consider all appeals that are filed. Supreme Court Justices are elected in statewide elections for 6-year terms.

The District Courts are general jurisdiction courts, which means they hear all matters not specifically and exclusively assigned to limited jurisdiction courts. District Court Judges serve 6-year terms and their jurisdiction includes all felony and gross misdemeanor criminal cases and civil cases where the amount in dispute exceeds \$7,500² (at the time of the survey). They also have exclusive jurisdiction over cases involving family law (dissolution of marriage, child support, and adoption), probate, mental health, and juveniles (delinquency and abuse and neglect). District Courts also issue domestic violence protection orders.

The 17 counties of Nevada are divided into 9 judicial districts (NRS 3.010, Table 1). The number and boundaries of these judicial districts can be changed by the Nevada Legislature. Throughout the history of Nevada, there have been as few as 1 judicial district and as many as 10. One important element of the judicial districts is that they form the electoral areas for District Court Judges. Each county maintains its own District Court house and pays the salaries of

² NRS 4.370. The 2003 Legislature passed Assembly Bill 100, which increased the limit for civil disputes to be heard in Justices' Courts to \$10,000 effective January 2005, which also adjusts the District Court level.

the District Court staff housed in that county with the exception of the judges themselves, whose salaries are paid by the State of Nevada. Civil and criminal jury trials most commonly occur in District Court.

TABLE 1.
JUDICIAL DISTRICTS IN NEVADA BY COUNTY

Judicial District	County	County Seat
First	Carson City Storey	Carson City Virginia City
Second	Washoe	Reno
Third	Churchill Lyon	Fallon Yerington
Fourth	Elko	Elko
Fifth	Esmeralda Mineral Nye	Goldfield Hawthorne Tonopah
Sixth	Humboldt Lander Pershing	Winnemucca Battle Mountain Lovelock
Seventh	Eureka Lincoln White Pine	Eureka Pioche Ely
Eighth	Clark	Las Vegas
Ninth	Douglas	Minden

The Justices' Courts are limited jurisdiction courts, which means they hear only those cases or actions prescribed by statute. Justices' Courts conduct preliminary hearings in felony and gross misdemeanor cases to determine whether evidence is sufficient for the defendant to be bound over to District Court for trial. They hear misdemeanor and traffic cases as well as general civil cases involving amounts up to \$7,500³ (at the time of the survey), small claims matters where the amount disputed does not exceed \$5,000, summary eviction cases, and requests for temporary protective orders in cases of domestic violence, stalking and harassment, harassment in the workplace, and harm to minors. Each county sets and pays the salaries of its Justices of the Peace and the Justices' Court staff; each county also provides and maintains the courthouse. Justices of the Peace are elected within the

³ See previous footnote.

townships. They serve 6-year terms. Jury trials are sometimes held for civil cases in Justices' Court; the number of jury trials is expected to increase with the increased monetary limit that became effective in January 2005. Additionally the Supreme Court of Nevada recently clarified the right to a jury trial in civil cases in the Justices' Courts.⁴ The financial impact of this clarification is unknown but certainly will entail some sort of increased expenses.

Municipal Courts are also limited jurisdiction courts created by the Nevada Legislature pursuant to Constitutional authority.⁵ These courts are not established by the Constitution, as are the Supreme, District, and Justices' Courts. Municipal Courts hear cases that involve violations of city ordinances, such as traffic and non-traffic misdemeanors, committed within their municipalities, and a limited range of civil cases involving city utilities and city property.⁶ The right to a jury trial is denied in Municipal Courts by statute.⁷ Some Municipal Courts hear parking violations, while other cities have made parking violations subject to an administrative rather than judicial process. All incorporated cities must have a Municipal Court.⁸ The municipality must provide and maintain the courthouse, and pay the salaries of judges and court staff. Some cities have chosen to have their Municipal Court combined with the Justices' Court that serves the city. Some Municipal Court Judges are elected within the municipality they serve for 6-year terms, while others are appointed by City Councils for open-ended terms, serving at the pleasure of the City Council.

⁴ *Aftercare of Clark County v. Justice Ct.*,

82 P.3d 931 (2004).

⁵ Nev. Const. art. 6, § 1.

⁶ NRS 5.050.

⁷ NRS 266.550.

⁸ NRS 5.010.

METHODOLOGY AND APPROACH

After the selection and initial meetings of the Court Funding Commission, the next step was to identify what type of information was needed and how it would be gathered. The Commission developed a 41-page survey of operations, programs, staffing, expenditures, revenues, and funding sources of the trial courts in Nevada. A copy of the survey is included in Appendix A.

Once the Commission finalized the survey, it was distributed to 84 trial courts throughout the state in the spring of 2004. One Justices' Court was closed before its lone judge could fill out and return the survey. Another Justices' Court was closed and a Municipal Court was rolled into its Justices' Court counterpart during fiscal year 2004; however, the Municipal Court completed and submitted its survey before closing.

A list of the courts and what part(s) of the survey and financial information they submitted is noted in Appendix B. The survey response rate from the courts was quite high, varying with the type of information being sought. For the District Courts, each county within a judicial district was separately asked to respond, whether part of a judicial district or comprising a judicial district of its own. Of these general jurisdiction entities, 14 of the 17 returned the survey with fewer courts submitting all financial spreadsheets. For Justices' Courts, 41 of 50 returned the survey with fewer submitting all financial spreadsheets. For Municipal Courts, 16 of 17 returned the survey, although fewer submitted all the financial spreadsheets. *Throughout most of the discussions contained herein, the totals or comments are based on those courts that responded to each particular question analyzed.* The courts' responses to each of the survey questions are provided in Appendixes C-E. The courts' responses on the financial spreadsheets are provided in Appendixes F-H.

A special telephone number was made available by the Administrative Office of the Courts to assist courts in completing the survey.

Additionally, after many courts had submitted their information, AOC staff began reviewing the responses and followed up with questions as needed.

AOC staff coded information from the survey responses into databases and spreadsheets. The spreadsheets were compiled by court jurisdiction. Within each jurisdiction, various roll ups and summaries were prepared so that interpretation, analysis, and report writing could be completed on the fiscal information.

Information obtained from courts that responded was used to estimate expenditure information for those courts for which expenditure data was not available. Comparisons were made of caseloads and population among similar courts, and that information was used to estimate expenditures for courts with incomplete information. AOC staff then called those courts for which estimates were made to seek their agreement or obtain additional information to make the estimates more reliable.

GROUPING OF COURTS

Not all courts are equal. Geographics, demographics, financial resources, and a variety of other factors affect comparisons of the Nevada courts. As a first step, however, some analysis is needed to place Nevada courts in groupings. The Commission believes this will assist future study of court service levels and funding requirements.

As part of the analysis of the information provided by the state's trial courts, the Planning & Analysis Division of the AOC performed an analysis to group like courts within each level of jurisdiction. The objective was to identify relatively similar groups of courts based on selected characteristics including (1) total non-traffic case filings (Supreme Court of Nevada, 2003), (2) total personnel costs, and (3) total operating expenses as reported to or estimated by this commission project.⁹ Note that the resulting

⁹ In early analyses, population also was included. However, a strong correlation was found between population and the other variables, and population was eventually dropped as one of the grouping criteria.

grouping is based on a snapshot of fiscal year 2003 information and may or may not be of continuing significance as the circumstances of courts change these characteristics. Nonetheless, the analysis did provide an indication of which courts appeared to be similar in terms of workload and resources. The Commission adjusted the numbers of groups as part of the analysis, which resulted in distribution of the courts into groups that were of similar nature. The grouping of courts also provided a basis for analyzing the resources available to and programs offered by courts.

For the District Courts, five groups were identified. This grouping placed the Second and the Eighth Judicial Districts (Washoe and Clark Counties, the two largest, yet different, areas) in separate groups. The other responding District Courts were divided into what could be categorized as large rural, medium rural, or small rural counties. The significance of this result is that it suggests the smaller, more rural courts should not be viewed as homogenous, and that differences are significant in their workloads and resources.

Group	Type	District Courts
1	Large Urban	Clark County
2	Medium Urban	Washoe County
3	Large Rural	Carson City, Douglas, and Elko Counties
4	Medium Rural	Churchill, Humboldt, Lyon, and Nye Counties
5	Small Rural	Esmeralda, Eureka, Lander, Lincoln, Pershing, and White Pine Counties

For Justices' Courts, the analysis suggested seven groups, with Reno and Las Vegas each in its own group. The other responding Justices' Courts were divided into what is categorized as medium or small urban; and large, medium, or small rural areas. The financial information for the rural Clark County Justices' Courts was submitted as a combined unit; therefore, this analysis did not include those courts, and they are not included in the table below.

Group	Type	Justices' Courts
1	X-Large Urban	Las Vegas
2	Large Urban	Reno
3	Medium Urban	North Las Vegas and Sparks
4	Small Urban	Carson City, Elko, and Henderson
5	Large Rural	Dayton, East Fork, New River, Pahrump, and Tahoe
6	Medium Rural	Argenta, Beatty, Canal, Hawthorne, Incline Village, Mason Valley, Tonopah, Union, and Virginia City
7	Small Rural	Austin, Beowawe, Carlin, East Line, Ely, Esmeralda, Eureka, Jackpot, Lake, Lund, Meadow Valley, Pahrnagat, Smith Valley, Wadsworth, and Wells

For Municipal Courts, the analysis identified six groups. Las Vegas, Sparks, and Henderson Municipal Courts were each grouped separately. The other responding Municipal Courts were divided into what would be categorized as medium or small urban, and medium or small rural areas.

Group	Type	Municipal Courts
1	X-Large Urban	Las Vegas
2	Large Urban	Henderson
3	Medium Urban	North Las Vegas and Reno
4	Small Urban	Sparks
5	Medium Rural	Boulder, Fallon, and Mesquite
6	Small Rural	Caliente, Carlin, Elko, Ely, Fernley, Lovelock, Wells, West Wendover, and Yerington

FUNDING

LIMITATIONS OF THE FUNDING INFORMATION

One objective of the Commission was to make a first-time estimate of the cost of operating the courts in Nevada as of an identified point in time. Although the study calculates a number for the cost of the courts' operation in Nevada, the figure reached here should not be considered as complete or final. Arriving at that number involved extracting information from a myriad of different judicial, city, and county accounting systems of varying complexity, numerous policy decisions, and hundreds of people. Given the significance that will be attached to the number, it is important to understand its limitations – what it is not, as well as what it is. The following discussion explains the context in which the number was determined and the nature of the assumptions and caveats in its derivation. The relevant context includes the one-time snapshot nature of the survey, “first-time” problems and complications, and ambiguities of collating information from varied accounting systems.

SNAPSHOT NATURE OF THE SURVEY

This analysis of the fiscal and operational aspects of the Nevada courts represents only a snapshot in time. The report attempts to summarize the status, condition, and costs of courts for one fiscal year ending June 30, 2003. The courts have not stood still. Caseloads and programs have changed and the economy has changed. For example, two Justices' Courts have been closed and one Municipal Court was combined into its Justices' Court counterpart since the survey was initially distributed. The numbers are expressed in 2003 dollars; no attempt was made to adjust the figures to current values.

In addition, the financial information reported in the survey responses has not been audited. The responses may contain unintentional errors attributable to misunderstandings of the survey instructions or unfamiliarity with reporting information in this format. Considerable efforts were made to clarify the instructions

and assist the courts in completing the survey. The staff at the AOC reviewed the reported information for consistency, both within the jurisdiction and compared with other similar jurisdictions, and telephoned the relevant court when questions arose.

FIRST TIME STUDY

This is the first time such a detailed and comprehensive survey and study has been conducted by the judiciary in Nevada. As with any first attempt to estimate costs and revenues on a statewide basis, a great deal was learned about what was included, and not included, in various court budgets and about the differences in expenditure line items and revenue category descriptions. Counties and cities monitor budgets with varying and differing detail at the line item level. Some courts were unable to divide and separate amounts into the requested survey categories when their categories included more than one of the survey categories. Even if the categories appeared to be the same, it is likely that some different interpretations were made in the translation from a county or city budget line item to the line items in the survey and that not all costs for a particular line item are completely captured. The results reported below focus on subtotals, as opposed to the line item details, for some categories of expenditures. Since the subtotals “add up” the detailed line items, confidence is greater that the subtotals reflect actual costs. For these reasons, the data from the courts provided in the appendices have been rolled up to summary category levels in the main report.

Some courts' budgets included expenses that are not directly related to core judicial functions. Although funding certain expenses in this manner is cost-effective and can often facilitate the resolution of pending cases as in the example of the court underwriting the costs for interpreters for lawyers consulting with clients or witnesses while all are at the courthouse, this cost is not directly associated with a judicial core function. Also, some expenses related to the

courts, particularly for administrative support services, are neither charged to nor under the control of the court. Finally, some courts were not aware of the distribution of revenues, or where their funding came from.

Related to this is the mix of functions in some counties. In rural counties in particular, the clerk of court often has many other duties, such as treasurer, voter registrar, marriage clerk, or keeper of land records. If the budget of the department that provides clerk of court services is not divided by functions, it is very difficult and time-consuming to sort out court-related expenditures from expenditures for other functions. Consequently, the expenses could not be reported in the manner sought, are only estimates, or include costs for non-clerk functions.

WHAT INFORMATION WAS NOT INCLUDED

Experiences in other states that have engaged in similar studies suggest that the preliminary estimates of total court expenditures contained herein are low. Not every jurisdiction includes the same expenses in its court budget, and costs associated with the courts often are not charged to the court's budget.

Two types of omissions are apparent from the analysis here. One was that most counties and cities do not "charge" courts for the costs associated with administrative services provided to all the agencies and courts in a jurisdiction from a centralized unit. Examples include accounting, banking, purchasing, human resource services, and expenses associated with facilities, including the on-going cost of maintenance and utilities, as well as the "one-time" capital costs of remodeling or new construction. Generally, these expenses are included in a county or city budget unit for the agency that provides the services. Common accounting practices provide that these expenses be prorated among the departments or courts using the services through a system of charge backs, overhead, or indirect cost line items in their budgets. Some of the larger counties have begun to include amounts for these services in court budgets, but little consistency can be found about which services

are charged, or the manner in which they are charged.

Since these expenses are not included in court's budgets, the total estimated cost of the courts is low. The magnitude of this omission is extremely difficult to determine. These costs are discussed further in the section below about expenditures for all courts.

The second type of omission is the expense for programs related to or directly supporting the courts, but operated by an agency other than the court. Underlying this is a policy question of what constitutes "court operations," which activities are considered judicial in nature or indispensable parts of the judiciary. Examples include courtroom and courthouse security (generally but not always provided by a separate law enforcement agency), costs associated with indigent defense – including investigation expenses and attorneys' fees, and child support enforcement and collections (partially funded by Federal Title IV-D reimbursements). As these costs are usually found within the budget of an agency or entity other than the court, the information was difficult to capture in this study. Before a more complete estimate of total court costs can be developed, it will be necessary to reach consensus on what programs and costs are considered the essential elements of the Judicial Branch.

Notwithstanding these caveats, the information reported in the following tables does provide a valid first estimate of the costs of the courts in Nevada and the revenues they collect. Also, useful information is provided about differences across jurisdictions in service levels, programs, and support services that will allow Nevada to begin to evaluate the efficacy of its current court funding mechanisms.

EXPENDITURES

As mentioned, the Commission wanted to determine the cost of operating the Nevada judiciary at an identified point in time. Tables 2 through 6 present information for court expenditures. Table 2 presents total expenditures for all courts, and Tables 3 through 6 present informa-

tion for each type of court. The information in the tables builds to an expenditure total as follows.

The rows labeled 1.0 to 4.0 in each table contain expenditure totals reported by the courts for those expenditure categories relating to the on-going operations or recurring expenses of courts. The survey completed by the courts and instructions are attached in Appendix A. All of the expenses reported in the survey for these categories of expenses are included, although some are aggregated to subtotals. The Professional Services amount (row 3.2) included all amounts reported by courts for professional services other than expenses for Indigent Defense (row 3.2.3), Information Technology Related Services (row 3.2.9), and Court Security (row 3.2.12), which are separately stated. Indigent defense expenses are separately stated because of the wide variance as to how these services are delivered in a county, the impact of the varied service delivery models on expenses in the court's budget, and the fact that indigent defense costs are not included in some court's budgets. Court security costs are stated separately because they were reported by only a few courts, notwithstanding that all courts have some level of security, generally provided by the Sheriff or another local law enforcement agency. Information Technology expenses are separately stated because these costs can be in different places in court's budgets (row 3.2.9 or row 4.4 as an Administrative Support Services cost) and stating them separately allows comparison of expenses regardless of where they are incurred. Administrative Support Services (row 4.0) are separated into expenses reported for Information Technology (row 4.4), Communications (telephones, networks) (row 4.5), and Other Administrative Services costs because many courts reported expenses for these first two items, but few reported expenses for the other categories of Administrative Support Services.

To these reported expenditures, an amount was added for the estimated expenditures of those courts that did not respond to the survey. The estimates are in the row Estimated Expendi-

tures For Non-Reporting Courts in the tables. Generally, the estimate is based on expenditure figures from courts of comparable size, measured by staffing and caseload figures. Judges or clerks in these courts were then asked if the estimate was reasonable or what additional information they had that would improve the quality of the estimate. The extent of the estimation was small, amounting to about 3 percent of reported costs. A further explanation of the basis of the projections for those courts that did not provide complete information is included in the section about expenditures for each level of court. No estimations were made of revenues or sources of court funding not reported.

The total expenditures for rows 1.0 to 4.0 reflect the on-going operational costs of courts, as opposed to "one-time" or infrequent costs such as equipment purchases or facility costs. Row 5.0 of the Tables 2 to 6 adds amounts representing the "one-time" costs actually reported for fiscal year 2003 by the courts. This includes Renovation or Remodeling, Equipment and Machinery, Rent of Courthouse Space, and Facility Bond or Debt Service. Remodeling includes expenses for physically modifying court facilities, including painting and new carpets, as well as new walls or counters. Equipment includes such things as new furniture, computers, or software. Rent is for space used by the court. Facility Bond or Debt Service is for payments retiring the bonds or debt used to build court facilities. By definition, these buildings or pieces of equipment last several years, so the expenses occur only once every few years in any particular court. However, on a statewide basis, different courts incur these types of expenditures at different times and within a given year one court or another is involved in a capital project. Therefore, the reported number represents an approximation of typical annual capital expenditures on a statewide basis.

All the figures described above added together produce a Grand Total of expenditures. One total includes only expenditures reported on all surveys; the other includes estimates for courts lacking expenditure

information. The total reflects on-going or recurring expenditures and typical 1-year capital expenditures.

ALL COURTS

Table 2 provides an estimate of the total expenditures for all courts. **The Grand Total for operation of the court system in Nevada in fiscal year 2003 is estimated to be more than \$184 million.** This total represents only 5.1 percent of total Nevada State expenditures for fiscal year 2003 of \$3,614,491,000 (State Controller's Office, 2003). The first column in Table 2 provides a combined total for the major categories of expenses for all courts. Separate columns are provided for each level of court, carrying forward the totals from the first column of Tables 3 to 6. The amounts for each level of court include the expenditures for the court, the clerk of court, the Administrative Office of the Courts for the Supreme Court, and juvenile probation for the District Court.

As noted above, the information in Table 2 is based on reported expenditures and estimates for courts for which expenditure information was not readily available. The estimates are only 3 percent of the total of reported recurring costs, which is not a significant proportion. This suggests that the total is not far from the actual expenditures for this set of categories for this fiscal year.

Looking at the second column of the table, approximately 74 percent of the reported expenditures are for personnel (salaries and benefits). The significance of this amount is that because of the high proportion of costs for personnel, any "across the board" budget reduction will virtually always force a reduction in personnel. The impact of a percentage reduction in funding is magnified by the inability to reduce judicial

positions through the budget process. This means that any percentage reduction would have to be spread across an even smaller total.

The level of capital expenditures reported is quite small, representing about 4 percent of the Grand Total of reported expenditures. This is reflective of a very low level of capital investments in the courts. While disappointing, this is not unusual as states, counties, and courts typically invest very little in productivity improving equipment or facilities compared to private sector companies whose business, like courts, involves massive quantities of information and paper. Notably, however, significant capital expenditures have been made recently in some courts. Examples include the design and construction of the Regional Justice Center in Clark County and the beginning of a similar project for the City of Reno and Washoe County. The costs for these projects are not reflected in this report because they are appropriated in budgets other than the courts.

Aside from the potential that these two buildings, when operational, will adequately address serious judicial facilities needs in Clark and Washoe Counties, the majority of courts in this state lack adequate, secure facilities. Consequently, the lack of capital spending reported for facility improvements should not be interpreted to mean that the courts generally have adequate facilities.

Similarly, the level of expenditures for information technology (IT) is low. The total of IT services, whether paid as professional services (row 3.2.9) or charged as an administrative services cost (row 4.4), is only 1.7 percent of total reported expenditures. Again, this is quite low compared to private sector information industry expenditures on IT services.

**TABLE 2. ALL NEVADA COURT EXPENDITURES
FISCAL YEAR 2003**

EXPENSE CATEGORY	COMBINED EXPENDITURES	PERCENT OF REPORTED NON-CAPITAL EXPENDITURES	SUPREME COURT AND STATE PROGRAMS	DISTRICT COURTS	JUSTICES' COURTS	MUNICIPAL COURTS
1.0 EMPLOYEE SALARIES AND WAGES	\$96,328,466	56.1%	\$6,749,576	\$54,101,272	\$18,158,847	\$17,318,771
2.0 EMPLOYEE BENEFITS/EMPLOYMENT RELATED TAXES	30,522,655	17.8%	1,655,676	16,848,209	5,451,687	6,567,083
SUBTOTAL - EMPLOYEE SALARIES & BENEFITS:	126,851,121	73.8%	8,405,252	70,949,481	23,610,534	23,885,854
Fringe Rate	31.7%		24.5%	31.1%	30.0%	37.9%
3.1 SUPPLIES AND NON-PROFESSIONAL SERVICES	10,643,379	6.2%	1,578,192	6,254,303	1,175,375	1,635,509
3.2 PROFESSIONAL SERVICES						
3.2.3 Indigent Defense	6,223,984	3.6%	0	5,016,167	100,242	1,107,575
3.2.9 Information Technology Related Services	1,767,890	1.0%	858,567	624,744	113,851	170,728
3.2.12 Court Security	519,479	0.3%	118,404	145,370	18,000	237,705
Other Professional Services	14,716,193	8.6%	674,282	10,744,245	1,898,781	1,398,885
SUBTOTAL - PROFESSIONAL SERVICES:	23,227,545	13.5%	1,651,253	16,530,526	2,130,875	2,914,892
4.0 ADMINISTRATIVE SUPPORT SERVICES						
4.4 Information Technology	1,149,032	0.7%	0	1,089,429	58,603	1,000
4.5 Communications (telephones, networks)	584,621	0.3%	0	109,631	128,237	346,753
Other Administrative Services	1,021,089	0.6%	94,405	543,264	295,720	87,700
SUBTOTAL - ADMINISTRATIVE SUPPORT:	2,754,742	1.6%	94,405	1,742,325	482,560	435,453
Clark County total for juvenile probation:	8,357,501	4.9%		8,357,501		
TOTAL REPORTED NON-CAPITAL EXPENDITURES:	171,834,288	100.0%	11,729,102	103,834,135	27,399,343	28,871,708
ESTIMATED EXPENDITURES FOR NON-REPORTING COURTS:	5,178,000		0	3,900,000	1,257,000	21,000
TOTAL NON-CAPITAL EXPENDITURES:	176,932,288		11,729,102	107,734,135	28,656,343	28,892,708
5.0 CAPITAL EXPENDITURES - non-specific	96,881		0	19,595	0	77,286
5.1 Renovation or Remodeling	315,170		0	245,766	18,594	50,810
5.2 Equipment and Machinery	763,017		297,391	405,789	42,122	17,715
5.3 Rent of Courthouse Space	1,904,417		1,300,390	440,000	85,617	78,410
5.4 Facility Bond or Debt Service Payments	4,268,669		0	0	2,211,755	2,056,914
SUBTOTAL - CAPITAL EXPENDITURES:	7,348,154		1,597,781	1,111,150	2,358,088	2,281,135
6.0 GRAND TOTAL - REPORTED:	\$179,182,442		\$13,326,883	\$104,945,285	\$29,757,431	\$31,152,843
GRAND TOTAL, INCLUDING ESTIMATE:	\$184,360,442		\$13,326,883	\$108,845,285	\$31,014,431	\$31,173,843

SUPREME COURT

Table 3 shows fiscal year 2003 expenditures for the Supreme Court, the Administrative Office of the Courts (AOC), and the Law Library. The Grand Total was slightly more than \$13 million. Expenses for the Western Nevada Regional Drug Court and for the District Court Judges' Salaries and Benefits and Retired Senior Justice Program are included in Table 4 for the District Court, as these functions relate to District Court, despite that they are funded through the AOC budget. Judges' salaries and benefits and retired judge expenses in the Justices' and Municipal Courts are paid by the local entity, not the state. The Supreme Court and AOC are charged and reported figures for security costs and rent, whereas many District, Justices', and Municipal Courts did not report expenses for these items. Finally, no indigent defense costs were reported here. The counties pay the costs for defense of indigent litigants on a direct appeal. The costs for an attorney appointed to represent a defendant in proceedings based upon a post-conviction petition for habeas corpus are paid from money appropriated to the State Public Defender's Office.

Most of the expenditures at the state level are for salaries and benefits, although the percentage was not as high as for the trial courts (see percentages in the second column of Table 3, compared to similar figures in Tables 4, 5, and 6). This appears to be attributable primarily to a higher proportion of Supplies and Non-Professional Services expenses at the state level and a much higher ratio of expenses for IT services (rows 3.2.9 and 4.4).

**TABLE 3. SUPREME COURT AND STATE LEVEL PROGRAM EXPENDITURES
FISCAL YEAR 2003**

EXPENSE CATEGORY	COMBINED EXPENDITURES	PERCENT OF REPORTED NON-CAPITAL EXPENDITURES	SUPREME COURT	ADMINISTRATIVE OFFICE OF THE COURTS
1.0 EMPLOYEE SALARIES AND WAGES	\$6,749,576	57.5%	\$5,574,402	\$1,175,174
2.0 EMPLOYEE BENEFITS/EMPLOYMENT RELATED TAXES	1,655,676	14.1%	1,349,434	306,242
SUBTOTAL - EMPLOYEE SALARIES/BENEFITS:	8,405,252	71.7%	6,923,836	1,481,416
Fringe Rate	24.5%		24.2%	26.1%
3.1 SUPPLIES AND NON-PROFESSIONAL SERVICES	1,578,192	13.5%	1,139,366	438,826
3.2 PROFESSIONAL SERVICES				
3.2.3 Indigent Defense	0	0.0%	0	0
3.2.9 Information Technology Related Services	858,567	7.3%		858,567
3.2.12 Court Security	118,404	1.0%	118,404	0
Other Professional Services	674,282	5.7%	324,873	349,409
SUBTOTAL - PROFESSIONAL SERVICES:	1,651,253	14.1%	443,277	1,207,976
4.0 ADMINISTRATIVE SUPPORT SERVICES				
4.4 Information Technology	0	0.0%	0	0
4.5 Communications (telephones, networks)	0	0.0%	0	0
Other Administrative Services	94,405	0.8%	46,543	47,862
SUBTOTAL - ADMINISTRATIVE SUPPORT:	94,405	0.8%	46,543	47,862
TOTAL NON-CAPITAL EXPENDITURES:	11,729,102	100.0%	8,553,022	3,176,080
5.0 CAPITAL EXPENDITURES				
5.1 Renovation or Remodeling	0		0	0
5.2 Equipment and Machinery	297,391		291,665	5,726
5.3 Rent of Courthouse Space	1,300,390		1,127,414	172,976
5.4 Facility Bond or Debt Service Payments	0		0	0
SUBTOTAL - CAPITAL EXPENDITURES:	1,597,781		1,419,079	178,702
6.0 GRAND TOTAL - REPORTED:	\$13,326,883		\$9,972,101	\$3,354,782

DISTRICT COURTS

Table 4 shows estimated fiscal year 2003 expenditures for all District Courts. The Grand Total was almost \$109 million. The amount includes expenditures for the court, clerk of court, juvenile probation, Western Nevada Regional Drug Court, District Court Judges' Salaries and Benefits, and Retired Senior Justice Program. The Western Nevada Regional Drug Court (for FY03), judges' salaries, and retired judges programs are funded from both the State General Fund and administrative assessments, and are administered by the AOC. The District Court total figure does not include costs for programs for juveniles, like the China Springs Youth Camp, which are provided on a statewide basis and are akin to programs for sentenced adults, whose costs also were not included.

Actual court and clerk expenditures were reported for 13 of the 17 District Courts (one in each county). Court and clerk expenditures were estimated for four counties: Storey, Esmeralda, Mineral, and Lander. The estimates were based on the reported expenditures in Eureka, Lincoln, Pershing, and White Pine Counties, which have comparable population and caseloads. Actual juvenile probation expenditures were reported for 12 of the 17 District Courts. Only the total amount of juvenile probation expenses in Clark County was provided; the expenses were not broken down by the expense categories used in Table 4. Juvenile probation expenditures were estimated for Eureka, Mineral, Esmeralda, Storey, and Nye Counties based on expenditures reported for Lander, Lincoln, Pershing, and Humboldt Counties. The estimated expenditures amount to only 3.7 percent of the Total Reported Non-Capital Expenditures.

Overall, and compared to other types of courts, several observations can be made about District Court expenditures. Personnel costs represent about 74 percent of total reported recurring expenditures (not including the total for juvenile probation in Clark County). This was lower than for Justices' or Municipal Courts. This was because of proportionally higher Professional Services expenses in District Court. Owing to the wider range and more serious

natures of their cases, District Courts incur greater expenses for interpreters, psychiatric evaluations, transcripts, juror fees, and drug courts.

A notable variance was seen in which professional services expenses were included in court budgets. Most of the courts reported expenses for interpreters, psychiatric evaluations, and juror fees. About half reported expenses for court reporting, transcripts, information-technology-related services, and witness fees. Only three courts reported drug court expenditures and only one court reported expenditures for a Court Appointed Special Advocate program. Virtually no expenditures were noted for collections activities. This is probably due to two factors. Generally, defendants ordered to pay fines or assessments in general jurisdiction courts such as the District Court cannot pay the amounts, often because they have been sentenced to state prison and will not be earning money to pay the fines. If the defendant's sentence is suspended and he or she is placed on probation, generally the District Courts expect the collection of the court ordered \$25 administrative assessment to be monitored by the Department of Parole and Probation. Secondly, if county agencies are providing collection services to the District and Justices' Courts in a given county, the expense does not appear in the courts' budgets.

Notable variances were also seen in what administrative support services expenses were included in court budgets. Only 5 of 13 reporting courts had expenditures for Information Technology and Communications (telephones and networks). Only a few reported costs for the other categories of Administrative Support Services, and they were not always the same courts reporting expenditures in all categories. Based upon experiences of other states, these costs were not insignificant. In order to estimate a more complete total cost for courts, these services would have to be valued in some manner.

IT related expenses, whether for professional services (row 3.2.9) or administrative costs (row 4.4), represented only 1.8 percent of total reported costs, a very low figure.

**TABLE 4. DISTRICT COURT EXPENDITURES
FISCAL YEAR 2003**

EXPENSE CATEGORY	COMBINED EXPENDITURES	PERCENT OF REPORTED NON-CAPITAL EXPENDITURES	DISTRICT COURT JUDGE SALARIES /BENEFITS AND RETIRED JUDGES	COURT	CLERK OF COURT	WESTERN DRUG COURT	JUVENILE PROBATION
1.0 EMPLOYEE SALARIES AND WAGES	\$54,101,272	56.7%	\$7,626,455	\$23,104,250	\$10,799,084	0	\$12,571,482
2.0 EMPLOYEE BENEFITS/EMPLOYMENT RELATED TAXES	16,848,209	17.6%	1,745,155	7,037,945	3,609,162	0	4,455,947
SUBTOTAL - EMPLOYEE SALARIES/BENEFITS: Fringe Rate	70,949,481	74.3%	9,371,610	30,142,195	14,408,247	0	17,027,429
	31.1%		22.9%	30.5%	33.4%		35.4%
3.1 SUPPLIES/NON-PROFESSIONAL SERVICES	6,254,303	6.6%		2,067,691	831,499		3,355,112
3.2 PROFESSIONAL SERVICES							
3.2.3 Indigent Defense	5,016,167	5.3%		4,967,383	48,784		0
3.2.9 Information Technology Related Services	624,744	0.7%		286,514	338,230		0
3.2.12 Court Security	145,370	0.2%		145,370	0		0
Other Professional Services	10,744,245	11.3%		9,358,267	26,879	209,535	1,149,563
SUBTOTAL - PROFESSIONAL SERVICES:	16,530,526	17.3%	0	14,757,535	413,893	209,535	1,149,563
4.0 ADMINISTRATIVE SUPPORT SERVICES							
4.4 Information Technology	1,089,429	1.1%		857,780	231,559		90
4.5 Communications (telephones, networks)	109,631	0.1%		26,057	70,165		13,409
Other Administrative Services	543,264	0.6%	23,813	408,534	96,247		14,670
SUBTOTAL - ADMINISTRATIVE SUPPORT:	1,742,325	1.8%	23,813	1,292,371	397,971	0	28,169
Clark County total for Juvenile Probation	8,357,501	Excluded (see text)					8,357,501
TOTAL REPORTED NON-CAPITAL EXPENDITURES:	103,834,135	100.0%	9,395,423	48,259,792	16,051,610	209,535	29,917,774
ESTIMATED EXPENDITURES FOR NON-REPORTING COURTS:	3,900,000		0	600,000	0	0	3,300,000
TOTAL NON-CAPITAL EXPENDITURES:	107,734,135		9,395,423	48,859,792	16,051,610	209,535	33,217,774
5.0 CAPITAL EXPENDITURES - non-specific	19,595			3,157	0		16,438
5.1 Renovation or Remodeling	245,766			245,766	0		0
5.2 Equipment and Machinery	405,789			395,777	10,013		0
5.3 Rent of Courthouse Space	440,000			294,000	146,000		0
5.4 Facility Bond or Debt Service Payments	0			0	0		0
SUBTOTAL - CAPITAL EXPENDITURES:	1,111,150		0	938,699	156,013	0	16,438
6.0 GRAND TOTAL - REPORTED:	\$104,945,285		\$9,395,423	\$49,198,491	\$16,207,623	\$209,535	\$29,934,212
GRAND TOTAL, INCLUDING ESTIMATE:	\$108,845,285		\$9,395,423	\$49,798,491	\$16,207,623	\$209,535	\$33,234,212

JUSTICES' COURTS

Table 5 shows fiscal year 2003 expenditures for all the Justices' Courts. The Grand Total was almost \$31 million. Actual expenditures were reported for 38 of the 50 Justices' Courts. Two of the courts closed during the survey period (Gold Run and Gerlach), so no estimate was included for them. Estimates for the remaining non-reporting courts were made based on the number of employees and caseload. All estimated expenditures were included in the Court column, as only one of the reporting courts had expenditures for both the court and the clerk. The Elko Justices' Court report included expenditures for the Elko Municipal Court as they are managed jointly. The estimate amounted to only 4.3 percent of total reported costs.

Justices' Court personnel costs represent about 86 percent of total reported expenditures, the highest for any type of court. This was because of proportionally smaller expenses for Supplies and Non-Professional Services and for Professional Services in Justices' Courts.

The pattern of professional services expenses included in the Justices' Court budget was different from other courts. The proportion of expenditures for professional services was also the lowest of the three trial level courts.

The category for which the largest number of courts reported expenses was court reporting, and then it was only 23 of the 38 reporting courts. Only 19 Justices' Courts reported expenses for interpreters. Witness fees were reported in only 16 courts, and transcripts in only 11 courts. Note that interpreter costs for Justices' Courts in Clark County were reported in the District Court report as the District Court coordinates and pays for interpreters for all courts in the county. Virtually no expenditures were noted for collections activities.

Considerable variances were also noted in what administrative support services expenses were included in Justices' Court budgets. Fully half of the courts reported expenditures for Communications (telephones and networks). Only a few reported costs for the other categories of Administrative Support Services. Again, based on experiences in other states, these costs are not insignificant. In order to estimate a more complete total cost for courts, these services would have to be valued in some manner.

IT related expenses, whether for professional services (row 3.2.9) or administrative costs (row 4.4), represented less than 1 percent of total reported costs, a very low figure.

TABLE 5. JUSTICES' COURT EXPENDITURES
FISCAL YEAR 2003

EXPENSE CATEGORY	COMBINED EXPENDITURES	PERCENT OF REPORTED NON-CAPITAL EXPENDITURES	COURT	CLERK OF COURT
1.0 EMPLOYEE SALARIES AND WAGES	\$18,158,847	66.3%	\$18,017,137	\$141,711
2.0 EMPLOYEE BENEFITS/EMPLOYMENT RELATED TAXES	5,451,687	19.9%	5,402,447	49,239
SUBTOTAL - EMPLOYEE SALARIES/BENEFITS:	23,610,534	86.2%	23,419,584	190,950
Fringe Rate	30.0%		30.0%	34.7%
3.1 SUPPLIES AND NON-PROFESSIONAL SERVICES	1,175,375	4.3%	1,169,894	5,481
3.2 PROFESSIONAL SERVICES				
3.2.3 Indigent Defense	100,242	0.4%	100,242	0
3.2.9 Information Technology Related Services	113,851	0.4%	113,851	0
3.2.12 Court Security	18,000	0.1%	18,000	0
Other Professional Services	1,898,781	6.9%	1,898,361	420
SUBTOTAL - PROFESSIONAL SERVICES:	2,130,875	7.8%	2,130,455	420
4.0 ADMINISTRATIVE SUPPORT SERVICES				
4.4 Information Technology	58,603	0.2%	58,603	0
4.5 Communications (telephones, networks)	128,237	0.5%	128,237	0
Other Administrative Services	295,720	1.1%	295,720	0
SUBTOTAL - ADMINISTRATIVE SUPPORT:	482,560	1.8%	482,560	0
TOTAL REPORTED NON-CAPITAL EXPENDITURES:	27,399,343	100.0%	27,202,493	196,851
ESTIMATED EXPENDITURES FOR NON-REPORTING COURTS:	1,177,000		1,177,000	0
TOTAL NON-CAPITAL EXPENDITURES:	28,576,343		28,379,493	196,851
5.0 CAPITAL EXPENDITURES - non-specific	0		0	0
5.1 Renovation or Remodeling	18,594		18,594	0
5.2 Equipment and Machinery	42,148		42,122	26
5.3 Rent of Courthouse Space	85,617		85,617	0
5.4 Facility Bond or Debt Service Payments	2,211,755		2,211,755	0
SUBTOTAL - CAPITAL EXPENDITURES:	2,358,114		2,358,088	26
6.0 GRAND TOTAL - REPORTED:	\$29,757,457		\$29,560,580	\$196,877
GRAND TOTAL, INCLUDING ESTIMATE:	\$30,934,457		\$30,737,580	\$196,877

MUNICIPAL COURTS

Table 6 shows fiscal year 2003 expenditures for all Municipal Courts. The Grand Total was slightly more than \$31 million. Actual expenditures were reported for 16 of the 17 Municipal Courts. An estimate for the one court for which expenditures were not reported (Caliente) was made based on reported expenditures for the four Municipal Courts with similar staff or caseloads (Yerington, Carlin, Wells, and Lovelock). The estimated expenditures were included in the Court column, as only three of the reporting courts had expenditures for both the court and the clerk. The Elko Municipal Court expenditures were included in the Justices' Court table as the court is managed jointly with the Elko Justices' Court. The estimate is considerably less than 1 percent of total reported expenditures.

Municipal Court personnel costs represent about 83 percent of total reported expenditures, only slightly below the figure for Justices' Courts. This was due to the proportionally smaller expenses for Supplies and Non-Professional Services and for Professional Services in Municipal Courts.

The proportion of professional services expenses in Municipal Courts was slightly higher than that for Justices' Courts. Interpreter costs were provided for 13 of the 16 reporting courts. The total interpreter expenses were almost three times the interpreter costs reported for Justices' Courts. Relatively few of the Municipal Courts reported expenses for many of the other categories of Professional Services. Four courts reported expenditures for collections activities, a higher level of expenditures than in either the District or Justices' Courts.

Administrative Support Services expenses were seldom included in Municipal Court reports. Fully half of the courts reported expenditures for Communications (telephones and networks). Only a few reported costs for any of the other categories of Administrative Support Services. In order to estimate a more complete total cost for courts, these services would have to be valued in some manner.

IT related expenses, whether for professional services (row 3.2.9) or administrative costs (row 4.4), represented about one-half of 1 percent of total reported costs, a very low figure.

**TABLE 6. MUNICIPAL COURT EXPENDITURES
FISCAL YEAR 2003**

EXPENSE CATEGORY	COMBINED EXPENDITURES	PERCENT OF REPORTED NON-CAPITAL EXPENDITURES	COURT	CLERK OF COURT
1.0 EMPLOYEE SALARIES AND WAGES	\$17,318,771	60.0%	\$17,265,742	\$53,029
2.0 EMPLOYEE BENEFITS/EMPLOYMENT RELATED TAXES	6,567,083	22.7%	6,542,502	24,581
SUBTOTAL - EMPLOYEE SALARIES/BENEFITS:	23,885,854	82.7%	23,808,244	77,610
Fringe Rate	37.9%		37.9%	46.4%
3.1 SUPPLIES AND NON-PROFESSIONAL SERVICES	1,635,509	5.7%	1,634,434	1,075
3.2 OTHER PROFESSIONAL SERVICES				
3.2.3 Indigent Defense	1,107,575	3.8%	1,107,575	0
3.2.9 Information Technology Related Services	170,728	0.6%	170,728	0
3.2.12 Court Security	237,705	0.8%	237,705	0
Other Professional Services	1,398,885	4.8%	1,398,885	0
SUBTOTAL - PROFESSIONAL SERVICES:	2,914,892	10.1%	2,914,892	0
4.0 ADMINISTRATIVE SUPPORT SERVICES				
4.4 Information Technology	1,000	0.0%	1,000	0
4.5 Communications (telephones, networks)	346,753	1.2%	346,753	0
Other Administrative Services	87,700	0.3%	87,700	0
SUBTOTAL - ADMINISTRATIVE SUPPORT:	435,453	1.5%	435,453	0
TOTAL REPORTED NON-CAPITAL EXPENDITURES:	28,871,708	100.0%	28,793,022	78,685
ESTIMATED EXPENDITURES FOR NON-REPORTING COURTS:	21,000		21,000	
TOTAL NON-CAPITAL EXPENDITURES:	28,892,708		28,814,022	78,685
5.0 CAPITAL EXPENDITURES - non-specific	77,286		77,286	0
5.1 Renovation or Remodeling	50,810		50,810	0
5.2 Equipment and Machinery	17,715		17,715	0
5.3 Rent of Courthouse Space	78,410		78,410	0
5.4 Facility Bond or Debt Service Payments	2,056,914		2,056,914	0
SUBTOTAL - CAPITAL EXPENDITURES:	2,281,135		2,281,135	0
6.0 GRAND TOTAL - REPORTED:	\$31,152,843		\$31,074,158	\$78,685
GRAND TOTAL, INCLUDING ESTIMATE:	\$31,173,843		\$31,095,158	\$78,685

FUNDING SOURCES

As part of the assessment of the amount and adequacy of court funding, it is important to understand the sources of funding for court expenditures. Appropriations are not made in a vacuum; they are made in the context of available revenues, both as to sources of revenues and anticipated amounts. The discussion here is about funding *sources*, not revenues collected through the courts (which often fund non-court programs and services) that are discussed in the next section. This section concerns the sources of funds used to pay court expenditures

Tables 7 and 8 present information about the sources of funding for all court expenses and for each type of court. Table 7 indicates the total dollar amounts from each of the major sources. Table 8 presents the same information expressed as a percentage of the total from all sources. For example, Table 7 reports that \$26,181,108 of the funding for all courts comes from City General Funds (line 1.1). Table 8 indicates that this represents 18.8 percent of the total funding from all sources for all courts.

Looking at the overall subtotals in Table 8 for each major funding source for fiscal year 2003, approximately 12 percent of court funding comes from the state, 60 percent from counties, 21 percent from cities, and almost 7 percent from other sources. The proportion derived from each funding source for each type of court differs significantly from these statewide proportions cited above. Specific observations for each type of court are provided below.

The figures in Tables 7 and 8 must be interpreted with an understanding of both what they include, and what they do not include. First, the totals are incomplete. Not all courts were

able to report revenue source information. The first row of each table indicates the number of reporting courts for each category. No attempt was made to estimate the amount received from each revenue source for courts that did not report. Consequently, the information in Table 8 indicating the proportion of revenues from each of the major sources is the more relevant information as it describes proportions as opposed to actual amounts.

Secondly, some reported, without explanation, expenditures in excess of total revenues. This issue is an example of the need for further study of court expenditures. Other courts reported more revenue from all sources than expenditures, probably resulting from revenues reported being based on budgeted expenditures and actual expenditures being less than budgeted. The last set of rows in Tables 7 and 8 provide information about the relation of reported expenditures to the funding sources report. As can be seen, the reported sources exceeded reported expenditures by 0.9 percent of total expenditures for all courts. Thus, although the numbers may not balance exactly, they certainly are very close.

Notwithstanding the incomplete reporting of the sources of funding for expenditures from all courts, responses from the courts indicate they understood the significance of the information. The budget process usually involves preparing expenditure requests and estimates of revenues to be collected, but the revenues often go to funds other than those that provide the sources of court funding, and often for purposes other than courts (see discussions in Revenue/Collections section).

TABLE 7. SOURCES OF FUNDING FOR COURTS
FISCAL YEAR 2003

FUNDING SOURCE		COMBINED TOTAL	SUPREME	DISTRICT	JUSTICE	MUNICIPAL
1.0	NO. OF RESPONDING COURTS	45 of 85	1 of 1	7 of 17	26 of 50	11 of 17
CITY:						
1.1	GENERAL FUND	\$26,181,108				\$26,181,108
1.2	SPECIAL REVENUE FUND FOR THE COURT	3,098,768				3,098,768
1.3	SPECIALTY COURT OPERATIONS	5,480				5,480
	SUBTOTAL:	29,285,355	0	0	0	29,285,355
COUNTY:						
2.0	GENERAL FUND	81,869,432		\$55,873,199	\$25,996,233	
2.2	SPECIAL REVENUE FUND FOR THE COURT	2,365,550		1,985,055	380,241	254
2.3	SPECIALTY COURT OPERATIONS	295,375		292,762	2,613	
	SUBTOTAL:	84,530,357	0	58,151,016	26,379,087	254
STATE:						
3.0	GENERAL FUND	16,397,362	\$6,656,397	9,606,373	127,795	6,797
3.3	SPECIALTY COURT OPERATIONS	5,510			4,465	1,045
3.5	UNIFORM SYSTEM FOR JUDICIAL RECORDS					
3.6	JUDICIAL EDUCATION	1,000			1,000	
3.7	STATE GRANTS					
	SUBTOTAL:	16,403,872	\$6,656,397	9,606,373	133,260	7,842
OTHER SOURCES:						
4.0	FEDERAL GRANTS	2,214,940	556,296	1,616,441		42,203
4.2	OTHER GRANTS	226,125		226,125		
4.3	OTHER SOURCES	6,718,017	6,323,725	394,292		
	SUBTOTAL:	9,159,083	6,880,021	2,236,859	0	42,203
5.0	GRAND TOTAL OF FUNDING SOURCES:	139,378,667	13,536,418	69,994,248	26,512,347	29,335,654
TOTAL EXPENDITURES OF COURTS REPORTING FUNDING SOURCES & EXPENDITURES						
		\$140,604,304	\$13,536,418	\$70,483,534	\$27,406,854	\$29,177,498
EXPENSES OVER FUNDING IN REPORTING COURTS						
		\$1,225,637	0	\$489,286	\$894,507	(\$158,156)

TABLE 8. SOURCES OF FUNDING FOR COURTS
PERCENTAGE OF TOTAL
FISCAL YEAR 2003

FUNDING SOURCE		SUPREME	DISTRICT	JUSTICE	MUNICIPAL
NO. OF RESPONDING COURTS		1 of 1	7 of 17	26 of 50	11 of 17
1.0	CITY:				
1.1	GENERAL FUND				89.2%
1.2	SPECIAL REVENUE FUND FOR THE COURT				10.6%
1.3	SPECIALTY COURT OPERATIONS				0%
	SUBTOTAL:	0.0%	0.0%	0%	99.8%
2.0	COUNTY:				
2.1	GENERAL FUND		79.8%	98.1%	
2.2	SPECIAL REVENUE FUND FOR THE COURT		2.8%	1.4%	0%
2.3	SPECIALTY COURT OPERATIONS		0.4%		
	SUBTOTAL:	0.0%	83.1%	99.5%	0.0%
3.0	STATE:				
3.1	GENERAL FUND	49.2%	13.7%	0.5%	0%
3.3	SPECIALTY COURT OPERATIONS			0%	0%
3.5	UNIFORM SYSTEM FOR JUDICIAL RECORDS				
3.6	JUDICIAL EDUCATION			0%	
3.7	STATE GRANTS				
	SUBTOTAL:	49.2%	13.7%	0.5%	0.0%
4.0	OTHER SOURCES:				
4.1	FEDERAL GRANTS	4.1%	2.3%		0.1%
4.2	OTHER GRANTS		0.3%		
4.3	OTHER SOURCES	46.7%	0.6%		
	SUBTOTAL:	50.8%	3.2%	0.0%	0.1%
5.0	GRAND TOTAL OF FUNDING SOURCES:	100.0%	100.0%	100.0%	100.0%
	EXPENSES OVER FUNDING IN REPORTING COURTS	0.0%	0.7%	3.4%	-0.5%

SUPREME COURT

Funding for the Supreme Court, Law Library, and AOC comes primarily from two sources: the State General Fund and administrative assessments. A small amount of funding is received from peremptory challenges and Federal Grants as well. Administrative assessments and peremptory challenges are listed in row 4.3 Other Sources on Tables 7 and 8. Notably, considerably less than 1 percent of the total Nevada State General Fund Appropriations for fiscal year 2003 was appropriated for the support of the Supreme Court, Law Library, and AOC.

Since 1983, administrative assessments have been included in the sentencing for those found guilty of misdemeanor charges in Justices' and Municipal Courts. Over the years, the distribution of these assessments, as provided by statute, has been changed nearly every legislative session. Most recently, the 2003 Legislature increased the amount of each assessment tier by \$10 and added a new specialty court assessment of \$7.

Currently, the administrative assessments are collected according to a fixed schedule based on the amount of fines and distributed as follows:

- \$9 is retained by the local courts to provide services for juvenile offenders and improve operations in the courts;
- 51 percent of the remaining assessments are distributed to the Judicial Branch; and
- 49 percent of the remaining assessments are distributed to the Executive Branch.

Of the assessments distributed to the Judicial Branch (51 percent of total collected), 60 percent are used in direct support of the Supreme Court operating budget, 18.5 percent in support of the Administrative Office of the Courts, 9 percent in support of the Uniform System of Judicial Records, 9 percent in support of Judicial Education, and 3.5 percent supports the current Senior Judge Program.

One hundred percent of specialty court assessments are directed to the Supreme Court's Specialty Court budget, from which distributions are made to specialty courts throughout the state.

Within the Executive Branch, assessments provide support to the Criminal History Repository, Victims of Crime, Peace Officers Standards Training, the Council for Prosecuting Attorneys, and a minor allocation to the Highway Patrol.

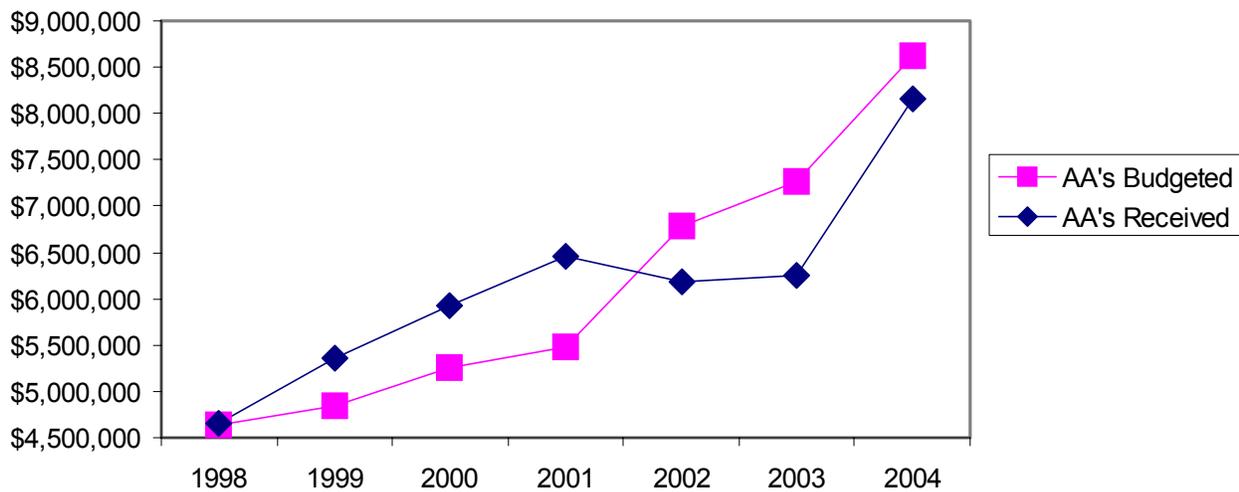
As can be seen in Figure 1, assessments have proven to be volatile and difficult to project. Dependent as they are on misdemeanor citations, no individual or entity can make guarantees as to either their volumes or dollar amounts. One obvious demonstration of their volatility is the rapid decline following September 11, 2001.

Due to the assessment shortfalls realized subsequent to fiscal year 2001, the 2003 Legislature approved Assembly Bill 29 that added \$10 to each assessment. This resulted in a 31 percent increase in total dollar value of assessments in fiscal year 2004 over 2003. The actual number of assessments did not increase. Again, however, actual receipts fell short of budget projections, missing the mark by 5.4 percent.

The Commission clearly recognized that administrative assessments cannot fund the judiciary at a stable level required to properly serve the citizens of Nevada. The Commission therefore recommended (Recommendation No. 5) that the Legislature should discontinue funding the Supreme Court, and any of its core judicial functions, from administrative assessments.

Further, as can be seen in Figure 2, the impact of administrative assessments on Nevada's citizens is inappropriately distributed. Misdemeanants committing the least serious infractions bear a disproportionate burden relative to the imposition of administrative assessments. In the examples shown, an individual

**Figure 1. Administrative Assessments
Budgeted versus Received
Fiscal Years 1998 through 2004**



convicted of basic speeding may pay a fine of \$45 and administrative assessments of \$42 (48 percent of total paid), while a conviction of reckless driving may bring about a \$1,000 fine with assessments of \$132 (12 percent of total paid).

In addition to the issues surrounding the methodology used in the application of administrative assessments, a question of the legitimacy of the local courts generating their own support funding arises. This topic falls outside the scope of the current study, but may deserve attention by the new commission suggested in Recommendation No. 2.

DISTRICT COURTS

Primary funding for District Courts, more than 83 percent, comes from the counties. Judges' salaries and benefits are paid from the State General Fund, constituting another 14 percent. A small amount was received from Other Sources, mostly federal funds for such activities as child support enforcement and drug courts. Note that the tables do not include revenue sources or expenditures for juvenile probation.

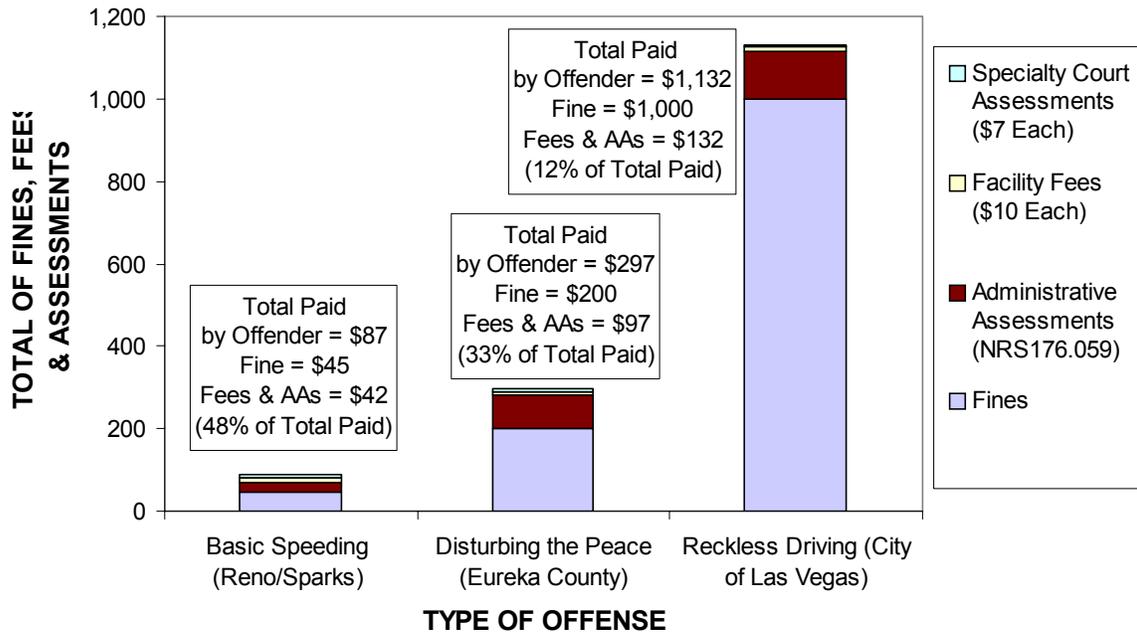
The Retired Senior Judge Program is wholly funded by administrative assessments, which can fluctuate significantly from year to year. Because this is an unstable funding source, the availability of this program to the District Courts has been limited and unpredictable in recent years.

With the primary source of funding being the counties, District Courts must "compete" for funding with county agencies, in particular the criminal justice agencies, health and welfare agencies, and public works, as well as the Justices' Courts.

JUSTICES' COURTS

Justices' Courts receive funding primarily from counties, more than 99 percent. The balance of the funding was from city sources for two courts (Carson and Elko) where the Justices' and Municipal Courts are managed jointly. Of the 26 courts providing funding source information, 5 reported funding source totals in excess of expenditures, while 2 reported funding source totals less than expenditures (with one explaining where only half of its funding came from),

**Figure 2. Assessment Schedules
Cost to Offenders**



leaving about 3 percent unaccounted for (see last row of Table 8).

With funding coming primarily from their counties, the Justices’ Courts must “compete” for funding with county agencies, in particular, the criminal justice agencies, health and welfare agencies, and public works, as well as with other Justices’ Courts within the same county and also the District Court.

MUNICIPAL COURTS

Cities fund virtually all Municipal Court expenditures. More than 99 percent of funding comes from City General Funds and the balance from Special Revenue Fund for Courts. A very small amount was received from a federal grant in one Municipal Court.

Being primarily City funded, Municipal Courts must “compete” for funds with city agencies and services.

REVENUE/COLLECTIONS

Finally, courts were asked to report on all revenues collected through the courts, regardless of where the revenues are deposited. Tables 9 and 10 provide the information displayed from two perspectives. Table 9 indicates the basis on which the revenue was collected; that is, whether it was a fine, administrative assessment, bail forfeiture, filing fee, service or program fee, or reimbursement. Table 10 indicates the fund or account into which the revenue was deposited, at the city, county, or state level. From Table 9, it appears that more than \$85 million in revenue was collected through the courts in fiscal year 2003 (Grand Total at the bottom of the table).

Table 9 provides information on the basis for collecting revenue. The second column of the table shows that the largest source of revenue is from fines, totaling more than 36 percent of all revenues collected. The next largest categories are administrative assessments at about 20 percent, filing fees at 18 percent, and bail forfeitures at almost 13 percent. The remaining revenue comes from program or service fees paid by participants and reimbursements for programs or

specific services. Examples of these fees or reimbursements include copy costs for documents, fees for an alternative dispute resolution program, or reimbursement for juror fees in District Court civil cases.

Table 10 indicates the funds or accounts into which revenues collected are deposited by each type of court. The second column of the table indicates the percentage of total revenues allocated to each type of fund or account. In fiscal year 2003, the largest portions of the revenue were deposited in General Funds – almost 33 percent into City General Funds, about 31 percent into County General Funds, and almost 7 percent into the State General Fund. Approximately 21 percent of the revenue was deposited into special funds at the city, county, or state level for programs or services that are unrelated to the courts. Finally, only about 8 percent of the revenue was deposited into special funds at the city, county, or state level for use only by the court.

The last row of Table 10 indicates which type of court collects what proportion of the total revenue collected. Municipal Courts generate the largest share of the revenue with more than 42 percent. Justices' Courts are next at 41 percent. These high percentages reflect the types of cases heard by Justices' and Municipal Courts will more likely be criminal or traffic cases resulting in the imposition of fines and administrative assessments; conversely, District Court criminal cases generally involve indigent defendants and will often result, in the event of a conviction, in a sentence of confinement, with little likelihood of fines or administrative assessments ever being paid.

The total reported revenue collected in Tables 9 and 10 do not match, more than \$85 million collected in Table 9 and only about \$84.2 million distributed among funds and accounts in Table 10. This is mostly attributable to incomplete reporting by the courts. The response rate varied by type of court: 11 of 17 District Courts reported some revenue data, as did 29 of 50 Justices' Courts, and 16 of 17 Municipal Courts. Several courts reported the total amount collected, but did not allocate the amount collected across the funds or accounts (two District Courts, seven Justices' Courts, and four Municipal Courts). These courts may not be distributing what they collected among relevant accounts; instead they may be relying on Executive Branch staff to make the distribution. One Justices' Court allocated amounts across the funds or accounts, but did not report the total collected by category. The total allocations matched the total collections within \$1,000 in 5 of 11 District Courts, 17 of 29 Justices' Courts, and 12 of 16 Municipal Courts. Clearly, collection and distribution of revenues in the Justices' and Municipal Courts is closely monitored. In those courts where the collections and allocations did not match, no particular pattern is apparent regarding the revenue categories in which there are differences. Sometimes the amount collected was higher than the amount allocated, and sometimes the reverse was reported. Finally, indicators are that some courts are not consistent in how they define revenue, or how they categorize a particular type of revenue. For example, into which category, bail forfeiture or fine, does the court put money sent in by mail in response to traffic or parking citation? Because the issues of revenue have been studied previously (see studies listed in References section), not as much effort was spent clarifying the reports on revenue as was done for expenditure reports.

TABLE 9. REVENUE COLLECTED THROUGH THE COURTS
FISCAL YEAR 2003

REVENUE SOURCE		COMBINED REVENUE	PERCENT OF TOTAL	SUPREME COURT	DISTRICT COURT	JUSTICES' COURT	MUNICIPAL COURT
1.0	FINES - all cases and types of fines	\$31,256,962	36.4%	0	\$701,954	\$8,169,425	\$22,385,583
2.0	ADMINISTRATIVE ASSESSMENTS:	1,688,916	2.0%		415		1,688,501
2.1	MISDEMEANOR ASSESSMENTS	11,980,775	14.0%	0	0	6,208,011	5,772,764
2.2	GROSS MISDEMEANOR & FELONY ASSESSMENTS (\$25)	268,164	0.3%	0	114,969	153,195	0
2.3	JUVENILE ADMINISTRATIVE ASSESSMENTS	449,503	0.5%	0	35,436	411,374	2,693
2.4	DOMESTIC VIOLENCE ASSESSMENTS	67,853	0.1%	0	0	23,885	43,968
2.5	FACILITY ASSESSMENTS	2,972,344	3.5%	0	0	2,151,737	820,607
2.6	GRAFFITI ASSESSMENTS	540	0.0%	0	0	540	0
	SUBTOTAL 2.0:	17,428,095	20.3%	0	150,820	8,948,742	8,328,533
3.0	COLLECTION FEE	903,536	1.0%	0	0	83,012	820,524
4.0	BAIL FORFEITURES, including traffic	10,974,240	12.8%	0	558,456	9,391,740	1,024,044
5.0	JURY TRIAL DEPOSITS	192,617	0.2%	0	175,677	16,940	0
6.0	FILING FEES	1,453,594	1.7%		53,748	1,299,876	99,970
6.1	FIRST PAPER FEES	5,703,257	6.6%	0	5,624,120	79,127	0
6.2	ANSWER OR FIRST APPEARANCE FEE	1,773,803	2.1%	0	1,763,957	9,846	0
6.3	OTHER FEES*	4,410,108	5.1%	0	28,777	3,397,019	984,312
6.4	OTHER STATUTORY FEES**	1,891,705	2.2%	\$204,095	841,829	834,978	10,803
6.5	PEREMPTORY CHALLENGE of a Judge (SCR48.1)	198,600	0.2%	166,000	32,600	0	0
	SUBTOTAL 6.0:	15,431,057	18.0%	370,095	8,345,031	5,620,846	1,095,085
7.0	COST REIMBURSEMENTS						
7.1	CLERK RELATED SERVICES	789,469	0.9%	0	660,699	100,911	27,859
7.2	RECORDS RETRIEVAL	2,609	0.0%	0	0	2,558	51
7.3	OTHER	3,357,513	3.9%	0	1,266,513	1,942,321	148,679
	SUBTOTAL 7.0:	4,149,591	4.8%	0	1,927,212	2,045,790	176,589
8.0	PROGRAM FEES PAID BY PARTICIPANTS	3,400				3,400	
8.1	INDIGENT DEFENSE	731,585	0.9%	0	420,268	160,171	151,146
8.2	DRUG COURT	583,295	0.7%	0	581,380	0	1,915
8.3	OTHER PROGRAM	4,183,212	4.9%	38,000	536,146	19,142	3,589,924
	SUBTOTAL 8.0:	5,501,492	6.4%	38,000	1,537,794	182,713	3,742,985
	GRAND TOTAL	\$85,837,589	100.0%	\$408,095	\$13,396,943	\$34,459,208	\$37,573,343

* Includes statutorily authorized fees other than first paper fees or first answer or response fees reported in rows 6.1 and 6.2.

** Includes fees not included in rows 6.1, 6.2 or 6.3 and fees not specified in statute, for example so-called inherent powers fees.

TABLE 10. FUNDS INTO WHICH REVENUES ARE DEPOSITED
FISCAL YEAR 2003

FUND OR ACCOUNT INTO WHICH REVENUE IS DEPOSITED	COMBINED TOTAL	PERCENT OF TOTAL	SUPREME COURT	DISTRICT COURT	JUSTICES' COURT	MUNICIPAL COURT
CITY:						
CITY GENERAL FUND (TOWNSHIP FOR JUSTICES' COURT)	\$27,509,195	32.7%	0	0	\$24,911	\$27,484,284
SPECIAL ACCOUNT AT CITY	218,363	<0.1%	0	0	0	218,363
SPECIAL REVENUE FUND FOR THE COURTS	1,960,964	2.3%	0	0	0	1,960,964
SUBTOTAL:	29,688,522	35.3%	0	0	24,911	29,663,611
COUNTY						
COUNTY GENERAL FUND	26,218,954	31.1%	0	6,194,144	19,960,211	64,599
SPECIAL ACCOUNT AT COUNTY	7,074,735	8.4%	0	3,830,457	2,919,401	324,877
SPECIAL REVENUE FUND FOR THE COURTS	4,563,001	5.4%	0	1,549,698	3,013,303	0
SUBTOTAL:	37,856,690	45.0%	0	11,574,299	25,892,915	389,476
STATE:						
STATE GENERAL FUND	5,609,005	6.7%	\$204,095	1,704,512	2,253,908	1,446,490
SPECIAL ACCOUNT AT STATE	10,837,346	12.9%		190,954	6,365,089	4,281,303
SPECIAL REVENUE FUND FOR THE COURTS	204,000	0.2%	204,000	0	0	0
SUBTOTAL:	16,650,351	19.8%	408,095	1,895,466	8,618,997	5,727,793
GRAND TOTAL:	\$84,195,563	100.0%	\$408,095	\$13,469,765	\$34,536,823	\$35,780,880
PERCENT OF GRAND TOTAL:			0.5%	16.0%	41.0%	42.5%

COURT PROGRAMS

This section focuses on court programs that provide services to litigants and the impact on fairness, adequacy, and reasonableness of the services provided. The role and nature of various programs offered by the different courts vary widely. Some programs, such as the self-help programs of the Second and Eighth Judicial Districts (Washoe and Clark Counties), assist parties to be better prepared for court proceedings. Other programs provide alternatives to traditional adjudication, such as arbitration and mediation. Finally, some programs essentially offer dispositional alternatives, such as drug courts and home detention programs. The discussion below is based on an analysis of the responses to the survey¹⁰ and is organized by type of court.

The survey responses reveal a wide range both as to the number and types of programs available in different courts of the same type. This variance is attributable to several factors. The existence of a particular program in a particular court reflects a confluence of factors, including the need for the services and whether adequate resources are available to provide the service. Presumably, programs were created in response to then-existing needs. The need might have been localized, greater in one jurisdiction than another. Even though there is a need, the program might not have been created if the pool of potential clients is insufficiently large to justify establishing the program in a particular jurisdiction. Assuming that threshold is met, a minimal level of funding and other resources (such as competent personnel) must be available to initiate and provide a service. Finally, staff or professionals must be available, properly trained, and willing to work to provide the necessary functions of the program. Without all these factors, a program may not exist in a jurisdiction, even if the need is demonstrated with a number of potential clients.

¹⁰ Survey questions 4.1 and 4.2 asked about programs in courts.

The survey asked simply whether the court had any of the programs listed and, if so, who had primary responsibility for the operation of the program – the court or another government agency. The survey inquired about functions that are required by law, for example, interpreters for criminal defendants, as well as programs that a court chooses to establish, such as a mental health court. The survey also asked courts to add other programs operating in their jurisdictions that were not on the list. The survey did not inquire into any of the factors discussed above, so it is not possible to say why a particular court did not have a program.

DISTRICT COURTS

Table 11 indicates what programs were reported to exist in each of the District Courts. If a program exists in a jurisdiction, the table indicates whether the court (CT) or another agency (see abbreviations at the end of the table) has primary responsibility for operating the program. A blank cell indicates the court did not report having that program. The programs (rows in the table) are grouped by the case type the program serves. The courts (columns in the table) are grouped by judicial district. Although the survey inquired about the existence of a program, it did not ask about the nature of the program or the level of service. Undoubtedly, the programs reported are not all equally broad as to type of service, nor are they likely receiving equal resources.

No particular pattern is apparent as to which District Courts have which programs. The two largest and medium urban courts have more programs than the other courts. Seven of the District Courts have adult drug courts, five have juvenile drug courts, and three have family drug courts. Generally, these programs were in the larger courts or in District Courts near the large courts. Child custody mediation and evaluation programs are also common, being present in more than half of the District Courts. None of the District Courts offer domestic violence programs, although one (Ninth Judicial District

in Douglas County) indicated programs were available in the local Justices' Court.

Two programs are operated only by the two largest District Courts – the Second (Washoe County) and the Eighth (Clark County). These are self-help centers (although Nevada Legal Services operates such a program in the Fourth Judicial District in Elko County) and mental health courts. Almost all District Courts indicated they had some type of collections efforts for both adult criminal and juvenile offenders, although the survey did not explore the nature or extent of the effort. If courts are only operating one optional program, it usually was some form of sentencing alternative program.

More than 90 percent of the District Courts reported having *courtroom* security. Only 5 of 14 reported having *courthouse* security, all but one in urban courts.

Statutes require that the Second and Eighth Judicial Districts (Washoe and Clark Counties) have an alternative dispute resolution program. As noted in Table 11, the First and Ninth Judicial Districts (Carson City, Storey County, and Douglas County) also have the program voluntarily. All agree this program is a successful alternative to regular trials because cases in the program are processed expeditiously at minimal time and expense.

Nevada statutes also provide for creation of a family court within a District Court.¹¹ Currently, such family courts have been created in only the Second and Eighth Judicial Districts. In other District Courts, the sitting judges handle all case types, including family cases.

OTHER PROGRAMS (BY COUNTY)

In addition to the programs or services report in Table 11, the survey asked for other programs or services that the District Courts provide or use during the judicial process. Several courts provided such information and it is summarized following Table 11.

¹¹ NRS 3.223 and 3.225.

Table 11. Support Programs Available within Nevada's District Courts

Judicial District	Carson City		Washoe County		Churchill County		Lyon County		Esmeralda County		Humboldt County		Pershing County		Eureka County		Lincoln County		White Pine County		Clark County		Douglas County	
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth															
General																								
Jury Qualifications and Summoning	CT	CT	CT	CK	CT	CT	CT	CT	CT	CT	CC, SA	CT	CT, CC	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT
Courtroom Security	CT	LE	LE	DC	LE	LE	LE	LE	LE	LE	LE	LE	LE, CT	LE, CT	LE, CT	LE, CT	LE, CT	LE, CT	LE, CT	LE, CT	LE, CT	LE, CT	LE, CT	LE, CT
Courthouse Security	CT	LE	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Law Library	NO	CT	NO	PL	CT	CT	CT	CT	CT	CT	JG	CT, DA	DA	DA	DA	DA	DA	DA	DA	DA	DA	CO	CT	CT
Self-help Centers	CT	CT	NO	NL	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CT	NO	NO
Civil																								
Program 1	AR/MID	NO	NO	NO	NO	NO	NO	NO	NO	NO	X	X	NO	NO	NO	NO	NO	NO	NO	NO	AR	AR	AR	AR
Agency	CT										CT	CT									CT	CT	CT	CT
Program 2																						STP	STP	STP
Agency																						CT	CT	CT
Adult Criminal																								
Pretrial Services	CT	CT	PP	PP	PP	PP	PP	PP	PP	PP	CT	CT	NO	NO	NO	NO	NO	NO	NO	NO	CT	CT	CT	CT
Adult Drug Court	CT	CT	X	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CT	CT	CT	CT
Mental Health Court	NO	CT	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CT	CT	CT	CT
Domestic Violence	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Victim Assistance	X	DA	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	DA	DA	DA	DA	DA	DA	DA	DA	DA	DA	DA	DA
Program 1	HD	DR	DR, CT	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CS	CS	CS	CS
Agency	CT	CT	CT																		CT	CT	CT	CT
Program 2	PB																					HD	HD	HD
Agency	CT, PP																					JL, PP	JL, PP	JL, PP
Probation		CT	PP	CT, PP	PP	PP	PP	PP	PP	X	CT	NO	CT, PP	CT, PP	CT, PP	CT, PP	CT, PP	CT, PP	CT, PP	CT, PP	CT, PP	PP	PP	PP
Grand Jury	CT	CT	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CT	CT	CT	CT
Collections of Fines, Assessments and other ...	PP	CT, PP, CN	NO	CK	CT	CT	CT	CT	CT	CT	CC	NO	CC, PP	CC, PP	CC, PP	CC, PP	CC, PP	CC, PP	CC, PP	CC, PP	CC, PP	CC	CT	CT
Family Law																								
Guardian ad litem	CT	CT	CT	CT, CASA	NO	NO	NO	NO	NO	NO	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT
Child Custody or Visitation Mediation	CT	MD	NO	CT	NO	NO	NO	NO	NO	NO	CT	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Child Custody Visitation Evaluation	CT	CT, CASA	CT	CT	DFS	CT	DFS	CT	DFS	CT	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	IC	CT	CT
Family Drug Court	NO	CT	NO	CT	NO	NO	NO	CT	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Juvenile																								
Program 1	Juv	WD	CT	TC	NO	NO	NO	NO	NO	NO	X	JDiv	JDiv	JDiv	JDiv	JDiv	JDiv	JDiv	JDiv	JDiv	JS	JuVP	JuVP	JuVP
Agency	CT, AWR	JuVP	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT, EP	CT, EP	CT, EP	CT, EP	CT, EP	CT, EP	CT, EP	CT, EP	CT, EP	JJS	JJS	JJS	JJS
Program 2			X	TESA																	CS	CS	CS	CS
Agency			CT, JuVP	CT																	JJS	JJS	JJS	JJS
CASA Program	CT	CT	NO	CT	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CT	CT	CT	CT
Juvenile Probation	CT	CT	JuVP	JuVP	CT	CT	CT	CT	CT	CT	CT	CT, JuVP	CT, JuVP	CT, JuVP	CT, JuVP	CT, JuVP	CT, JuVP	CT, JuVP	CT, JuVP	CT, JuVP	CT, JuVP	JJS	JJS	JJS
Juvenile Drug Court	CT	CT	CT	CT, DC1	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CT	CT	CT	CT
Collections of Fines, Assessments and other ...	CT	CT, CN, PP	NO	JuVP	NO	NO	NO	NO	NO	NO	CC	NO	CC, JuVP	CC, JuVP	CC, JuVP	CC, JuVP	CC, JuVP	CC, JuVP	CC, JuVP	CC, JuVP	JJS	JJS	JJS	JJS

A blank cell indicates the court did not report having that program.

ABBREVIATIONS: AR, Arbitration; AWR, Alternative Work Release; CASA, Court Appointed Special Advocate; CC, Clerk of Court; CK, County Clerk; CN, County Collections; CO, County; CS, Community Service (& Work Programs); CT, Court; DA, District Attorney; DC, District Court; DC1, District Court #1; DFS, Department of Family Services; DR, Drug Court; EP, Ely Prison; GSI, GSI contracted; HD, Home Detention; IC, Independent Evaluator/Counselors; JC, Justices' Courts; JDiv, Juvenile Diversion; JG, Judge; JJS, Juvenile Justice Services; JL, Jail; JS, Judicial Studies; Juv, Juvenile; JuVP, Juvenile Probation; LE, Law Enforcement; MD, Mediation; NL, Nevada Legal Services; NO, No service provided; PB, Probation; PL, Public Library; PP, Parole and Probation; SA, Staff; STP, Short Trial Program; TC, Teen Court; TESA, Treatment and Education for Substance Abuse Program; WD, Wilderness Program; X, Unspecified program available

COUNTY (By Judicial District)	NAME OF PROGRAM	WHO IS RESPONSIBLE FOR OPERATIONS	FUNDING AGENCY	PROGRAM DESCRIPTION
Washoe	Foster Grandparents	Court	County	Provides foster care responsibilities. Youth at-risk of academic failure, child abuse or neglect, and juvenile delinquency are primary recipients.
	Short Trial Program	Court	County	Modified trial procedures designed to limit to 1 day. Includes restrictions on discovery, jury selection, and evidence presentation. Provides alternative to civil actions otherwise qualifying for mandatory court-administered arbitration.
	Arbitration	Court	County	Provides mandatory non-binding arbitration for certain civil cases and a simplified procedure for obtaining prompt, economical, and equitable resolution of certain civil matters.
	Discovery	Court	County General Fund	Handles pretrial discovery of all civil litigation filed in County to minimize delay and expense.
	Prison Early Release Drug Court Program	Court	Federal grant funds	Provides early release for non-violent inmates addicted to drugs. Inmates participate in judicially supervised treatment, mandatory drug testing, graduated sanctions, and education, housing and employment services.
Lyon	Volunteer Attorneys for Rural Nevadans (VARN)	VARN	Nevada Law Foundation, E.L. Cord Foundation, Robert Z Hawkins Foundation, Nevada Legal Services	Attorneys provide free civil legal representation to persons of low income.
Pershing	Numerous Rehabilitation Programs	Juvenile Probation	Tri-County budget	No description provided.
Eureka, Lincoln, and White Pine Counties	Elderly/Indigent Legal Aid Fund	Court	Court by civil fee assessments	Elderly/Indigent person applies for funds for legal aid.
Clark	Short Trial Program	Court	County	Modified trial procedures designed to limit to 1 day. Includes restrictions on discovery, jury selection, and evidence presentation. Provides alternative to civil actions otherwise qualifying for mandatory court-administered arbitration.
	Arbitration	Court	County	Provides mandatory non-binding arbitration for certain civil cases and a simplified procedure for obtaining prompt, economical, and equitable resolution of certain civil matters.
	Discovery	Court	County General Fund	Handles pretrial discovery of all civil litigation filed in County to minimize delay and expense.
	Ask a Lawyer, Self Help Center Program	Court	County General Fund	Eight lawyers volunteer to answer questions for self-represented litigants in 15-minute sessions.
	Prison Early Release Drug Court Program	Court	Fund 220 and Federal grant funds	Provides early release for non-violent inmates addicted to drugs. Inmates participate in judicially supervised treatment, mandatory drug testing, graduated sanctions, and education, housing and employment services.
	Transcription Video Services	Court	County General Fund	Provides transcription of videotaped court proceedings in family court.

COUNTY (By Judicial District)	NAME OF PROGRAM	WHO IS RESPONSIBLE FOR OPERATIONS	FUNDING AGENCY	PROGRAM DESCRIPTION
Clark (continued)	GIRLSS (Girls Intermediate Residential and Living Support Services)	Juvenile Justice Services	County General Fund and AA fees	An alternative commitment program for delinquent female offenders.
	Going Home Prepared	Court	Grant funded	Supervised parole program for violent offenders after long-term incarceration. Program begins during last 6 months of prison stay and lasts for 1 year.
	Truancy Diversion Program	Court	Administrative assessment fees	A non-punitive program that specifically targets at-risk children not currently in juvenile court system. Judicial mentors help parents identify and deal with root causes of truancy.
	COPE - Children Cope With Divorce	Private for-profit companies	Funded by the fees charged for services by the companies offering the program.	Divorce education seminar for separating parents. Authorized by EDCR 5.07, all parties in all domestic relations actions under Chapters 125, 125A, and 126 of the NRS must successfully complete the divorce education seminar for separating parents approved by the Family Division of the Court.
	Donna's House	Private nonprofit company	Administrative assessment fees	Provides supervised exchange and visitation to parties involved in contested child custody matters. All referrals are by order of Court.
	Truancy Court	Court	Grant Funded – Juvenile Accountability & Incentive Block Grant	Two Pro Tems check status of truant youth referred by area schools.
	Access/Visitation Mediation Program	Court	Federal grant pass through funds	Parties must be referred from Child Support Court. Non-custodial parents are provided opportunity to establish relationship and develop access/visitation schedule with their children.
	Violence Intervention Program	Court	County General Fund	Provides assistance in filing applications for and motions to modify or dissolve Protection Orders Against Domestic Violence. Also responsible for processing and distributing all necessary paperwork, performing data entry and updating statewide registry for Protection Orders.
	Family Mediation Program	Court	County General Fund	Assists parents to mediate child custody and visitation disputes.
Douglas	Court Appointed Special Advocate	Court	County	Provides court-appointed personnel who represent interests of minors in abuse, neglect, and custody situations.

JUSTICES' COURTS

Table 12 indicates the programs that were reported to exist in each of the Justices' Courts. The courts (columns in the table) are grouped by judicial district.

As was the case with District Courts, no particular pattern emerged as to which courts have what programs. The most common types of programs were collections and sentencing alternatives, the latter usually home detention programs. Domestic violence programs were reported in 12 of 34 Justices' Courts, and not just in the large or urban courts. Self-help programs were reported in seven Justices' Courts: five in Clark County and the other two in rural counties. About one-quarter of the courts reported access to adult drug courts, mostly from their District Court. Not quite half of the courts had victim assistance programs usually provided by agencies and not by the court.

Not quite two-thirds of the Justices' Courts reported having *courtroom* security, and only a little more than 40 percent reported having *courthouse* security.

OTHER PROGRAMS (BY TOWNSHIP)

In addition to the programs or services report in Table 12, the survey asked for other programs or services that the Justices' Courts provide or use during the judicial process. Several courts provided such information and it is summarized following Table 12.

Table 12. Support Programs Available within Nevada's Justices' Courts

Judicial District	First			Second			Third				
	Carson City Justices/Muni	Virginia City Justices	Incline Village Justices	Reno Justices	Sparks Justices	Wadsworth Justices	New River Justices	Canal Justices	Dayton Justices	Mason Valley Justices	Smith Valley Justices
General											
Jury Qualifications and Summoning	NO	NO	DC	JY	JY	DC	DC	CK	NO	NO	NO
Courtroom Security	CT	LE	JG	NO	BF	NO	NO	JG	NO	NO	NO
Courthouse Security	DC	NO	NO	LE	PVT	NO	LE	JG	NO	NO	NO
Law Library	NO	NO	CT	NO	NO	DC	DC	NO	NO	NO	NO
Self-help Centers	NO	NO	NO	NO	NO	NO	NO	CT	CT	NO	NO
Civil											
Alternative Dispute Resolution	NO	NO	NO	X	MD	NO	NO	NO	NO	NO	NO
Agency				CO	NM						
Adult Criminal											
Pretrial Services	AS	NO	CT, DC	CT	CT	NO	NO	CT	NO	NO	NO
Adult Drug Court	NO	NO	NO	NO	NO	NO	NO	DC	NO	NO	DC
Mental Health Court	NO	NO	NO	NO	DC	NO	NO	NO	NO	NO	NO
Domestic Violence	NP	NO	NO	NO	NO	NO	NO	NO	CT	NO	NO
Victim Assistance	NP	NO	NO	NO	NO	X	NO	AV	NO	NO	NO
Program 1	EM	HD	HD	HD, CS	HD	HD	HD	CS	CS	HD	CS
Agency	AS	PVT	CON	LE	AS	LE	CT, PVT	CT	LE	PVT	JL
Program 2	CS	CS	CS	CS	HD		HD	COM	CS	HD	
Agency	AS	CT	CON	CT, LE	PVT			CT	CT	LE	PVT
Probation	AS	CT	NO	NO	NO	NO	NO	NO	CT	NO	NO
Grand Jury	NO	NO	NO	NO	NO	NO	NO	NO	CT	NO	NO
Collections of Fines, Assessments and other....	CR	NO	CN	CT	CT, DA, CN	CT, CN	CT, CG	CT	CT	NO	NO
Juvenile											
Sentencing Alternatives	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Agency											
CASA Program											
Juvenile Probation											
Juvenile Drug Court											
Collections of Fines, Assessments and other....											

A blank cell indicates the court did not report having that program.

ABBREVIATIONS: 8JD, Eighth Judicial District; AS, Alternative Sentencing; AV, Alive; BF, Bailiff; CADV, Committee Against Domestic Violence; CC, Clerk of Court; CE, Court Education program; CG, Collection Agency; CK, County Clerk; CM, County Maintained; CN, County Collections; CO, County; CON, Constable; COM, Compliance; CR, County Treasurer; CS, Community Service (& Work Programs); CT, Court; CY, County Library; DA, District Attorney; DC, District Court; DR, Drug Court; DT, Detention Center; EM, Electronic Monitoring; GSI, GSI contracted; HD, Home Detention; IA, Independent Agencies; IC, Independent Evaluator/Counselors; JG, Judge; JL, Jail; JP, Juvenile Probation; JVS, Juvenile Services; JY, Jury Commissioner's Office; LE, Law Enforcement; LL, Law Library Board; MD, Mediation; MN, County Mental Health; NJ, Neighborhood Justice Center; NM, Neighborhood Mediation Center; NO, No service provided; NP, Not-for-Profit Organization; OA, Other Agencies; PC, POST-Certified court employee; PP, Parole and Probation; PVT, Private Company; RST, Restitution; SS, Clark County Social Services; SVF, State Victim's Fund; Vrd, 24-hour video monitoring; WC, West Care; X, Unspecified program available

Table 12. Support Programs Available within Nevada's Justices' Courts (Continued).

Judicial District	Fourth				Fifth				Sixth				
	Carlin Justices'	Elko Justices'	Jackpot Justices'	Wells Justices'	Emeralda Justices'	Hawthorne Justices'	Beatty Justices'	Pantump Justices'	Topopah Justices'	Union Justices'	Argenta Justices'	Austin Justices'	Lake Justices'
General													
Jury Qualifications and Summoning	CT	CT	NO	CK, CM		NO	CT	CT	CK	NO	CK	NO	NO
Courtroom Security	NO	CT	NO	NO	LE		LE	CT	LE	NO	LE	NO	NO
Courthouse Security	NO	NO	NO	Vid	LE	NO	NO	NO	LE	NO	NO	NO	NO
Law Library	NO	CY	NO	NO	DA	X	NO	NO	CT, CO	CT	DA	NO	NO
Self-help Centers	NO	NO	NO	NO	CT	NO	NO	NO	NO	NO	NO	NO	NO
Civil													
Alternative Dispute Resolution	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Program 1 Agency													
Adult Criminal													
Pretrial Services	CT, LE	CT, LE	NO	CT	NO	CT	NO	NO	NO	NO	NO	CT	CT
Adult Drug Court	NO	NO	NO	NO	NO	CT	NO	NO	NO	NO	NO	NO	NO
Mental Health Court	NO	NO	NO	NO	NO	CT	NO	NO	NO	NO	NO	NO	NO
Domestic Violence	CT, LE	CT, LE	NO	CC, CADV, LE	NO	CT	NO	CT	NO	NO	NO	X	
Victim Assistance	CT, SVF, NP, RST	CT, SVF, NP, RST	NO	CC	CT		NO	NO	NO	NO	DA	X	NO
Sentencing Alternatives	HD	HD	HD	NO	NO	X	CS	CS	HD	HD	CS	NO	CS
Program 1 Agency	CT, HD	CT, HD	CT	CT		CT	LE	CT			CT, LE		CT
Program 2 Agency	CS	CS	CS				HD	HD	CS	CS			
Probation	CT, OA	CT, OA					OA	LE	CO or LE	CT			
Grand Jury	CT	CT	NO	NO			CT	CT	CT	NO	CT	NO	CT
Collections of Fines, Assessments and other ...	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Program 1 Agency	CT, CN	CT, CN	CT	CN	CT	CT, OA	CT	CT	CT	CT, CG	PVT	CT	CT
Juvenile													
Sentencing Alternatives			NO	NO			WK	NO	NO	NO	NO	NO	NO
CASA Program			NO	NO	CT	NO	JP						
Juvenile Probation	NO	NO	NO	NO	JP	X	DC	NO	NO	NO	NO	NO	NO
Juvenile Drug Court	NO	NO	NO	NO	JP	NO	JP	NO	NO	NO	NO	NO	NO
Collections of Fines, Assessments and other ...	NO	NO	NO	NO	JP	JP	NO	NO	NO	NO	NO	NO	NO

A blank cell indicates the court did not report having that program.

ABBREVIATIONS: 8JD, Eighth Judicial District; AS, Alternative Sentencing; AV, Alive; BF, Bailiff; CADV, Committee Against Domestic Violence; CC, Clerk of Court; CE, Court Education program; CG, Collection Agency; CK, County Clerk; CM, County Maintained; CN, County Collections; CO, County; CON, Constable; COM, Compliance; CR, County Treasurer; CS, Community Service (& Work Programs); CT, Court; CY, County Library; DA, District Attorney; DC, District Court; DR, Drug Court; DT, Detention Center; EM, Electronic Monitoring; GSI, contracted; HD, Home Detention; IA, Independent Agencies; IC, Independent Evaluator/Counselors; JG, Judge; JL, Jail; JP, Juvenile Probation; JVS, Juvenile Services; JY, Jury Commissioner's Office; LE, Law Enforcement; LL, Law Library Board; MD, Mediation; MN, County Mental Health; NJ, Neighborhood Justice Center; NM, Neighborhood Mediation Center; NO, No service provided; NP, Not-for-Profit Organization; OA, Other Agencies; PC, POST-Certified court employee; PP, Parole and Probation; PVT, Private Company; RST, Restitution; SS, Clark County Social Services; SVF, State Victim's Fund; Vid, 24-hour video monitoring; WC, West Care; X, Unspecified program available

Table 12. Support Programs Available within Nevada's Justices' Courts (Continued)

Judicial District	Seventh					Eighth					Ninth				
	Beowave Justices'	Meadow Valley Justices'	Ely No. 1 Justices'	Lund No. 2 Justices'	Boulder Justices'	Henderson Justices'	Las Vegas Justices'	Laughlin Justices'	Mesquite Justices'	Moapa Justices'	North Las Vegas Justices'	Searchlight Justices'	East Fork Justices'	Tahoe Justices'	
General															
Jury Qualifications and Summoning	CK	CC	CT	CK	NO	DC	NO	DC	DC	NO	DC	NO	NO	NO	
Courtroom Security	LE	NO	NO	LE	BF	NO	PC	CT	CO, BF	BF	NO	CT	JG	CON	
Courthouse Security	NO	LE	NO	NO	NO	BF	NO	PC	DC	LE, GSI	LE	NO	CT	JG, BF	
Law Library	NO	DA	NO	NO	NO	NO	CO	CO	CO	NO	NO	NO	CO	CT	
Self-help Centers	NO	NO	NO	NO	NO	X	NO	CO, IA	NO	WC	NO	NO	8JD, CT	NO	
Civil															
Alternative Dispute Resolution	NO	NO	NO	NO	MD	NO	NJ	MD	NO	NO	MD	NO	NO	MD	
Agency					CT		SS	NJ			NJ			CT	
Adult Criminal															
Pretrial Services	NO	NO	CT	NO	NO	CT	CO	CT	DT	NO	DT	CT	CO	CT, AS	
Adult Drug Court	NO	NO	NO	NO	DR	NO	X	C	WC	NO	NO	DC	NO	CT, AS	
Mental Health Court	NO	NO	NO	NO	NO	NO	X	DC	DC	NO	NO	DC	NO	CT, JL, MN	
Domestic Violence	NO	NO	CT	NO	NO	NO	DA	IC	NO	NO	NO	NO	NO	CT	
Victim Assistance	NO	NO	NO	LE	NO	DA	DA	DA	DA, WC	NO	DA	8JD	WC	NO	
Program 1	NO	NO	NO	NO	CS	HD	CS	X	NO	HD	HD	CS	HD	HD	
Agency					NP	CT	DT	CT	DT	JL	LE	CT	CT	CT, AS	
Program 2					HD		CS	CE	CS	CS	CS			AS	
Agency					DT		NP	CT	CT	NP					
Probation	NO	NO	NO	NO	NO	NO	NO	NO	PP	NO	NO	NO	NO	CT, AS	
Grand Jury	NO	NO	NO	NO	NO	NO	NO	DC	NO	NO	DA	DC	NO	NO	
Collections of Fines, Assessments and other ...	CT	CN	CT	CG	CT	NO	CT	NO	CT	CT	NO	NO	CT	CT, PVT	
Juvenile															
Sentencing Alternatives	NO	CS	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	
Agency		CO													
CASA Program			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	
Juvenile Probation			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	
Juvenile Drug Court			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	
Collections of Fines, Assessments and other ...			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CT	

A blank cell indicates the court did not report having that program.

ABBREVIATIONS: 8JD, Eighth Judicial District; AS, Alternative Sentencing; AV, Alive; BF, Bailiff; CADV, Committee Against Domestic Violence; CC, Clerk of Court; CE, Court Education program; CG, Collection Agency; CK, County Clerk; CM, County Maintained; CN, County Collections; CO, County; CON, Constable; COM, Compliance; CR, County Treasurer; CS, Community Service (& Work Programs); CT, Court; CY, County Library; DA, District Attorney; DC, District Court; DR, Drug Court; DT, Detention Center; EM, Electronic Monitoring; GSI, GSI contracted; HD, Home Detention; IA, Independent Agencies; IC, Independent Evaluator/Counselors; JG, Judge; JL, Jail; JP, Juvenile Probation; JVS, Juvenile Services; JY, Jury Commissioner's Office; LE, Law Enforcement; LL, Law Library Board; MD, Mediation; MN, County Mental Health; NJ, Neighborhood Justice Center; NM, Neighborhood Mediation Center; NO, No service provided; NP, Not-for-Profit Organization; OA, Other Agencies; PC, POST-Certified court employee; PP, Parole and Probation; PVT, Private Company; RST, Restitution; SS, Clark County Social Services; SVF, State Victim's Fund; Vid, 24-hour video monitoring; WC, West Care; X, Unspecified

TOWNSHIP (By Judicial District)	NAME OF PROGRAM	WHO IS RESPONSIBLE FOR OPERATIONS	FUNDING AGENCY	PROGRAM DESCRIPTION
Incline Village	DMV Registration Services - Temp Permits/Vehicle Identification Number Inspections (VIN)	Court	Court	Assist people to clear titles on abandoned or older vehicles, issue 10-day permits, and inspect VIN. Informal agreement until recently when DMV requested interlocal agreement.
Reno	Court Counseling Compliance program	Court	Court and Grant	Greater supervision of sentenced defendants who fail to comply with terms of their sentence.
Sparks	Early Case Resolution (ECR)	District Attorney and Law Enforcement	District Attorney and Law Enforcement	Indigent Defendants charged with felony and/or gross misdemeanor offenses are evaluated and offered negotiations in exchange for guilty pleas within 72 hours of arrest. If ECR is accepted, case is waived up to District Court and resolved fairly quickly.
Canal	DUI School/Victim Impact Panel (VIP)	Court and Mothers Against Drunk Driving	Sheriff	State required DUI school and VIP for DUI offenders.
Smith Valley	DUI School, Alcohol Evaluations, and Substance Abuse Treatment programs	Not Court Affiliated	BADA and State	Lyon Council on Alcohol and Other Drugs provide the mandatory alcohol evaluations and substance abuse treatment programs as well as the DUI Schools. Walker Paiute Tribe also has these programs.
Beatty	Collections Administrator	Court	Collections Fee budget	Collections Administrator was hired and is housed at the Pahrump Justice's Court. He collects for the Pahrump and Beatty Justices' Courts fines/money owed and revenue relating to failures to appear.
Pahrump	DUI & Domestic Battery Court	Court	Not Provided	Like the drug court, persons convicted of DUI and Domestic Battery must appear on a regular basis (weekly or bi-monthly), be clean and sober, and report on their progress.
Las Vegas	Court Education program	Court	Special Revenue Fund generated by program fees	Includes Traffic School, Serious Offender Program, Moderate Offender Program, DUI Program, DUI Evaluations, Coroner's Visitation Program, Breath/Ignition Interlock Program, and the Mental Health Court (managed by District Court).
	Pre-trial Services Intensive Supervision Unit (ISU)	Court	Court	Defendants are monitored for compliance with court stipulated behavior, re-arrest, failure to appear, drug and alcohol abuse and testing.
North Las Vegas	Various Counseling programs	Private Companies	Not Provided	Anger management, domestic violence, drug, DUI, impulse control, petit larceny and substance abuse.

MUNICIPAL COURTS

Table 13 indicates those programs that were reported to exist in each of the Municipal Courts. The courts (columns in the table) are grouped by judicial district.

The Municipal Courts with more programs tended to be in the larger Clark and Washoe Counties. Half of the Municipal Courts reported having domestic violence programs of some type, and over half had victim assistance programs in their jurisdictions. Several Municipal Courts reported programs serving DUI cases. More than 70 percent of the Municipal Courts reported having sentencing alternative programs, usually involving home detention or community service. More than 70 percent also had collections programs, generally operated by the court. In contrast to Justices' Courts, only one Municipal Court (Las Vegas Municipal Court) reported a self-help program. Half of the Municipal Courts reported having both *courtroom* and *courthouse* security.

OTHER PROGRAMS (BY CITY)

In addition to the programs or services report in Table 13, the survey asked for other programs or services that the Municipal Courts provide or use during the judicial process. Several courts provided such information, and it is summarized following Table 13.

Table 13. Support Programs Available within Nevada's Municipal Courts

Judicial District	Second		Third		Fourth		Sixth		Seventh		Eighth		
	Reno Municipal	Sparks Municipal	Fallon Municipal	Yerrington Municipal	Ferley Municipal	Carlin Municipal	Lovelock Municipal	Caliente Municipal	Ely Municipal	Boulder Municipal	Henderson Municipal	Las Vegas Municipal	No. Las Vegas Municipal
General													
Jury Qualifications and Summoning	NO	NO	NO	NO	CT				NO	NO	NO	NO	NO
Courtroom Security	CT	CT/MS	NO	NO	NO	NO	NO	NO	NO	BF	MS	CT	LE
Courthouse Security	CT	CT/MS	NO	NO	NO	NO	NO	NO	NO	BF	MS	CT	LE
Law Library	NO	NO	NO	NO	CI		DC	NO	NO	CT	CA	NO	NO
Self-help Centers	NO	NO	NO	NO			NO	NO	NO	NO	NO	CT	NO
Civil													
Alternative Dispute Resolution			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Program 1 Agency													
Adult Criminal													
Pretrial Services	CO	CT	NO	NO		CT, LE	NO	NO	NO	NO	NO	CT	NO
Adult Drug Court	CT	CT	NO	NO	NO	NO	NO	NO	NO	NO	NO	CT	NO
Mental Health Court	DC	CV	NO	NO	NO	NO	RMH	NO	NO	NO	NO	CT	NO
Domestic Violence	CT	CA, VA	NO	NO	NO	CT, LE		NO	NO	NO	CL	CT	NO
Victim Assistance	CA, VA	CA, VA	NO	NO	NO	CT, SVF, NP, RST	NO	NO	NO	NP	CA	CT, CA	NP
Program 1 Agency	HD	HD	NO	CS	NO	HD	CS	NO	NO	CS	HASP	HD	CS
Sentencing Alternatives	CO	LE		JL		CT, HD	CT			LE	CT	CT	CT
Program 2 Agency	CS	HD		HD		CS	AE			HD	CS	CS	HD
Probation	CS	PVT		PVT		CT, OA	CT			HD	IA	CT	DT
Grand Jury	CT	AS	NO	NO	NO	CT	CT		NO	NO	NO	NO	NO
Collections of Fines, Assessments and other ...	CT	NO	NO	NO	NO	PVT	CT, CN	CT	PVT	CT	X	CT	NO
Juvenile													
Sentencing Alternatives			NO	NO					NO	NO	CS	NO	NO
Program 1 Agency											LE		
CASA Program			NO	NO					NO	NO		NO	NO
Juvenile Probation			NO	NO					NO	NO		NO	NO
Juvenile Drug Court			NO	NO					NO	NO		NO	NO
Collections of Fines, Assessments and other ...			NO	NO					NO	NO	X	NO	CT

A blank cell indicates the court did not report having that program.

ABBREVIATIONS: AE, Alcohol/Drug Education; AS, Alternative Sentencing; BF, Bailiff; CA, City Attorney; CI, City; CL, Counseling Agencies; CO, County; CS, Community Service (& Work Programs); CT, Court; CV, Court Services; DC, District Court; DT, Detention Center; HASP, Henderson Alternative Sentencing Program; HD, Home Detention; JL, Jail; LE, Law Enforcement; MS, Marshalls; NO, No service provided; NP, Not-for-profit; OA, Other Agencies; PVT, Private Company; RMH, Rural Mental Health; RST, Restitution; SVF, State Victim Fund; VA, Victim Advocate

MUNICIPALITY (By Judicial District)	NAME OF PROGRAM	WHO IS RESPONSIBLE FOR OPERATIONS	FUNDING AGENCY	PROGRAM DESCRIPTION
Reno	Warrant Service	Court	Court and VAWA (STOP) grant.	Marshals serve warrants on those offenders who violate conditions of their sentences or who are deemed by the judge to have committed offenses, particularly in the domestic violence arena.
Sparks	Alcohol & Other Drug (AOD) Court	Court	Municipal Court	Drug court program with primary substance abuse being alcohol.
	Alternative Incarceration Unit	Washoe County Sheriff's Office	Washoe County Sheriff's Office	Residential house arrest in lieu of incarceration, release to inpatient programs as authorized by the court, or release to family member out of state as authorized by the court.
	Alternative Sentencing Unit	Washoe County Sheriff's Office	County	Employment seeking, drug testing and continued education, daily check-ins.
Yerington	DUI School, Alcohol Evaluations, and Treatment Programs	Not Court Affiliated	BADA and State	Lyon City Council on Alcohol and Other Drugs provide the mandatory alcohol evaluations and substance abuse treatment programs as well as the DUI Schools.
	Rural Mental Health	State	State	Offer some mental health services, mostly to the jail; for the court they provide some counseling, and at present, an anger management class.
Fernley	Community Service Program	Lyon County	Lyon County	All defendants referred to County for community service.
Boulder	Safe Kids Buckle Up	Clark County	Safe Kids Coalition	When a citation is issued for a seatbelt/child restraint violation, Court gives defendant the opportunity to attend the Safe Kids Buckle Up program. Teaches the importance of using seatbelts/child restraints for children but also the correct way to use these restraints and the dangers associated with incorrect use.
Henderson	Henderson Alternative Sentencing Program (HASP)	Court	Court	Provides indigent defendants with an opportunity to work off their Court debt. Defendants clean alleys, roadsides, and public properties in the City. The program is supervised by the Community Services Coordinator.
Las Vegas	Fax Adjudication for Attorneys	Court	Court	In traffic arraignment cases only that do not require a mandatory appearance, attorneys can fax a plea form to the court and receive, by return fax, the standard adjudication for the offense involved, thus saving the attorney/defendant a journey to the courthouse.
	Collection Program (Judicial Enforcement)	Court	Court	Judicial Enforcement Officers actively seek out, locate and contact delinquent defendants by phone and mail to assist them in resolving their delinquent cases and enforcing the court's order. Emphasis is placed on enforcement of the court order, case resolution, and case closure. Cases remaining delinquent after 180 days in warrant are assigned to a collection agency under 1st party and 3rd party collection programs, which includes delinquency reporting to the three major credit bureaus.
	Domestic Violence Offender Apprehension Program	Court	Court and Federal Grant Funds	Marshal dedicated solely to locating and apprehending the subjects of domestic violence warrants.

MUNICIPALITY (By Judicial District)	NAME OF PROGRAM	WHO IS RESPONSIBLE FOR OPERATIONS	FUNDING AGENCY	PROGRAM DESCRIPTION
Las Vegas (continued)	House Arrest	Court	Court	Monitors court defendants who have been sentenced to home confinement in lieu of jail. It uses two types of electronic monitoring systems as well as no-notice home & job site visits to ensure compliance. The program services five other local jurisdictions. It saves taxpayers the expense of housing people in detention facilities, keeps families intact, and the breadwinner employed, reducing family dependence on local social services for financial support.
	Petit Larceny Program	Court	Court	Offers educational group and individual counseling sessions designed to hold offenders accountable for their actions, create awareness of the consequences of theft, and refer clients to community resources.
	The Work Program	Court	Court	Allow indigent defendants to work off their Court fines and misdemeanor program fees by performing community service.
	Drug Court	Court	Court	Judicial liaison makes judicial and/or administrative decisions on matters relating to offenses involving alcohol and drugs, treatment options, and issues relating to the Court's educational programs. Further, licensed and BADA certified court staff and contract evaluators conduct alcohol and drug assessments/evaluations when court-ordered. This is in addition to the court's substance abuse prevention classes, which is offered bi-monthly (bilingual services available). An 8-hour accelerated class is offered once per month. Referral services to community agencies for in-depth counseling are used.
	Domestic Violence Court	Court	Court	This program also has an appointed judicial liaison, who makes judicial and/or administrative decisions on matters relating to offenses involving domestic violence, and issues relating to the Court's domestic violence education, intervention/rehabilitation program. Certified counseling staff and contract evaluators conduct classes based on their training in the Domestic Violence Intervention Project of Duluth, Minn. There are two class offerings based on the judges' orders: A 6-month and a 12-month educational program (bilingual services available). Therapeutic modalities, including rational emotive therapy and reality therapy are used; DUI evaluations are provided. Defendants meet with individual counselors. The program also focuses on educating offenders about Nevada Statutes.
	First Offenders Prostitution Program (FOPP)	Court	Court	A program designed for males, this program is designed to bring awareness of the social and health-involved risks associated with patronizing prostitution. This program is a partnership with the City Attorney's Office, the Metropolitan Police Department, the Clark County Health Department, and the Clark County Youth & Family Services.
	Impulse Control/Anger Management	Court	Court	Educational in nature and offers group and individual counseling to address and teach alternative and appropriate behavior to express anger. This program is for non-domestic violence cases.

MUNICIPALITY (By Judicial District)	NAME OF PROGRAM	WHO IS RESPONSIBLE FOR OPERATIONS	FUNDING AGENCY	PROGRAM DESCRIPTION
Las Vegas (continued)	Traffic School; Internet Traffic School (lasvegasdriver.com)	Court	Court	The School, whether in person or on Internet, is designed to educate and correct illegal driving actions and/or behavior through a hierarchical level of educational videos and lectures (in person) and through re-educational lessons on the Internet.
	Traffic Arraignment Session for Attorneys	Court	Court	A special traffic-arraignment session for non-mandatory appearances is conducted twice per week when attorneys can make personal court appearances on behalf of their client(s) in a session that is dedicated solely to attorneys.
	Re-Engineering of the Case Management System Project	Court, City of Las Vegas IT Dept.	City of Las Vegas IT Dept. FY03, Municipal Court FY04	Replace the Court's outdated Legacy system with a new case management system employing current technologies. New system to be custom-designed and built in-house from the ground floor to match the Court's business processes as identified by the Business Rules Committee and approved by the Judiciary. Business Rules Committee was formed Oct. 2002 to begin study of the Court's legal processes. In April 2003, the City's IT Department hired a consultant to assist with technical portions of the reengineering process. This is a continuing process with completion expected in FY05.
North Las Vegas	A Life of Crime Youth Program	Court	Private Donations	A Youth Program that the Clark County Juvenile Court refers to along with many private organizations. The program consists of two parts. The first half is the North Las Vegas juveniles telling about the decisions they make. The second part is Federal Inmates telling their life of crime and answering questions. This program is free to all who attend and is one 3-hour class.
	DUI Counseling	Court	Court	Two 4-hour classes for DUI offenders only. Completing these classes completes the standard DUI conviction requirements.
	Traffic School	Court	Court	Standard 5-hour traffic school for \$30.00 and no appointment is necessary. A repeat offender traffic school, which is 8 hours long and is \$75.00 cash.

CROSS JURISDICTION PROGRAMS

Many of the programs previously mentioned are shared across jurisdictional and geographical boundaries. Some of these programs and services could be considered by others to share within a District or nearby Districts. For example, Clark County District Court provides interpreter services to all courts and Executive Branch agencies in Clark County; jury commissioner services are provided to all courts on a district-wide basis by Clark and Washoe County District Courts; and the Justices' and Municipal Courts in Carlin, Carson City, Elko, and Mesquite are operated jointly.

Additionally, other programs and services are already shared across Districts or regionally include interpreter services to courts in adjoining Nye County and other nearby counties provided by Clark County District Court; drug court programs provided by Western Nevada Regional Drug Court (through Lyon County District Court) to six counties; and shared juvenile services and facilities (China Springs Youth Camp and Aurora Pines programs) provided by Douglas County.

Alternatively, if a larger court coordinates services provided by a third party vendor to

several other courts, in addition to the coordinating court, programs and services could be shared within or across Districts.

Some technology related programs and services are currently being shared statewide to provide minimal acceptable levels of technology such as the Nevada Rural Courts System automated case management system made available by the Administrative Office of the Courts. Although the ability of smaller or rural courts to provide other IT services may be limited, some related services that should be considered include:

- Hardware and software technical support to operate and manage information technology systems and networks;
- Telephone or video conferencing for hearings;
- Standardized court forms, available electronically;
- Telephone and Internet-based self-help services;
- Document imaging and electronic-filing of court documents; and
- Collections.

RESOURCES

This section focuses on the resources available to courts, restraints on the use of the resources, and the impact of the resources on fairness, adequacy, and reasonableness. For purposes herein, the term “resource” is defined broadly to include personnel, services, or supplies available to the courts that enable them to fulfill their role. The discussion is based on an analysis of the responses to the survey¹² and is organized by type of court.

This section of explanatory material by subject applies to District, Justices’, and Municipal Courts.

ALL COURTS

PERSONNEL

From the perspective of litigants and judges, the most relevant personnel issue is what staff is available on a daily basis to assist the judge in hearing cases. One area of operational overlap between courts and the other branches of government is in the administration of salaries and benefits of court employees. The Judicial Branch must be able to recruit and keep qualified staff to meet its responsibility to decide cases. The Legislative Branch (the Nevada Legislature at the state level, Board of County Commissions at the county level, and City Council at the city level) has ultimate responsibility for funding Judicial Branch staff salaries and benefits. The Executive Branch (county executive or city manager) generally administers human resource functions and manages salary and benefit plans, and is also a competing employer for staff. The authority and discretion of all three branches is therefore implicated in the setting of Judicial Branch staff salaries and benefits.

Keeping the record and keeping track of cases involves a great deal of court or clerk of court personnel beyond those working in the courtroom. A much greater proportion of staff works in the “back office” handling documents,

¹² The survey questions and raw data on the responses are included in Appendixes C-E.

mail, telephone calls, and other tasks at the front counter, or in the file room. An analysis of staffing levels is relevant to the discussion of adequacy of resources and equity of resources across courts.

One type of automated support involving court records that assists court staff and the public is the imaging of court documents. Generally, imaging is more cost effective when large numbers of documents are handled, or simultaneous access by several people is required.

PRODUCING THE VERBATIM RECORD

An essential component of due process in a case is the creation and preservation of a record of the oral proceedings. A verbatim record is generally necessary when a case is appealed, but it also provides a public record so that a means exists for evaluating the effectiveness and integrity of the judicial process.

INTERPRETERS

For litigants and witnesses to participate effectively in court proceedings or be expected to comply with court orders, they must understand the proceedings. If they do not speak English, they need an interpreter.¹³ In criminal cases (adult or juvenile), the court must provide an interpreter for the defendant and witnesses, but the court is not required to do so in non-criminal cases. In most rural courts, the wide range of languages spoken and relatively infrequent need for interpretation makes it problematic to employ court staff interpreters even for commonly spoken languages.

¹³ Survey Question 3.10 only asked about foreign language interpreters. Pursuant to NRS 50.050, the court is also required to provide a sign language interpreter to “a person who, because he is deaf, mute or has a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings.” However, this aspect of interpreting was not explored in the survey.

AUTOMATED CASE MANAGEMENT SUPPORT

One way to leverage available support staff and provide for more effective case management is to use automated case management system (CMS) support. These systems not only perform the more mundane tasks, like generating notices and calendars, but can also provide statistical and other reports for managing the court. The courts must be able to track, schedule, and monitor cases in order to fulfill their role and be accountable for operations and expenditures. This can best be accomplished if the court is in control of its IT services.

ADMINISTRATIVE SUPPORT SERVICES

Several basic administrative support services are needed by any governmental entity, regardless of its role. All need accounting, banking, purchasing, payroll, human resources, and risk management services in order to function. The survey did not distinguish whether the courts chose not to exercise their discretion to provide their own administrative support, or whether the Executive Branch precluded them from exercising such authority.

JURY SERVICE

An adequate pool of eligible citizens to serve on a jury is another resource required by a court. This resource is not unlimited, as only a finite number of eligible people live in each jurisdiction.

During fiscal year 2002, the Supreme Court of Nevada convened its Jury Improvement Commission. That Commission, among other things, reviewed who is summoned for jury service in Nevada, how those summoned are paid and treated, determined whether improvements could be made to the way jurors access the law and evidence, and recommended ways to improve the quality of justice done by jurors while making jury service as trouble free as possible (Supreme Court of Nevada, 2002). The Legislature enacted into law in 2003 its recommendations concerning exemptions from jury service and jurors' compensation. Much of the

information herein reflects the jury system before those and other changes were enacted.

COURT FACILITIES

After on-going staffing costs, the next largest cost associated with courts is courtrooms. The capital costs of courtrooms and associated support facilities are significant, and can severely burden some jurisdictions, even if new or additional courtrooms do not often need to be constructed. On the other hand, having a judge and a case ready to be heard, and having no courtroom in which to hear it, is not only expensive but also inimical to the concept of speedy justice.

SUPREME COURT

The Supreme Court of Nevada establishes rules for its own governance, approves District and Justices' Court rules and provides leadership and administrative direction to the Nevada courts and to the State Bar of Nevada. The Supreme Court of Nevada's budget includes five departments: Office of the Clerk of the Court, Justices' Chambers, Central Legal Staff, Law Library, and Administrative Office of the Courts (AOC). In total, these departments employed a staff of 124 in June 2003.

As the only appellate court in Nevada, staffing is distinct from that of the District, Justices', and Municipal Courts. To handle the caseload, the seven Justices meet both en banc and in panels of three. The Chief Justice serves as the administrative head of the statewide court system. Each Justice employs two law clerks and one judicial assistant. The civil and criminal divisions of Central Legal Staff and professional staff from the Clerk's office support the ongoing work of the court, as well as complex emergency cases. Courtroom security is provided by the State's Capitol Police who are employed by the Executive Branch, but permanently stationed at the Court. The Supreme Court is obligated to pay for their services and does so on a charge-back basis.

Salaries for the Justices are set by statute, while those of professional support staff are set by the Nevada Legislature each biennium. Non-

professional and administrative support staff salaries are established by the court, but approved and funded by the Legislature. Benefits are consistent with those of the Executive Branch. The Supreme Court has complete discretion on recruitment and selection of its employees. The AOC handles all human resource functions for the Supreme Court.

The Administrative Office of the Courts (AOC) and its varied divisions is, as mentioned above, one of the five departments of the Supreme Court. The AOC has two roles. One role is to provide administrative support to the Supreme Court, including payroll, personnel, budget development and monitoring, accounting, and information technology. The AOC also staffs special projects initiated by the court.

In its other role, the AOC provides support to the statewide court system by administering judicial education, supervising the collection of statewide court statistics, and initiating and supporting several trial court technology projects. The AOC, in its role supporting the statewide court system, has spearheaded the modification and implementation of a case management system for use in most rural and some smaller urban trial courts.

Additionally, the AOC is responsible for recommending to the Supreme Court operational improvements at the lower court levels.¹⁴ The Director of the AOC is also the State Court Administrator, and serves as the secretary to both the State Judicial Council and the Judicial Selection Commission. Divisions within the AOC include Judicial Education, Planning and Analysis, Court Services, Finance and Administration, and Information Technology. The specific AOC budgets are Judicial Education, Judicial Selection, Judicial Travel and Support, Uniform System for Judicial Records, Planning and Analysis, Retired Senior Justice Program, as well as an AOC operating budget.

The Clerk of the Supreme Court is appointed by and serves at the pleasure of the

Supreme Court.¹⁵ The duties of the Clerk include those defined by statute, such as receiving fees for services, publishing a list of all cases submitted that remain undecided, records management, taking and certifying acknowledgments and affidavits, and employing persons necessary to carry out the duties of the office.

The Clerk of the Supreme Court is also the *ex officio* reporter of decisions, and publishes the decisions of the Supreme Court.

The Clerk of the Supreme Court is responsible for accepting and keeping secure all documents and records filed in the Supreme Court, for retention and storage of all Supreme Court records, and for managing the calendar of arguments and case conferences for the en banc court and the panels. Currently, some files are maintained in hard copy on-site, some are stored in secured storage off-site, and others have been microfilmed or are in the process of being filmed for permanent recordkeeping. The Clerk uses the services of the State's Micrographics Division as well as those of private vendors to accomplish this task. A CD version of the documents is also generated at the time of filming. The Clerk of the Supreme Court manages the Court's extensive administrative docket, and manages the Court's master calendar. The Clerk oversees the Court's complex automated case management system and internal document management system.

The Supreme Court of Nevada records oral arguments in all cases electronically. If a party needs interpreter services, those representing the parties in the case ordinarily supply the court interpreters. Because the proceedings before the Supreme Court include the presentation of legal arguments by attorneys admitted to the practice of law in Nevada, and because the proceedings do not include the swearing of witnesses or the taking of testimony, the parties to the appeal are generally not present. No expenditures are therefore made for court interpretation at the Supreme Court level, although the Court Services Division of the Administrative Office of the Courts administers the statewide Court Interpreters Certification Program.

¹⁴ NRS 1.360

¹⁵ NRS 2.200

The Supreme Court of Nevada designed and implemented its own automated case management system (CMS) several years ago. The Court's CMS is still undergoing modification and improvement. An information technology division within the Supreme Court is dedicated to support and enhancement of the CMS, as well as creation of an "e-court" system designed to improve workflow, records management, and provide an interface to the CMS.

As mentioned earlier under the section concerning the AOC, the AOC provides administrative services to the Court. In some instances, the AOC pays to use the state systems, for example, the accounts payable and budget systems, but it maintains administrative discretion and independence from the Executive Branch.

The Supreme Court of Nevada maintains offices in Carson City and also maintains an annex in Las Vegas. The Supreme Court building was built and is owned by the State of Nevada with the court occupying the building as a sole tenant, including the AOC and the State Law Library. All services are provided by the state, including building maintenance, janitorial services, utilities, and grounds keeping. The court has no supervisory role over these services and competes with other state buildings for these services. The Supreme Court building is adequate for current needs.

DISTRICT COURTS

Courts were asked in the survey to indicate what staff is typically available to support the court.¹⁶ Table 14 indicates the staff members present, ranked from most common to least.

The responses indicate that District Court Judges are generally staffed at the same level and with the same type of basic support staff. Three of the courts (21 percent) also reported availability of a calendar clerk in addition to the other staff reported above; all were larger courts.

Type of Staff	Number of Courts (N=14)	Percentage of Courts Responding
Courtroom Clerk	14	100%
Court Reporter	14	100%
Bailiff/Sheriff Deputy	13	93%
Judicial Secretary	13	93%
Law Clerk	13	93%

The survey asked who has final say in setting salaries of court staff.¹⁷ The responses were varied, reflecting the shared discretion. In one District Court, the Judicial and Legislative Branches made the decision jointly. In seven District Courts, the judges set the salary. In one, the Board of County Commissioners (BCC) set the salaries. Salaries were set by county labor relations' staff in three District Courts, and jointly by county staff and the BCC in one District Court. One District Court noted that it had no Judicial Branch employees. In 2 of the 14 responding District Courts, collective bargaining is permitted on behalf of court employees.¹⁸

The survey sought information¹⁹ about court staff by asking for a list of job classifications, number of staff, and an organization chart. The resulting information was voluminous and difficult to organize in a standard manner that would allow for meaningful comparison. The number of court staff ranges in size from as few as one or two staff, some working part time, to almost 500 people in almost 90 different job classifications in the Eighth Judicial District Court (Clark County Clerk's Office and District Court Administration combined). The same tasks and functions must be done in every court, with obvious differences in volume and task specialization.

A key support element of any court is the maintenance of the records – the clerk of court function. In the past when judges rode circuit,

¹⁷ Survey Question 1.2 (a).

¹⁸ Survey Question 1.2 (b).

¹⁹ Survey Questions 3.1 and 3.2.

¹⁶ Survey Question 3.3 (a).

this service was generally provided by the county clerk (Executive Branch) who permanently resided in the town where the judge intermittently sat. Over time this relationship has changed little, even where the size of the court is such that judges do little or no circuit riding. In rural jurisdictions, a small group of employees perform a variety of roles, one role being the clerk of court. The court has clear responsibility for its records; the Supreme Court of Nevada has held that the clerk of court “is a ministerial office inherent to the Judicial Branch of government” whose “sole purpose is to perform clerical and record-keeping functions necessary to the District Court’s operation.”²⁰ Courts were surveyed and asked what the relationship was between the court and clerk of court.²¹ In most District Courts, the supervision of the clerk of court is not direct. In 12 District Courts, the person who is responsible for carrying out the functions of the clerk of the court is elected, although one court noted that the elected clerk works “under the policy direction of the Judges of the District Court.” In two District Courts, the judges of the court appoint the clerk of court (First Judicial District [Carson City] and Second Judicial District [Washoe County]).

The survey also asked who is responsible for records retention and storage of court records.²² In 12 of 14 District Courts, the court or clerk of court staff provided this support. In one court, both Judicial and Executive Branch staff provided records retention, and in one court, records retention was provided exclusively by Executive Branch staff.

The survey asked if the court has a document imaging system and, if so, for what case types.²³ Half of the 14 District Courts that responded indicated they did have some type of imaging capability. Most of these courts report scanning almost all documents filed with the court.

²⁰ *Harvey v. Dist. Ct.*, 117 Nev. 754, 32 P. 3d 1263 (2001).

²¹ Survey Question 3.4.

²² Survey Question 5.1, item 12.

²³ Survey Question 3.13.

One of the survey questions inquired as to the normal means of making the verbatim record of proceedings.²⁴ The 14 responding District Courts indicated that they used court reporters. Three of these courts indicated they used electronic recording in certain departments or case types, and two indicated they used video recording in certain departments or case types.

Only 2 of the 14 responding District Courts had staff interpreters, and they were the two most urban areas. Most courts responded that they engaged interpreters on a per diem or contract basis, either through the court or through the county.

As noted, courts are only required to provide interpreters for criminal proceedings. However, responses to the survey²⁵ indicate courts pay from their budget for interpreters used in a variety of other circumstances. This makes sense for several reasons. It can be more efficient because of the court’s regular use of interpreters in criminal cases. Focusing interpreter coordination in one place also makes best use of a scarce resource and avoids competition among agencies for interpreters. Of responding District Courts, 12 of 14 indicated their interpreters are used also by defense counsel to talk with their clients outside of court and 4 courts made interpreters available for use by other criminal justice or county agencies. Three District Courts provided for interpreters in certain non-criminal cases, for example, to help people who come to the counter, to help people completing forms, or in guardianship or termination of parental rights cases.

Courts were asked about whether they had CMS support, and for what case types.²⁶ All 14 responding District Courts indicated they had case management support for some or all cases. Table 15 indicates the types of cases for which there is CMS support. As the table indicates, the District Courts enjoy broad CMS support in all major case categories. The functionality and

²⁴ Survey Question 3.8.

²⁵ Survey Question 3.10 (b).

²⁶ Survey Question 3.12 (a).

Case Type	Number of Courts (N=14)	Percentage of Courts Responding
Criminal	14	100%
Civil	14	100%
Probate	14	100%
Juvenile	13	93%
Family	11	78%
Juvenile Traffic	2	14%

age of the CMS systems were not measured, although two District Courts noted their systems only tracked cases, and were not capable of performing the task of scheduling hearings.

One survey question²⁷ asked if the CMS is part of an integrated justice system that allowed sharing of information about cases with other criminal justice agencies. Only one District Court (Fourth Judicial District in Elko County) responded yes. However, in 13 other District Courts, the respondent indicated information was shared with other agencies though not through an integrated justice system.

An important issue involves the question of who is providing information technology (IT) support to the courts.²⁸ The survey asked²⁹ whether this support was provided by court or clerk of court staff, by Executive Branch staff, or by a combination of court or clerk of court staff and Executive Branch staff. In two District Courts, the court or clerk of court staff provided their own IT services. In eight District Courts, a combination of the court or clerk of court and Executive Branch staff provided IT services. In four District Courts, IT services were provided solely by Executive Branch staff.

²⁷ Survey Question 3.13 (b).

²⁸ In fiscal year 2004, the fiscal year following this survey, one District Court began using the Nevada Rural Court case management system for criminal cases. The training and technical support are provided by staff at the Supreme Court, Administrative Office of the Courts.

²⁹ Survey Question 5.1, item 9.

The survey asked³⁰ whether administrative support services were provided by the court or clerk of court staff, by Executive Branch staff, or by a combination of court or clerk of court staff and Executive Branch staff. The responses are summarized in Table 16. The responses indicate that most administrative support services were provided to District Courts through a combination of Judicial and Executive Branch staff. Generally, where the effort was combined, the court staff initiated the “paperwork” and the Executive Branch staff completed the transaction. The areas where the courts operated most independently were in staff training, the recruitment and selection of staff, and purchasing. With all courts, risk management was overwhelmingly provided by the Executive Branch.

One of the survey questions asked how frequently citizens were typically summoned to serve on a jury.³¹ As Table 17 indicates, the frequency of service in District Courts varies significantly across the state, with most citizens being eligible for summons once a year. One court reported that members of its pool were summoned 10 times per year.

The counties are responsible for providing court facilities for the District Courts.³² The survey inquired about the availability of courtrooms and chambers relative to the number of judges.³³ Six District Courts noted they have more judges than courtrooms, although one of the districts (Clark County) is building additional courtrooms. Neither Justices’ nor Municipal Courts have a comparable critical shortage of courtrooms. Six District Courts have the same number of courtrooms and judges, although they have no room for growth.

Ensuring the integrity of the court record and court proceedings is easier if the court also controls the use of its facilities. Information about the extent to which the courts have separate, exclusive, or shared facilities was sought in

³⁰ Survey Question 5.1.

³¹ Survey Question 3.7.

³² NRS 3.100.

³³ Survey Questions 6.1 and 6.2.

TABLE 16.
ADMINISTRATIVE SUPPORT OF DISTRICT COURTS

Type of Administrative Support (Number of courts responding indicated in parentheses)	Number of Courts Indicating Support Provided:		
	Exclusively by Internal Court or Clerk of Court Staff	By both Court or Clerk of Court Staff and Executive Branch Staff	Exclusively by Executive Branch Staff
Accounting, fiscal control, grant accounting, and auditing (N=14)	2	8	4
Banking, cash management, checks, and disbursements (N=13)	2	10	1
Purchasing (N=14)	4	9	1
Payroll (N=14)	0	7	7
Recruitment and selection of employees (N=14)	4	7	3
Human resources other than recruitment and selections (for example benefit administration, classification studies, etc.) (N=14)	1	6	7
Risk management and defense against suits (N=13)	0	3	10
Training and development of staff (N=14)	7	6	1
Maintenance of facilities used by the court (N=14)	0	2	12

the survey.³⁴ Two of the District Courts were in separate buildings not shared with any county agencies. In eight District Courts, the courtrooms are exclusively used by the court, and in seven, the court staff space is exclusively for the court. In four District Courts, the courtrooms are used by separate county agencies (mostly in rural counties, but also in Clark County), and in five, the court staff space is shared with separate county agencies. In several counties, courtrooms are shared with other courts: In the Seventh

Judicial District, the Lincoln County District Court courtroom is used by the Meadow Valley Justices' Court; in the Sixth Judicial District, the Lander County District Court courtroom is used by Argenta Justices' Court, and both departments of the Sixth Judicial District share the courtroom in Lander County.

While the availability of space is important, its adequacy is as well. The Survey asked courts to rate the adequacy of the facilities available to them.³⁵ Although the answers were subjective (no explicit standards by which to assess the adequacy were specified), the results are instructive. How District Courts responded regarding the adequacy of various aspects of their facilities is shown in Table 18. Courts are least satisfied with the adequacy of space for the public, storage space for court records, facilities for jurors, courthouse security, and air conditioning, heat, and power. They are most satisfied with the maintenance of the facilities and the size of the courtrooms.

TABLE 17. FREQUENCY OF SUMMONING FOR POSSIBLE JURY SERVICE IN DISTRICT COURTS		
Frequency of Summoning for Possible Jury Service	Number of District Courts (N=12)	Percentage of District Courts Responding
Very infrequently or rarely; less than once every 3 years	None	0%
Once every 2-3 years	2	16%
Annually	5	42%
2 to 4 times per year	3	26%
More than 4 times per year	2	16%

³⁴ Survey Questions 6.4 and 6.5.

³⁵ Survey Questions 6.6 (a) to (j).

TABLE 18.
ADEQUACY OF DISTRICT COURT FACILITIES

Aspect of Facilities (Number of courts responding indicated in parentheses)	Number of Courts Responding	
	This aspect of the facilities is considered ADEQUATE	This aspect of the facilities is considered INADEQUATE
Maintenance of the facilities (N=14)	11	3
Size of the courtrooms relative to the type of cases heard and volume of cases heard (N=14)	10	4
Security of the courtrooms (N=14)	8	6
Number of courtrooms (N=13)	8	5
Space for court and clerk of court staff for the number of employees (N=14)	7	7
Size of the holding cells relative to the number of defendants typically appearing (N=12)	6	6
Adequacy of air conditioning, heating, and power available in facilities for number of people working in or visiting courthouse (N=14)	6	8
Space for <i>jurors</i> relative to the number of prospective jurors typically appearing (N=14)	5	9
Space for court records for the volume of case files maintained by the court (N=13)	3	10
Security of the courthouse (N=13)	3	10
Amount of public space for litigants, their lawyers, and the public appearing in or attending court (N=14)	3	11

When asked their most pressing facilities issues,³⁶ courts most frequently cited lack of security, inadequate public space (particularly for lawyers to meet with their clients), number and size of courtrooms, and inadequate court records storage space.

JUSTICES' COURTS

Courts were asked to indicate what staff was typically available to support the court.³⁷ Table 19 indicates what staff is present, ranked from most common to least.

The staffing at Justices' Courts is much less uniform than that for District Courts. Four of the courts did not have a regular courtroom clerk, although one reported an "arraignment clerk" was typically available. One other court said it had one part-time clerk for all clerk of court duties. In contrast, Las Vegas Justices' Court reported two back-up clerks per courtroom, in addition to the courtroom clerk, due to the

volume of cases on each day's calendar. Also, the Las Vegas Justices' Court has several law clerks that are available to support the judges; however, each judge does not have one law clerk assigned specifically.

Although 42 percent of the courts reported having a court reporter, generally these court reporters are contractors and not court employees. One of the courts reporting no regular court reporter indicated one was used for preliminary hearings.

TABLE 19.
COURTROOM AND PERSONAL STAFF
TYPICALLY IN JUSTICES' COURTS

Type of Staff	Number of Courts Responding (N=38)	Percentage of Courts Responding
Courtroom Clerk	34	89%
Bailiff/Sheriff Deputy	22	58%
Court Reporter	16	42%
Judicial Secretary	13	34%
Calendar Clerk	6	16%
Law Clerk	0	0%

³⁶ Survey Question 6.7.

³⁷ Survey Question 3.3 (a).

The survey asked who had final say in setting salaries of court staff.³⁸ The responses to the question were varied, reflecting the shared authority issues. County labor relations or human resources staff set salaries in 23 courts. In 11 courts, the BCC sets salaries. County staff and the BCC set the salaries jointly in three courts. In two courts, the judge set the salary. In 9 of the 19 responding Justices' Courts, collective bargaining is permitted on behalf of employees,³⁹ but unions appear to be present in only 6 courts (although any agreements may be between the union and the county, not the court).

As the courts have responsibilities regarding their records, they were asked in the survey what the relationship was between the court and clerk of court.⁴⁰ Judges in Justices' Courts often have direct control over the clerk of court. In 28 of 32 courts, the judges in the court appoint the position serving as clerk of court.⁴¹ By ordinance in Clark County, the clerk of each of the Justices' Courts is appointed jointly by the judges and the BCC. Another court (Lund) indicated that it does not have a separate clerk.

The survey also asked about who is responsible for records retention and storage for court records.⁴² In 32 of the 40 Justices' Courts, the court or clerk of court staff provided this support. In eight courts, both Judicial and Executive Branch staff provided records retention.

The survey asked whether the court had a document imaging system.⁴³ No Justices' Courts reported they had imaging capability, although two (Henderson and Tonopah) indicated they will have this capability with new systems being implemented.

One of the survey questions inquired as to the normal means of making the verbatim record

of proceedings.⁴⁴ Of the 37 Justices' Courts responding, 19 indicated they used court reporters, 13 of those indicated they also used electronic recording, generally in certain courts or case types, and 1 reported the use of video recording. Another 18 courts typically used electronic recording, although 4 of these courts indicated they used a court reporter for specific proceedings, generally preliminary hearings.

Of the 37 Justices' Courts responding, only 10 had interpreters who were employees of the court, and another 4 courts had interpreters who were county employees. Most Justices' Courts responded that they engaged interpreters on a per diem or contract basis, either through the court or through the county. In Clark County, the District Court coordinates interpreter services for all Justices' Courts in the county and a few neighboring counties' courts as well. In response to another question,⁴⁵ 4 of the 29 Justices' Courts responding indicated they used certified interpreters 100 percent of the time, 3 used them 90-95 percent of the time, 3 used them 50-89 percent of the time, 9 less than 50 percent of the time, and 10 indicated that certified interpreters were not available.

Courts are only required to provide interpreters for criminal proceedings. However, responses to the survey⁴⁶ indicate that Justices' Courts pay from their budget for interpreters used in a variety of other circumstances. This makes sense for several reasons. Efficiency is achieved because of the court's awareness of, access to, and regular use of interpreters in criminal cases. Focusing interpreter coordination in one place also makes the best use of a scarce resource and avoids competition among agencies for interpreters. Of the 38 Justices' Courts responding, 27 indicated their interpreters are used also by defense counsel to talk with their clients outside of court and 7 courts make interpreters available for use by other criminal justice or county agencies. Nine Justices' Courts provide

³⁸ Survey Question 1.2 (a).

³⁹ Survey Question 1.2 (b).

⁴⁰ Survey Question 3.4.

⁴¹ The position may be designated as court administrator rather than clerk of court, but the clerk duties are part of the administrator's responsibilities.

⁴² Survey Question 5.1, item 12.

⁴³ Survey Question 3.13.

⁴⁴ Survey Question 3.8.

⁴⁵ Survey Question 3.10 (c).

⁴⁶ Survey Question 3.10 (b).

for interpreters in some non-criminal cases, for example, to help people who come to the counter, to help people completing forms or in small claims or evictions cases.

Courts were asked about whether they had CMS support, and for what case types.⁴⁷ Only 34 of the 40 responding Justices’ Courts indicated they had case management support for some or all case types. Table 20 indicates the types of cases for which CMS support was provided. As the table indicates, when courts have an automated CMS, most of the major case categories are tracked. Although the functionality and age of the automated CMS systems were not measured, one Justices’ Court noted that its system could not provide statistics on some case types.

Case Type	Number of Courts (N=34)	Percentage of Courts Responding
Criminal	31	91%
Civil, including landlord/tenant	31	91%
Traffic	31	91%
Small Claims	31	91%
Parking	16	47%
Juvenile Traffic	6	18%
Temporary protective orders	5	15%
Animal and Wildlife citations	2	6%

One question⁴⁸ asked if the court’s automated CMS system was part of an integrated justice system that allowed sharing of information about cases with other criminal justice agencies. Ten of the Justices’ Courts responded yes, although in 29 other courts, the respondents indicated information was shared with other agencies. In five townships, the court was primarily responsible for operating a shared CMS system,⁴⁹ and in five others, the county or prosecutor’s office was responsible.

⁴⁷ Survey Question 3.12 (a).

⁴⁸ Survey Question 3.13 (b).

Another question involving automated CMS systems is who provides the information technology (IT) support to the courts.⁵⁰ The survey asked⁵¹ whether this support was provided by court or clerk of court staff, by Executive Branch staff, or by a combination of the court or clerk of court staff and Executive Branch staff. In three Justices’ Courts, court or clerk of court staff provided IT services. In 19 Justices’ Courts, a combination of the court or clerk of court and Executive Branch staff provided IT services. In ten Justices’ Courts, Executive Branch staff provided IT services.

The survey asked⁵² whether administrative support services were provided by the court or clerk of court staff, by Executive Branch staff, or by a combination of the court or clerk of court staff and Executive Branch staff. The responses are summarized in Table 21. With the exception of banking and training of staff, it appears that administrative services are provided more often than not by a combination of Judicial and Executive Branch staff. Even where the effort is a combined effort, the court staff probably initiated the “paperwork” and the Executive Branch staff completed the transaction. The areas where the Justices’ Courts operate more independently include banking,⁵³ staff training, purchasing, and, to a lesser extent, the recruitment and selection of staff and accounting activities. As with all types of courts, risk management is overwhelmingly provided by the Executive Branch.

One of the survey questions asked how frequently citizens were typically summoned for

⁴⁹ Survey Question 3.12 (c).

⁵⁰ By the end of summer 2004, nine Justices’ Courts were using the Nevada Rural Court case management system for criminal and civil case types. The training and technical support are provided by staff at the Supreme Court, Administrative Office of the Courts.

⁵¹ Survey Question 5.1, item 9.

⁵² Survey Question 5.1.

⁵³ The need for banking capability is probably driven by the large amount of revenue collected annually by Justices’ Courts, more than \$34 million in fiscal year 2003, compared to about \$13 million by District Courts (see Table 9).

TABLE 21.
ADMINISTRATIVE SUPPORT OF JUSTICES' COURTS

Type of Administrative Support (Number of courts responding indicated in parenthesis)	Number of Courts Indicating Support Provided:		
	Exclusively by Internal Court or Clerk of Court Staff	By both Court or Clerk of Court Staff and Executive Branch Staff	Exclusively by Executive Branch Staff
Accounting, fiscal control, grant accounting, and auditing (N=40)	6	25	9
Banking, cash management, checks, and disbursements (N=40)	28	11	1
Purchasing (N=40)	17	20	3
Payroll (N=39)	2	15	22
Recruitment and selection of employees (N=33)	8	16	9
Human resources other than recruitment and selection (for example, benefit administration, classification studies, etc.) (N=32)	1	11	20
Risk management and defense against suits (N=33)	1	7	25
Training and development of staff (N=38)	18	15	5
Maintenance of facilities used by the court (N=38)	1	9	28

jury service.⁵⁴ Since jury trials are an infrequent occurrence in Justices' Court, the frequency of summoning is much lower than in the District Court. The majority of reporting courts indicated that jury trials are relatively rare, sometimes very rare, so citizens are seldom summoned for juries in the Justices' Courts. A few courts informed the surveyors that with the jurisdictional limit increasing to \$10,000 for civil cases in January 2005 and a recent Supreme Court opinion regarding jury trials in Justices' Courts, they may begin having jury trials or having them more often.

The survey inquired about available courtrooms and chambers compared to the number of judges.⁵⁵ No Justices' Courts have more judges than courtrooms. At the same time, none of the Justices' Courts had more permanent courtrooms than judges. Since 33 of the 40 courts are single judge courts and unlikely to require additional judges in the near future, this is probably not an urgent issue for most Justices' Courts.

Information about the extent to which the court has separate, exclusive, or shared facilities was also sought in the survey.⁵⁶ Five of the responding Justices' Courts are in separate buildings not shared with any county agencies. In several counties, courtrooms are shared with other courts: in Boulder City, Mesquite, and Wells, the Municipal and Justices' Courts share the courtroom; the East Line Justices' Court uses the West Wendover Municipal Court courtroom; the Meadow Valley Justices' Court uses the Seventh Judicial District Court courtroom in Lincoln County; and the Argenta Justices' Court uses the Sixth Judicial District Court courtroom in Lander County. In 21 Justices' Courts, the courtrooms are exclusively used by the court, and in 33, the court staff space is exclusively for court staff. Finally, in 12 responding Justices' Courts, the courtrooms are used by other county agencies. The Justices' Courts more often have exclusive space for their staff, while sharing courtrooms more often, probably because many of the courts do not operate on a full-time basis.

⁵⁴ Survey Question 3.7.

⁵⁵ Survey Questions 6.1 and 6.2.

⁵⁶ Survey Questions 6.4 and 6.5.

TABLE 22.
ADEQUACY OF JUSTICES' COURT FACILITIES

Aspect of Facilities (Number of courts responding indicated in parentheses)	Number of Courts Responding	
	This Aspect of the Facilities was ADEQUATE	This Aspect of the Facilities was INADEQUATE
Number of courtrooms (N=40)	32	8
Adequacy of air conditioning, heating, and power available in facilities for number of people working in or visiting courthouse (N=39)	28	11
Maintenance of the facilities (N=39)	27	12
Size of the courtrooms relative to the type of cases heard and volume of cases heard (N=39)	26	13
Space for court and clerk of court staff for the number of employees (N=40)	23	17
Amount of public space for litigants, their lawyers and the public appearing in or attending court (N=36)	19	17
Space for court records for the volume of case files maintained by the court (N=40)	17	23
Size of the holding cells relative to the number of defendants typically appearing (N=28)	16	12
Space for <i>jurors</i> relative to the number of prospective jurors typically appearing (N=33)	14	19
Security of the courtrooms (N=37)	11	26
Security of the courthouse (N=37)	11	26

The Survey asked courts to rate the adequacy of the facilities available to them.⁵⁷ Although the answers were subjective (no explicit standards by which to assess the adequacy were specified), the results are instructive. Table 22 indicates how the Justices' Courts responded regarding the adequacy of various aspects of their facilities. Courts reported being least satisfied with the security of *courtrooms* and of the *courthouse*, space for court records, and space for jurors. They reported being most satisfied with the number and size of courtrooms, space for staff, maintenance of the facilities, and air conditioning, heating, and power.

When asked their most pressing facility issues,⁵⁸ the Justices' Courts' most frequently cited issues were lack of security and inadequate

public space, particularly to allow separation of victims, witnesses, and defendants. Also mentioned by some courts⁵⁹ were inadequate space for staff, problems with air conditioning, the number and size of courtrooms, inadequate court records space, inadequate space for jurors, and poor functionality of the design of the courthouse.

MUNICIPAL COURTS

Courts were asked to indicate what staff was typically available to support the court.⁶⁰ Focusing on the number of staff in the courtroom and staff assigned to the judge, Table 23 indicates what staff is present, ranked from most common to least.

As is the case with the Justices' Courts, the staffing at Municipal Courts is much less uniform than that for District Courts. Las Vegas Municipal Court reported three to four clerks per courtroom because of the volume of cases on calendar. Of the two courts that did not have a regular courtroom clerk, one reported that one

⁵⁷ Survey Questions 6.6 (a) to (j).

⁵⁸ Survey Question 6.7.

⁵⁹ The courts indicating the issues listed here as pressing issues were presumably those courts who indicated they were dissatisfied with these aspects of their facilities in response to the question whose responses are summarized in Table 22.

⁶⁰ Survey Question 3.3 (a).

TABLE 23. COURTROOM AND PERSONAL STAFF AVAILABLE IN MUNICIPAL COURTS		
Type of Staff	Number of Courts Responding (N=15)	Percentage of Courts Responding
Courtroom Clerk	13	87%
Bailiff/Sheriff/Marshal	9	60%
Judicial Secretary	7	47%
Calendar Clerk	2	13%
Back-up Clerk	1	7%
Interpreter	1	7%
Court Reporter	0	None
Law Clerk	0	None

part-time clerk performed all clerk duties, and the other court said no clerk was available. One court reported that the Sheriff would provide a bailiff if a deputy was available.

The survey asked who had final say in setting salaries of court staff.⁶¹ The responses to the question were varied, reflecting the shared authority issues. In five courts, salaries were set by the city council. City council and city staff in one other court set salaries jointly. City labor relations or human resources staff set salaries for one court. In another court, the judge and city staff jointly set the salary. In 6 of the 13 responding Municipal Courts, collective bargaining is permitted by employees,⁶² but unions appear to be present in only 4 courts (although any agreement may be between the union and the city, not the court).

As the courts have responsibilities regarding their records, they were asked in the survey what the relationship was between the court and clerk of court.⁶³ Judges in Municipal Courts tend to have direct control over the clerk of court, although not uniformly. In seven courts, judges in the court appoint the position serving as clerk of court.⁶⁴ In one court (Yerington), the judge and the city council appoint the clerk of court jointly,

⁶¹ Survey Question 1.2 (a).

⁶² Survey Question 1.2 (b).

⁶³ Survey Question 3.4.

⁶⁴ The position may be designated as court administrator rather than clerk of court, but the clerk duties are part of the administrator's responsibilities.

and in three courts (Lovelock, Fernley, and Boulder City) the clerk is appointed solely by the city council.

The survey also asked who is responsible for records retention and storage for court records.⁶⁵ In 11 of the 15 responding Municipal Courts, court or clerk of court staff provided this support. In three courts, both Judicial and Executive Branch staff provided records retention, and in one court, records retention was provided exclusively by Executive Branch staff.

The survey asked if the court had a document imaging system.⁶⁶ Only 1 (North Las Vegas) of the 14 responding Municipal Courts indicated it had imaging capability, and another (Las Vegas) said it was in the planning stage.

Municipal Courts are not courts of record unless designated so by ordinance.⁶⁷ One of the survey questions inquired as to the normal means of making the verbatim record of proceedings.⁶⁸ Of the 15 Municipal Courts responding, 5 indicated they were not courts of record. The other ten indicated they typically used electronic recording, with one responding that it also used video recording.

Of the 11 responding Municipal Courts, 2 had interpreters who were employees of the court, and another 2 courts had interpreters who were city employees. In Clark County, the District Court provides interpreter services to Municipal Courts in the county. In response to another question,⁶⁹ 3 of the 12 responding Municipal Courts indicated that they used certified interpreters 100 percent of the time, two 95 percent of the time, one 60 percent of the time, one 27 percent of the time, and five indicated certified interpreters were not available.

Courts are only required to provide interpreters for criminal proceedings. However, responses to the survey⁷⁰ indicate Municipal

⁶⁵ Survey Question 5.1, item 12.

⁶⁶ Survey Question 3.13.

⁶⁷ NRS 5.010(2).

⁶⁸ Survey Question 3.8.

⁶⁹ Survey Question 3.10 (c).

⁷⁰ Survey Question 3.10 (b).

Courts pay from their budget for interpreters for a variety of other circumstances. Of the 15 responding Municipal Courts, 8 indicated their interpreters are also used by defense counsel to talk with their clients outside of court, and 2 of these courts also make interpreters available for use by other criminal justice or city agencies. Five Municipal Courts provide interpreters in some non-criminal settings, for example, to help people who come to the counter or to help people completing forms.

Courts were asked about whether they had automated CMS support, and for what case types.⁷¹ Of the 15 responding Municipal Courts, 12 indicated they had case management support for some or all cases. Table 24 indicates the types of cases for which there is CMS support. As the table indicates, the majority of the systems provided support for traffic and criminal cases, which is the generally exclusive caseload in Municipal Courts. Note that the functionality and age of the CMS systems was not measured.

TABLE 24. CASE MANAGEMENT SYSTEM SUPPORT IN MUNICIPAL COURTS		
Case Type	Number of Courts Responding (N=15)	Percentage of Courts Responding
Traffic	12	80%
Criminal	11	73%
Parking	8	53%
Juvenile Traffic	5	33%
Civil	3	20%
Temporary protective orders	1	7%
City Code Violations	1	7%
Juvenile	1	7%

One question⁷² asked if the automated CMS was part of an integrated justice system that allowed sharing of information about cases with other criminal justice agencies. Three of the Municipal Courts responded yes, although in 12 other courts the respondents indicated information was shared with other agencies. In two of

⁷¹ Survey Question 3.12 (a).

⁷² Survey Question 3.13 (b).

the jurisdictions (Henderson and Las Vegas), the courts were primarily responsible for operating the shared CMS system.⁷³

Another question involving an automated CMS system is who provides information technology (IT) support to the courts.⁷⁴ The survey asked⁷⁵ whether IT support was provided by the court or clerk of court staff, by Executive Branch staff, or by a combination of the court or clerk of court staff and Executive Branch staff. In two Municipal Courts, the court or clerk of court staff provides IT services. In seven, a combination of the court or clerk of court and Executive Branch staff provides IT services. In four, IT services are provided solely by Executive Branch staff.

The survey asked⁷⁶ whether administrative support services are provided by court or clerk of court staff, by Executive Branch staff, or by a combination of court or clerk of court staff and Executive Branch staff. The responses are provided in Table 25. With the exception of banking⁷⁷ and purchasing, the responses indicate that most administrative services are provided by a combination of Judicial and Executive Branch staff. Even where the effort is a combined effort, the court staff probably initiated the “paperwork” and the Executive Branch staff completed the transaction. As with all types of courts, risk management is overwhelmingly provided by the Executive Branch.

The survey inquired about available courtrooms and chambers compared to the number of judges.⁷⁸ One Municipal Court (Reno) has more

⁷³ Survey Question 3.12 (c).

⁷⁴ By the end of summer 2004, two Municipal Courts were using the Nevada Rural Court case management system for criminal case types. The training and technical support are provided by staff at the Supreme Court, Administrative Office of the Courts.

⁷⁵ Survey Question 5.1, item 9.

⁷⁶ Survey Question 5.1.

⁷⁷ The need for banking capability is probably driven by the large amount of revenue collected annually by Municipal Courts, more than \$37 million in fiscal year 2003, compared to about \$13 million by District Courts (see Table 9).

TABLE 25.
ADMINISTRATIVE SUPPORT OF MUNICIPAL COURTS

Type of Administrative Support (Number of courts responding indicated in parentheses)	Number of Courts Indicating Support Provided:		
	Exclusively by Internal Court or Clerk of Court Staff	By both Court or Clerk of Court Staff and Executive Branch Staff	Exclusively by Executive Branch Staff
Accounting, fiscal control, grant accounting, and auditing (N=14)	2	10	2
Banking, cash management, checks, and disbursements (N=14)	6	6	2
Purchasing (N=15)	5	9	1
Payroll (N=15)	0	6	9
Recruitment and selection of employees (N=11)	2	6	3
Human resources other than recruitment and selections (for example, benefit administration, classification studies, etc.) (N=11)	0	4	7
Risk management and defense against suits (N=12)	0	2	10
Training and development of staff (N=14)	3	8	3
Maintenance of facilities used by the court (N=13)	2	2	9

judges than courtrooms, and one rural court reported no permanent courtroom (Caliente). In 13 Municipal Courts, the number of courtrooms and judges was equal, with no capacity for growth. As with the Justices' Courts, most Municipal Courts are single-judge courts, which do not project rapid growth or the necessity for additional judges in the foreseeable future.

Information about the extent to which the court has separate, exclusive, or shared facilities was also sought in the survey.⁷⁹ Three of the Municipal Courts are in separate buildings not shared with any county agencies. In several cities, courtrooms are shared with other courts: in Boulder City, Mesquite, and Wells, the Municipal and Justices' Courts share the courtroom, and the East Line Justices' Court uses the West Wendover Municipal Court courtroom. In five of the responding Municipal Courts, the courtrooms are exclusively used by the court, and in seven cities the court staff space is exclusively for court staff. Finally, in five Municipal Courts, the

courtrooms are also used by other city agencies, and in two Municipal Courts the office space is shared. As with the Justices' Courts, the Municipal Courts may often share the courtrooms with other agencies, because many of the courts are not in full-time operation.

The Survey asked courts to rate the adequacy of the facilities available to them.⁸⁰ Although the answers were subjective (no explicit standards by which to assess the adequacy were specified), the results are instructive. Table 26 indicates how Municipal Courts responded regarding the adequacy of various aspects of their facilities. In general, the Municipal Courts are more satisfied with their facilities than either District or Justices' Courts. Municipal Courts are least satisfied with the space for court records and the amount of space for litigants, their lawyers, and the public. They are most satisfied with the size and number of courtrooms and the maintenance of the facilities.

⁷⁸ Survey Questions 6.1 and 6.2.

⁷⁹ Survey Questions 6.4 and 6.5.

⁸⁰ Survey Questions 6.6 (a) to (j).

TABLE 26.
ADEQUACY OF MUNICIPAL COURT FACILITIES

Aspect of Facilities	Number of Courts Responding	
	This aspect of the facilities was ADEQUATE	This aspect of the facilities was INADEQUATE
Size of the courtrooms relative to the type of cases heard and volume of cases heard (N=15)	12	3
Number of courtrooms (N=15)	11	4
Maintenance of the facilities (N=14)	10	4
Space for court and clerk of court staff for the number of employees (N=15)	9	6
Adequacy of air conditioning, heating, and power available in facilities for number of people working in or visiting courthouse (N=14)	8	6
Security of the courtrooms (N=13)	8	5
Security of the courthouse (N=12)	6	6
Amount of public space for litigants, their lawyers and the public appearing in or attending court (N=14)	5	9
Space for court records for the volume of case files maintained by the court (N=15)	5	10
Size of the holding cells relative to the number of defendants typically appearing (N=8)	4	4

When asked for their most pressing facility issues⁸¹ the most frequently cited Municipal Court issue was inadequate public space, particularly to allow separation of victims, witnesses, and defendants, and to allow attorneys and their clients to confer. Less frequently mentioned were security, inadequate space for staff, number and size of courtrooms, space for records, and inadequate detention facilities.

⁸¹ Survey Question 6.7.

CONCLUSIONS AND COMMENTARY

Resolving disputes and establishing the rights and status of individuals in a neutral forum according to the rule of law are fundamental components of the judiciary's role in our democracy. As a core and constitutional component of government, the judiciary must be supplied with the tools required for it to fulfill this important role. While many factors contribute to effective judicial administration, competency, and legitimacy, much of it comes down to whether the judiciary has sufficient resources to do its job. The work of the Nevada Court Funding Commission as reported here begins to address this question.

As a preliminary step, the Commission gathered information about the current level of funding of the courts in Nevada and the services they provide. This survey marks the first time this information had been collected on a state-wide basis in a systematic and consistent manner. Based on the information gathered, the cost of supporting the Judicial Branch of government is about 5 percent of total expenditures at the state level. Differences in accounting practices, particularly in the reporting of overhead or administrative expenses, and differences in what is included in court budgets, such as court security and indigent defense, suggest the estimates of the cost are low. Also, gathering details about the nature of services provided or the level of service was not possible. Nonetheless, a body of basic information now exists regarding the Nevada courts from which judgments and conclusions can be made about the condition of the judiciary.

Currently, the Nevada judicial system is funded from a variety of sources. Some judicial funding comes from general-purpose tax revenues collected at the state, county, and city levels. Another significant portion is raised through the courts themselves in the form of fines, administrative assessments, filing fees, user fees, and reimbursements imposed on, or

paid by, litigants. Some of these revenues are dedicated to certain programs or services both judicial and non-judicial in nature; others are deposited into the general fund for general appropriation. This pattern of funding has evolved piecemeal over time. The net effect is a collection of funding sources that is seemingly random and neither rational nor consistent.

Multiple and different funding sources for the separate courts present a challenge to the provision of equal justice across the state. The law, substantively and procedurally, evolves as lawyers, litigants, and the courts test new concepts and approaches in an effort to achieve more just and equitable results in cases. Examples of effective experimentation and innovation in Nevada courts include the implementation of family courts, drug courts, domestic violence programs, self-help programs, and alternative dispute resolution mechanisms. As the success of new approaches is recognized, those approaches are often incorporated into statutes, rules, or case law. However, passing laws authorizing programs or options does not guarantee that they will be available in every court location. Sometimes, unequal access results.

The state, counties, and cities exercise independent discretion over the budgets of the courts each funds. This decentralized budgeting and distributed authority results in marked differences across the state in the level of funding of courts and the services and programs that courts provide to litigants and to the public. These differences affect both access to justice and the relative quality of justice experienced by the people throughout Nevada. Larger and more urban courts and those near urban areas tend to offer more programs and services. Clearly, where a litigant lives determines what court programs and services are available to him or her. To the extent that all litigants, regardless of where they live, should have equal access to

the substantially similar services, Nevada is challenged as to how to fund and deliver these services in all parts of the state.

Assessing the fairness, adequacy, and reasonableness of court funding requires some benchmark as to what is needed. Unfortunately, no national or Nevada standards exist regarding the operations of courts by which one can directly measure whether courts have sufficient resources. Establishing standards is complicated by the wide range of matters heard by the courts (for example, criminal, family, probate, juvenile, traffic, small claims, and mental health) and the courts' lack of control over the number of annual filings or the litigiousness of the parties. However, with the information gathered here it is possible to do a preliminary assessment of fairness, adequacy, and reasonableness. The courts can be compared to one another, exposing discrepancies in resources, but not overall adequacy.

The information gathered suggests the courts do have similar levels of support to the judges, and basic case management automation support. The small and more rural courts are most likely not to have comparable resources. Another important resource is court facilities. Some shortages of courtrooms were reported in multi-judge courts, particularly in the District Courts. The more commonly reported facilities problems were inadequate court security and insufficient public space in the courthouse for the litigants, lawyers, jurors, victims, witnesses, and the public.

For the judiciary to effectively deliver justice it must not only have adequate resources, but also the authority and discretion to allocate the resources to best address its workload. Many of the resources needed by courts are managed by agencies in the Executive Branch, although this is most likely attributable to historical reasons and administrative efficiency. In particular, the clerk of court functions at the District Court level and information technology applications in all courts are largely provided by the Executive Branch. Administrative services, such as accounting, human resources, and payroll are

usually provided centrally by the Executive Branch. Many courts do have authority and discretion regarding hiring of their employees and staff training, key aspects of effectively delivering services. Nothing is inherently wrong with services being provided in whole or part by the Executive Branch, so long as safeguards are in place to prevent the Executive Branch control from encroaching upon, affecting, or influencing either Judicial Branch decisions or the quality of justice provided by a court. Holding courts accountable for expenditures is also easier when they have real discretion regarding the expenditures.

A more fundamental question suggested by the analysis here is what constitutes the judiciary. The counties and cities include different costs in the local courts' budgets, and often include costs associated with courts in the budgets of other agencies. In order to assess the sufficiency of court funding across courts, the first necessity is to define what the judiciary includes. On a policy level, this includes questions such as whether the judiciary includes court security, indigent defense, jail alternative sentencing, and services such as those provided to clients on probation, in drug courts, or in mental health courts, or to juveniles under the supervision of the court. On a fiscal level, it includes whether, and on what basis, to charge courts' budgets for overhead and administrative services. Only after these questions are answered and more complete information gathered would it be possible to provide more definitive answers to the question of whether Nevada courts are funded fairly, adequately, and reasonably.

The Commission recommends that the Legislative and Executive Branches of government at the state and local levels remain mindful that the courts are not responsible to fund themselves. Ultimately, the support of the courts, as a co-equal branch of government, remains the responsibility of the legislators and executives, to be financed by dollars from the general fund and not hobbled by financial dependency upon unpredictable sources of funding such as fines and administrative assessments.

REFERENCES

- Judicial Council of the State of Nevada, 2003, REPORT OF THE COMMISSION ON RURAL COURTS: Supreme Court of Nevada, 25 p.
- Legislative Commission of the Legislative Counsel Bureau, 1968, NEVADA'S COURT STRUCTURES: State of Nevada, LCB Bulletin No. 74, 95 p.
- Legislative Commission of the Legislative Counsel Bureau, 1976, FUNDING NEVADA'S COURTS: State of Nevada, LCB Bulletin No. 77-4, 76 p.
- Nevada Judicial Collections Task Force, 2001, COLLECTIONS AND ACCOUNTING STRATEGIES AND ENFORCEMENT (CASE) REPORT, Revision 1.0: Supreme Court of Nevada, 3 volumes.
- State Controller's Office, 2003, STATE OF NEVADA, CITIZENS' ASSETS, AN ANNUAL REPORT ON STATE GOVERNMENT TO THE CITIZENS OF NEVADA [FISCAL YEAR 2003]: http://controller.nv.gov/CAFR_Download_Page.htm
- Supreme Court of Nevada, 2002, REPORT OF THE SUPREME COURT OF NEVADA JURY IMPROVEMENT COMMISSION: Administrative Office of the Courts, 91 p.
- Supreme Court of Nevada, 2003, ANNUAL REPORT OF THE NEVADA JUDICIARY FISCAL YEAR 2003, THE WORK OF NEVADA'S COURTS JULY 1, 2002 – JUNE 30, 2003: Administrative Office of the Courts, 44 p.
- Titus, Ron, Holt, Judy, and Sweet, Robin L., 2003, ANALYSIS OF ADMINISTRATIVE ASSESSMENTS AND RELATED PROCEDURES FOR FISCAL YEARS 2001 AND 2002: Nevada Supreme Court, Administrative Office of the Courts, Planning & Analysis Division, 68 p.

APPENDIXES

The appendixes are on the compact disk at the back of the report. This list details the contents of each appendix file.

A. SURVEY INSTRUMENT - *The survey and instructions as sent to the courts.*

B. COURT RESPONSE - *A checklist of courts and what of the four parts of the survey was completed and returned.*

C-E. SURVEY QUESTION RESPONSES - *Compilation of responses to survey questions by:*

- C. District Courts
- D. Justices' Courts
- E. Municipal Courts

F-H. SURVEY FINANCIAL RESPONSES - *Compilation of responses on financial spreadsheets by:*

- F. District Courts
- G. Justices' Courts
- H. Municipal Courts