



ANNUAL REPORT  
OF THE  
NEVADA JUDICIARY



Fiscal Year 2004

Supreme Court Justices — 1864



Supreme Court Justices — 2004

ANNUAL REPORT  
OF THE  
NEVADA JUDICIARY

The Work of Nevada's Courts  
July 1, 2003 to June 30, 2004



HISTORIC COURT,  
PROGRESSIVE TIMES

Fiscal Year 2004



**JUSTICES OF THE SUPREME COURT OF NEVADA**

**CHIEF JUSTICE  
MIRIAM SHEARING**

**ASSOCIATE JUSTICES**

<b>ROBERT E. ROSE</b>	<b>NANCY A. BECKER</b>
<b>DEBORAH A. AGOSTI</b>	<b>MARK GIBBONS</b>
<b>A. WILLIAM MAUPIN</b>	<b>MICHAEL L. DOUGLAS</b>

**MYRON E. LEAVITT**  
(Deceased January 9, 2004)

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## The Nevada Supreme Court Seal

**When Nevada became a state**, the creation of a Supreme Court seal was authorized to symbolize the many aspects of justice. Impressions of the seal dating as far back as 1866 have been found.

The figure on the seal is the Goddess of Liberty holding in her left hand a liberty pole topped by a Phrygian cap. Her right hand supports a shield and she is accompanied on the seal by an eagle. With liberty on the public’s mind because of the Civil War that was raging at the time Nevada became a state, the seal’s designers decided to use the Goddess of Liberty instead of the Goddess of Justice to represent the Supreme Court. The politics of the war that brought about the birth of Nevada as a state and the preservation of the Union made this a logical choice.

On the upper part of the seal are the words ‘Supreme Court State of Nevada,’ preceded and followed by single stars. On the seal’s lower edge are the Latin words *Fiat Justitia, the court’s motto, which means ‘Let Justice be Done.’*

The liberty pole and Phrygian cap continue the theme of ‘Liberty’ on the seal. Phrygia was an ancient Indo-European country captured by the Romans, who later freed their Phrygian slaves. Each former slave was given a soft, close-fitting conical cap to confirm his status as a free person. In the 1700s, French revolutionaries also adopted the Phrygian cap as a symbol of their freedom movement.

## Justice Portraits

**This year’s Annual Report** of the Nevada Judiciary contains photographs of all but one of the Nevada Supreme Court justices who served during the state’s first century — from the state’s inception on October 31, 1864, through 1964.

The photographs, which hang in the Nevada Supreme Court Law Library, were provided courtesy of the Nevada Historical Society, the Nevada Judicial Historical Society, and the *Nevada Reports*.

The justice whose photograph is missing is Bernard C. Whitman, the state’s fifth Supreme Court justice, who served from 1868 to 1874.

Group photos of the current Nevada Supreme Court are provided courtesy of G. Robison Photography.

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# A Message from the Chief Justice

**The citizens of Nevada** can be proud of their judiciary! The judges and court staffs are meeting the challenge of being asked to do more and more without a corresponding increase in resources. The traditional role of judges was presiding over court cases fairly and making appropriate rulings. Now judges are being asked to help cure or alleviate intractable social ills such as substance abuse, domestic violence, and mental illness. Judges are being asked to carry ever-heavier caseloads while being exhorted to move cases more quickly. They are being asked to preside over ever more complex litigation. The most notable fact is that the judiciary is meeting these challenges!

Judicial districts across the state have established or are establishing Drug Courts. These courts have proven successful in helping to keep substance abusers out of jails and prisons and turning them into productive citizens. Mental Health Courts are being established to help people with mental problems stay on their medications and lead productive lives. Every success in Domestic Violence Court means there is a family whose members have a better chance at leading happy and productive lives.

The courts have been resourceful in handling the increasing number of cases that comes with the stunning growth in Nevada. Judges have been active in settlement conferences and have encouraged the use of alternate dispute resolution methods. The judges have developed an innovative short jury trial program in which small juries decide certain cases after 1-day trials – expediting cases while preserving the right of litigants to a trial before a citizen jury. The urban courts have established specialized courts, such as Business Courts and courts focusing on complex litigation like construction defects and medical malpractice. This lets judges develop expertise in these areas of law. The great growth in construction in Nevada has resulted in an explosion in construction litigation and it is important that the cases be dealt with quickly and efficiently. When Business Courts rapidly resolve business disputes, it encourages individuals and companies to do business in Nevada.

The courts are also using technology to deal with cases more efficiently. The courts are lagging behind the private sector in taking advantage of technology to increase efficiency, but progress is being made. The rural courts and the Clark County Justice Courts are collaborating on one automated case management system. Clark County District Court is experimenting with e-filing and a paperless case management and storage system. The Supreme Court is also working toward e-filing. We all look forward to the day when the tons of paper used in the courts can be reduced or eliminated, and the public can have access to court documents over the internet.

It is vital that all citizens of Nevada have access to the justice system. The high cost of litigation has resulted in more people coming to court without attorneys, especially in Family Court.



Some Family Courts have established self-help centers to assist people who want or need to represent themselves. Additionally, a statewide committee has developed forms for use by unrepresented litigants in divorce and child custody cases. The committee is also developing forms for use in other matters in Family and Justice Courts. Meanwhile, court interpreter certification has been established to help ensure access to the courts by all citizens.

The courts have also been working to improve jury service. The 2003 Legislature passed court-recommended improvements in jury compensation and service. This year the Supreme Court approved rules to further improve jury service in Nevada.

All in all, the citizens can be proud of the accomplishments of their courts. The judges and court staffs are to be congratulated on their dedication, hard work, and continuing efforts to make the courts more responsive to the needs of its citizens. I am proud to have served in the Nevada Judiciary.

A handwritten signature in black ink that reads "Miriam Shearing". The signature is written in a cursive, flowing style.

Miriam Shearing  
Chief Justice  
Nevada Supreme Court

# Report from the Administrative Office of the Courts

**This report is just** the fifth Annual Report of the Nevada Judiciary. Its genesis began roughly a decade ago as the Nevada Supreme Court dedicated itself to a course of action to modernize and reform the judiciary. A key piece was the requirement that all courts compile and report caseload statistics to give the judiciary, for the first time, a picture of what our courts do. Those statistics are provided throughout this report.

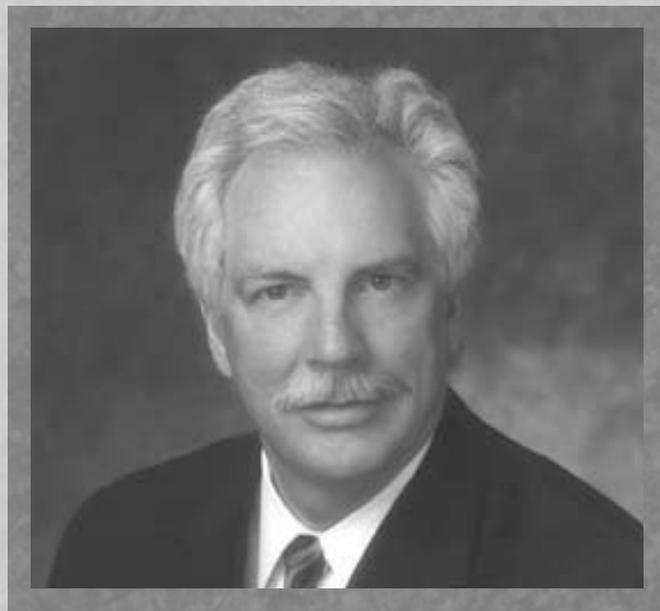
But beyond the collection of statistics, I believe the efforts of the Nevada Judiciary have been dramatic. Nevada's judges are working harder. Cases are being processed more efficiently. The courts are more open and accessible than ever. These accomplishments, however, would have been impossible without the dedication of the judges and courts at every level to the ideals of an impartial, independent, and efficient judiciary.

The judiciary should be proud of itself and the citizens of Nevada should be proud of its judiciary.

During fiscal year 2004:

- The work of the highly acclaimed Jury Improvement Commission continued. Acting on recommendations by the Commission, the Nevada Legislature enacted laws to increase juror pay and eliminate occupational exemptions for jury service. Other reforms are on the horizon as the Jury Improvement Implementation Committee works to formalize other recommendations of the Commission.
- The judiciary launched a study of the ways we pay for our courts through the Commission on Court Funding.
- The Specialty Court Funding Committee was established to allocate the judiciary's limited funds to maintain and expand Nevada's immensely successful Drug Courts and fund the developing Mental Health Courts.
- The Rural Courts Commission concluded its work by issuing a report that detailed the plight of the courts in sparsely populated areas, which have been struggling during hard economic times. This, perhaps, has been our most successful commission. As a result of its work, an Interim Study Committee of the Nevada Legislature has recommended that the Legislature fund seven projects - including the construction of a new White Pine County Courthouse.
- Nineteen courts are using a common Case Management System sponsored by the AOC.
- The highly acclaimed Multi-County Integrated Justice System (MC-IJIS) continued to gather national accolades as its use expands in Nevada.

Along with more detailed looks at these improvements, this Annual Report examines the caseload in our courts. Statistics in this Annual Report are more extensive and more accurate than



previous reports, although we are still making adjustments to improve the collection of the information that is vital in determining how the courts operate. These statistics highlight the following:

- Civil cases continue to show the largest increase. Total civil cases are nearing the number of criminal cases — each more than 145,000 cases per year.
- Traffic cases are down almost 4 percent statewide.
- Family Court cases comprise 44 percent of District Court caseloads.
- The average number of non-traffic cases per Justice of the Peace reached almost 3,000. This is expected to increase next year when civil case monetary jurisdiction increases from \$7,500 to \$10,000 in January 2005.

As has been the case for the past decade, the progress of Nevada's Judicial Branch would not have been possible without the vision and enthusiastic leadership of the Justices of the Nevada Supreme Court and the collaboration and cooperation of the judges and staffs of the trial courts and the employees of the AOC. Together, we continue our goal of providing justice to all citizens of Nevada.

A handwritten signature in black ink, appearing to read "Ron Titus". The signature is stylized and written in a cursive-like font.

Ronald R. Titus  
State Court Administrator

# REMEMBERING JUSTICE MYRON E. LEAVITT (1930-2004)

**The Supreme Court** and the State of Nevada mourned the passing of Justice Myron E. Leavitt on January 9, 2004, at age 73. He had been recovering from a kidney transplant when he died in Las Vegas.

Justice Leavitt's public sector service extended far beyond the judiciary, although that is where he began and ended his career. He began his elective career as a Las Vegas Justice of the Peace in 1961. A decade later he was elected to the Clark County Commission (1971-74) and the Las Vegas City Council (1975-78). He was then chosen by voters for a 4-year term as Lieutenant Governor of the State of Nevada (1979-83).

Justice Leavitt subsequently returned to the full-time private practice of law — a career that began nearly 28 years earlier. In 1984, then-Governor Richard Bryan appointed him to the District Court bench in Clark

County. He was retained in three elections and served until he was elected to the Nevada Supreme Court in 1998. He was re-elected in 2000 to a term that was to expire in 2007.

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*“Justice Leavitt led  
a remarkable life  
and left a legacy  
of goodness.”*

— Justice A. William Maupin

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Justice Leavitt's legacy, however, extends far beyond the statistical record of his professional life. He and his wife, Shirley, had 11 children and Justice Leavitt became the consummate father, guiding his children and their friends throughout their lives. Five of his children went on to become attorneys and one,

Michelle Leavitt, is serving as a District Court judge — appropriately in the Department 12 seat her father had once occupied. As a lifelong Las Vegan, Justice Leavitt touched the lives of thousands of residents and more than 1,500 of them gathered for his funeral.

Justice A. William Maupin said Justice Leavitt “led a remarkable life and left a legacy of goodness.” Governor Kenny Guinn, who had coached Pop Warner football teams against Justice Leavitt's teams, called the justice “a unique person with caring and love for his community.” Former Nevada Governor and U.S. Senator Richard Bryan remembered Justice Leavitt as a “down home individual” with a great sense of humor. Chief Justice Miriam Shearing said Justice Leavitt was “a generous person who added so much to the court.”



# Chief Justice Miriam Shearing Retires

**Chief Justice Miriam Shearing** decided to retire from the Nevada Supreme Court seat she first won in 1992. Her retirement ends a 28-year judicial career full of “firsts.”

In 1976, following a career in private practice, she became the first woman elected as Justice of the Peace in Las Vegas. In 1982, Justice Shearing became Nevada’s first woman to be elected as a District Court judge. In that position, she not only presided over civil and criminal cases, but also served 3 years of her decade at District Court as Clark County Juvenile Court judge. In that capacity, she not only was the judge, but also was responsible for the administration of the agency that was, at the time, a division of the judiciary.

Justice Shearing became the first woman to sit on the Nevada Supreme Court following her election in 1992. She served as Chief Justice in 1997 – another first for a woman in Nevada – and again in 2004 as a fitting finale to her career.

As Chief Justice, she helped to reorganize the court, increase its professionalism and move the Supreme Court toward a paperless court system, which will let the courts handle cases faster and more efficiently without the need for huge file rooms for paper documents.

Chief Justice Shearing’s involvement and influence extended far beyond Nevada’s judiciary. From 2000 to 2003 she served as Chairperson of the American Judicature Society, a non-partisan organization of judges, lawyers, and the public, that works to maintain the independence and integrity of the courts and increase public understanding of the justice system. She has served as a four-state representative on the Executive Committee of the American Bar Association National Conference of State Trial Judges, and Chair of the Nevada State-Federal Judicial Council. She serves as the Nevada State Co-Chair of the American Bar Foundation Fellows and on the Fellows Advisory Research Committee.

She has received the Distinguished Jurist Award from the Nevada Judges Association and has been named Professional Mother of the Year, Woman of the Year in Law by the Women’s Council of the Las Vegas Chamber of Commerce. She also was named Attorney of the Year by the Northern Nevada Women Lawyers.

During 2003, the Clark County Bar Association and the Southern Nevada Association of Women Attorneys honored Justice Shearing for her many years of service. The State Bar of Nevada honored her during a dinner at its annual meeting in June 2004.



# Justice Deborah A. Agosti Retires

**Justice Deborah A. Agosti** chose not to seek re-election in 2004, due to health concerns that would have made it difficult to endure the rigors of campaigning, and the desire to spend more time with her two sons.

She served one term on the Nevada Supreme Court, but her impact was felt across the judiciary. She served as Chief Justice during 2003 and created the Specialty Court Funding Committee — to determine ways to fully finance the highly successful Drug Courts and Mental Health Courts — and the Court Funding Commission — to study for the first time the way the judiciary in Nevada is funded.

Justice Agosti also served as co-chair, along with Justice Robert E. Rose, of the widely regarded Jury Improvement Commission. The work of that Commission resulted in legislative changes that increased jury pay and abolished occupational exemptions from jury service.

In 1983, Justice Agosti was elected the first woman Justice of the Peace in Reno Township, where she had served as senior staff attorney for the Senior Citizens Legal Assistance Program and a deputy district attorney.

A year later, she became the first woman elected to the District Court bench in Washoe County. She was twice re-elected by voters. As a highly rated district judge, she ran for the Nevada Supreme Court in 1998 and faced no opposition. In addition to her judicial duties, she also served as an instructor at the National Judicial College.

In 1997, Justice Agosti was named District Judge of the Year by her colleagues in the Nevada District Judges Association, where she had served as president in 1990-91. In 1993, she was named Outstanding Woman Lawyer by the Northern Nevada Women Lawyers Association.

In 1985, Justice Agosti was named One of America's 100 Young Women of Promise. During the two decades since then, her career showed she fulfilled that promise.





The statue of Kit Carson at the Nevada Supreme Court building in Carson City.



## The Original Supreme Court Building

After Nevada became a state on October 31, 1864, the Nevada Supreme Court had several homes before its first official courthouse - a stately art deco building (above) - was constructed in 1937. From 1864 to 1870, the Supreme Court had conducted its business in the Great Basin Hotel, on the site where the old Carson City Courthouse now stands. When the Capitol Building was constructed in 1871, chambers were built inside for the Supreme Court. Those chambers have been restored to their turn-of-the-century condition and are open to the public. The Court finally moved into its own building in 1937 and then to its current quarters in 1992. The original Supreme Court building currently provides office space for the Nevada Attorney General.



Justice John Neely Johnson  
(1867-70)

# Historic Court, Progressive Times

## Then

The early history of Nevada's courts is recorded in the cases that were handled by the few judges who were challenged to instill a sense of order and justice in an often violent and contentious land.

Dangerous altercations in the wild and woolly mining towns of the remote Nevada Territory were expected. But the courts were also required to resolve legal disputes between politically powerful mining interests vying for control of Nevada's riches and its land.

In 1861, when the Nevada Territory was established, President Abraham Lincoln appointed a three-justice territorial Supreme Court. Those justices not only comprised the territory's highest court, they also served as trial judges, riding circuit across the 100,000 square miles of sparsely populated land. Yet it was not the travel or trial duty that was to doom the territorial justices. The political pressures exerted on them from one or both sides in those volatile mining disputes led all three justices to resign in August 1864, as Nevada was on the threshold of becoming a state. It was not until after Nevada became a state on October 31, 1864, that Nevada's residents would again have a high court when the first three justices of the State Supreme Court were elected.

The Court remained at that size until the boom times of the 1960s, when in 1967 the Supreme Court was enlarged from three to five justices. In 1999, with Nevada becoming the fastest growing state in the Union, the Court was expanded again, this time to seven members. This expansion gave the Court the ability to begin hearing most appellate cases in three-judge panels. Membership on the panels rotates periodically. The most important cases, of course, are decided en banc (before all seven justices).

## Now

Despite its rocky beginnings, Nevada's judiciary is now one of the most progressive in the United States. The last few years have seen the Supreme Court take a more progressive leadership role and exercise its supervisory authority over the judicial branch of government. The result is a court system that is more uniform in its actions and more united in its goals. The Supreme Court required that statistical information about each trial court's cases be reported to the Administrative Office of the Courts. Those numbers have formed the basis for the statistical section of this Annual Report.

This Annual Report also tells the story of the many successful judicial programs — from the widespread computerization of the judiciary to the award winning Drug Courts to the court interpreter and pro bono programs that help certain individuals gain equal access to the courts.

The Annual Report additionally details the progressive work of commissions that examined the rural courts, the way the courts are funded, and how specialty courts (Drug and Mental Health Courts) are supported.

The past few years, and particularly fiscal year 2004, have truly been progressive times for an historic court.

Justice Charles Henry Belknap  
(1872-75 & 1881-1905)



Justice John Garber  
(1871-72)



# Justices of the Supreme Court of Nevada



Standing (Left to Right): Justice Michael L. Douglas, Justice Mark Gibbons, Justice Nancy A. Becker  
Sitting: Justice A. William Maupin, Justice Deborah A. Agosti, Chief Justice Miriam Shearing, Justice Robert E. Rose

## Chief Justice Miriam Shearing

Chief Justice Miriam Shearing's judicial career has provided nearly a quarter century of "firsts" for women in Nevada. In 1976, after practicing law for over 10 years, she became the first woman elected as Justice of the Peace in Las Vegas. In 1982, she became the first woman elected as a District Court judge in Nevada. Chief Justice Shearing became the first woman on the Nevada Supreme Court with her election in 1992. She was re-elected without opposition in 1998 to a term ending in 2005. She served as Chief Justice in 1997 — becoming the first woman to hold that position — and again in 2004. After 28 years in the judiciary, she chose to retire from her full-time position on the bench.

## Vice Chief Justice Deborah A. Agosti

Justice Deborah A. Agosti has been a judge since 1982, when she became the first woman elected a Justice of the Peace in Reno. For 5 years before that, she was senior staff attorney for the Senior Citizens Legal Assistance Program in Reno and a Washoe County Deputy District Attorney. In 1984, she became the first woman elected District Court judge in Washoe County. In 1998, she was elected to the Nevada Supreme Court. She served as Chief Justice in 2003, creating a Supreme Court commission to study the way the judiciary is funded and a committee to determine how best to pay for the judiciary's Specialty Courts — Drug and Mental Health Courts. She chose to retire when her term ended in January 2005.

## Justice Robert E. Rose

Justice Robert E. Rose is serving in his third and final term on the Nevada Supreme Court. His service on the Court has capped a political career that began with his election as Washoe County District Attorney in 1970 and as Nevada Lieutenant Governor in 1974. He returned to the private practice of law in 1979 in Las Vegas, but in 1986 he was called back to public service when he was appointed to the District Court bench in Clark County. He was elected to the Supreme Court 2 years later and twice served as Chief Justice. He is scheduled to again assume the judiciary's top position in 2006 — the final year before he retires. As Chief Justice he created the Judicial Assessment Commission — the so-called "Rose Commission" — that took an in-depth look at how the judiciary functioned and recommended a variety of progressive reforms. He also created and co-chaired the Jury Improvement Commission.

## Justice A. William Maupin

By the time Justice A. William Maupin was appointed to the District Court bench in Clark County in 1993, he already spent 22 years as an attorney in both the public and private sectors. While he had handled murder cases as a deputy public defender, he focused his private law career on major civil litigation. As a private attorney, Justice Maupin chaired the Nevada Supreme Court committee on Alternate Dispute Resolution (ADR) from 1992 to 1996, and is considered to have been a driving force behind the Court's arbitration program. Justice Maupin was elected to the Nevada Supreme Court in 1996. As Chief Justice during 2001 and 2002, he focused on revising and streamlining court case management systems to improve efficiency both at the Supreme Court and at the trial courts. His term ends in 2009.

## Justice Nancy A. Becker

Justice Nancy A. Becker is a native Las Vegas and the youngest of the seven members of the Nevada Supreme Court. She earned her law degree in 1979 while working for the late Sen. Howard Cannon in Washington, D.C. She returned to Nevada and a job at the Las Vegas City Attorney's Office. Her election in 1987 to the Las Vegas Municipal Court made her the first woman to preside at that city court. In 1989, she was appointed to a vacant seat at the District Court in Clark County, making her the first woman appointed as a District Court judge in Nevada. She served as Chief Judge in 1993 and 1994. Justice Becker was elected to the Supreme Court in 1998 and re-elected in 2000. She became Chief Justice in 2005. Her term of office expires in 2007.

## Justice Mark Gibbons

For the 21 years before Justice Mark Gibbons was elected to the Clark County District Court in 1996, he was a trial attorney specializing in real estate related matters. During his 6 years at the District Court, Justice Gibbons presided over 120 trials, including 13 murder cases. In 2001, he was elected Chief Judge of the Eighth Judicial District Court. He also served as a member of the highly acclaimed Supreme Court Jury Improvement Commission. Justice Gibbons was elected to the Nevada Supreme Court in 2002. As a justice, he was appointed chair of the Jury Improvement Implementation Committee, planning how to enact the recommendations of the Jury Improvement Commission. He also chairs the Interim Specialty Court Funding Committee. His term ends in 2009.

## Justice Michael L. Douglas

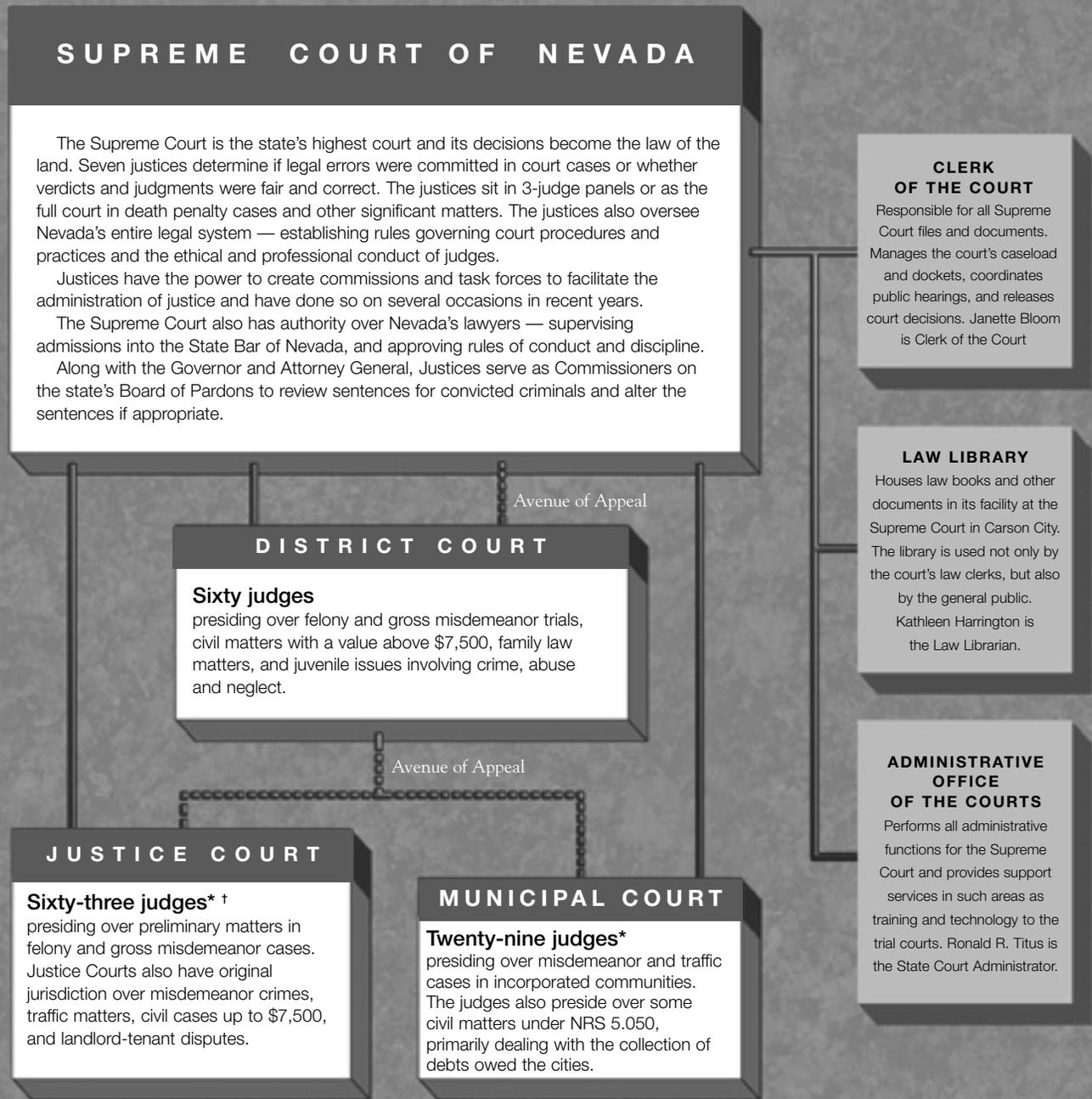
Justice Michael L. Douglas became the first African American on the Nevada Supreme Court when he was appointed to the seat by Governor Kenny Guinn in March 2004. He filled a vacancy that resulted from the death of Justice Myron E. Leavitt in January 2004. The appointment was the culmination of a 22-year legal career in Nevada that began by chance when Justice Douglas accepted what he thought was going to be a temporary job with Nevada Legal Services. Two years later, he was hired as a Deputy Clark County District Attorney and eventually became the head of the Civil Division. In 1996, he was appointed a District Court judge in Clark County, handling civil and criminal cases, and becoming one of the first two Business Court judges. In 2003, his fellow district judges elected him Chief Judge. His Supreme Court term expires in 2007.





# The Nevada Judicial System Structure and Function

Nevada's Judiciary is constitutionally mandated as the third branch of government, as independent and co-equal as the Executive and Legislative branches. Together, the three branches of government have served the citizens of Nevada since it became a state in 1864. The responsibility of the judiciary is to impartially resolve legal disputes brought before it. In Nevada, the judiciary consists of one appellate court, the Supreme Court, and three levels of trial courts — state District Courts, county Justice Courts, and city Municipal Courts. The chart below graphically depicts Nevada's court structure, and provides information about the number of judges as of June 30, 2004.



\* Ten lower court judges serve their communities as both justice of the peace and municipal judge.

† Two Justice Courts were closed during fiscal year 2004 — Gold Run Township in Humboldt County, and Gerlach Township in Washoe County.

## Funding

The judicial system received \$27,159,806 for fiscal year 2004 to fund the Supreme Court, district judges' salaries, and limited programs of the state court system — such as judicial education and court interpreter certification. The funding comes from administrative assessments, peremptory challenge fees, and the State General Fund, and is administered by the Administrative Office of the Courts.

Administrative assessments are the fees charged to defendants in criminal cases. Peremptory challenge fees are paid by attorneys or litigants to exclude particular judges in civil cases. Together they make up about a third of the funding — or \$8,770,302. The State General Fund provides \$17,717,175, or about 65 percent of the funding. This amount represents the General Fund appropriation (as shown in the table below) plus one-time funding for specific programs. The \$17,717,175 represents less than 1 percent of the total state budget (see chart at right).

The Nevada Supreme Court has been examining the way the judiciary is funded through the Court Funding Commission (see page 13), which is made up of representatives of every level of the judiciary and the private sector.

## Expenditures

Funding administered by the Administrative Office of the Courts pays for the operating expenses of the Nevada Supreme Court, limited support services for the court system statewide, and salaries for Supreme Court justices and District Court judges.

The majority of state court costs are borne by the local governments. The operations of the District Courts, except for salaries and benefits of the judges and limited support services, are funded by county governments.

County governments also fund the Justice Courts, including the salaries of the justices of the peace. City governments fund the Municipal Courts in incorporated cities.

## General Fund Appropriations

### *The Judiciary's Share of State Funds*

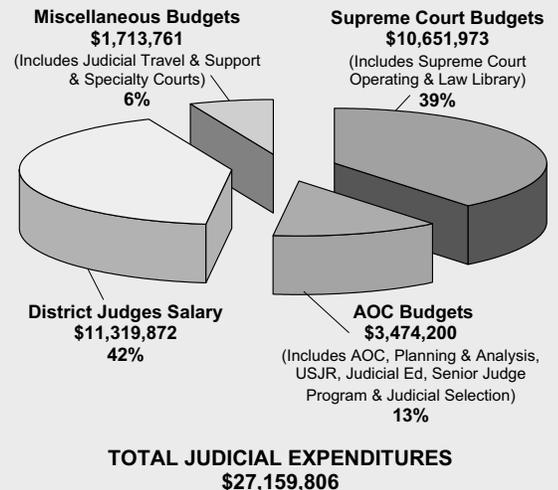
#### General Fund Appropriations\*

	FY2004	% of Total	FY2005	% of Total	Total Biennium	% of Total
Judicial Branch (Includes funding for the judicial system and the Commission on Judicial Discipline)	\$ 20,205,273	<b>0.88%</b>	\$ 20,850,901	<b>0.82%</b>	\$ 41,056,174	<b>0.85%</b>
Other State Government (Includes Constitutional Agencies, Finance & Administration, Education, Human Services, Commerce & Industry, Public Safety and Special Purpose Agencies)	\$ 2,282,870,631	99.12%	\$ 2,510,940,643	99.18%	\$ 4,793,811,275	99.15%
<b>Total General Fund Appropriations</b>	<b>\$ 2,303,075,904</b>	<b>100.00%</b>	<b>\$ 2,531,791,544</b>	<b>100.00%</b>	<b>\$ 4,834,867,449</b>	<b>100.00%</b>

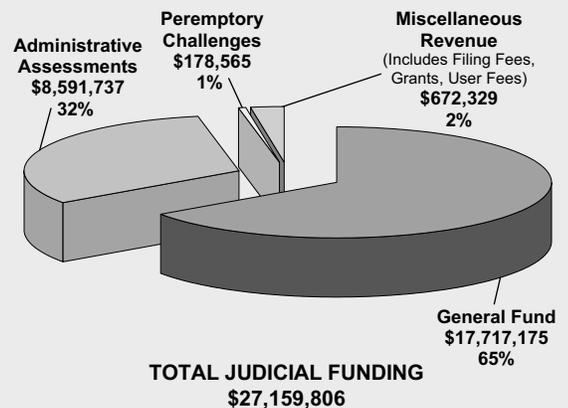
**General Fund budget appropriations to the Nevada Judiciary continue to be less than 1% of the total state General Fund appropriations.**

\*This table reflects total budgeted Legislative appropriations, including the Judicial Discipline Commission and an appropriation for the Judicial Retirement System that goes directly to the Public Employees Retirement System. Total expenditures for each year will differ based upon actual events and expenses during the year.

### JUDICIAL BUDGET EXPENDITURES FISCAL YEAR 2004



### JUDICIAL FUNDING SOURCES FISCAL YEAR 2004





# The Nevada Judicial System Structure and Function

## District Courts

Nevada's District Courts make up the second level of the judiciary. They are courts of general jurisdiction and have the most authority of any trial court. This is where major trials are conducted and where citizens get their "day in court" before a jury of their peers. District Judges preside over felony and gross misdemeanor cases, civil matters above \$7,500 (increased to \$10,000 on January 1, 2005), and family law issues. The judges also decide a variety of complex legal disputes not requiring jury trials, including appeals of Justice and Municipal Court cases.

District Courts are a creation of the Nevada Constitution. The judges have jurisdiction throughout the state's 17 counties, although they are elected and serve primarily in one of the state's nine Judicial Districts. Five of those Judicial Districts encompass multiple counties in sparsely populated regions to best utilize the judges' time and taxpayer resources. The number and boundaries of the Judicial Districts are not permanent, and can be changed by the Legislature. Throughout the history of Nevada, there have been as few as 1 judicial district and as many as 10. Each county maintains its own county courthouse and pays the salaries of staff and the operating expenses of the District Court. The salaries of District Court judges are paid by the State of Nevada.

## Nevada's Judicial Districts and Judges

(as of June 30, 2004)

### FIRST JUDICIAL DISTRICT

Carson City & Storey County

Judge Michael Griffin  
Judge William Maddox

### SECOND JUDICIAL DISTRICT

Washoe County

Judge Brent Adams  
Judge Janet Berry  
Judge Peter Breen  
Judge Frances Doherty  
Judge Steve Elliott  
Judge James Hardesty  
Judge Scott Jordan  
Judge Steven Kosach  
Judge Charles McGee  
Judge Jerome Polaha  
Judge Deborah Schumacher  
Judge Connie Steinheimer

### THIRD JUDICIAL DISTRICT

Churchill & Lyon Counties

Judge Archie Blake  
Judge Robert Estes  
Judge David Huff

### FOURTH JUDICIAL DISTRICT

Elko County

Judge Mike Memeo  
Judge Andrew Puccinelli

### FIFTH JUDICIAL DISTRICT

Esmeralda, Mineral & Nye Counties

Judge John Davis  
Judge Robert Lane

### SIXTH JUDICIAL DISTRICT

Humboldt, Lander & Pershing Counties

Judge John Iroz  
Judge Richard Wagner

### SEVENTH JUDICIAL DISTRICT

Eureka, Lincoln & White Pine Counties

Judge Steve Dobrescu  
Judge Dan Papez

### EIGHTH JUDICIAL DISTRICT

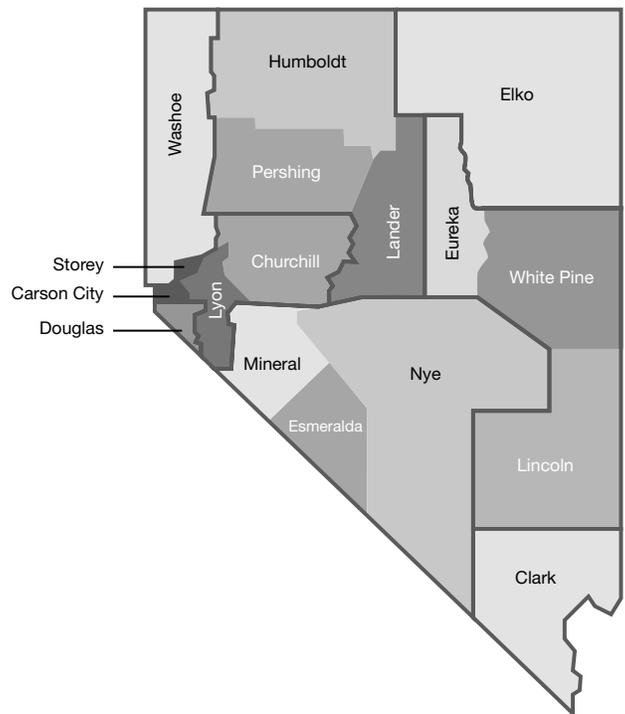
Clark County

Judge Valerie Adair  
Judge Stewart Bell  
Judge Joseph Bonaventure  
Judge Lisa Brown  
Judge Michael Cherry  
Judge Kenneth Cory  
Judge Nicholas Del Vecchio  
Judge Mark Denton  
Judge Allan Earl  
Judge Jennifer Elliott  
Judge Robert Gaston  
Judge Lee Gates  
Judge Jackie Glass  
Judge Elizabeth Gonzalez  
Judge Gerald Hardcastle  
Judge Kathy Hardcastle  
Judge Steven Jones  
Judge Michelle Leavitt  
Judge Sally Loehrer  
Judge Robert Lueck  
Judge John McGroarty  
Judge Donald Mosley  
Judge Cheryl Moss  
Judge Ronald Parraguirre  
Judge Arthur Ritchie  
Judge Nancy Saitta  
Judge Gloria Sanchez  
Judge Cynthia Dianne Steel  
Judge Jennifer Togliatti  
Judge Valorie Vega  
Judge William Voy  
Judge David Wall  
Judge Jessie Elizabeth Walsh

### NINTH JUDICIAL DISTRICT

Douglas County

Judge David Gamble  
Judge Michael Gibbons



Judicial District	Judicial Positions	Population as of 7-1-03	Caseload	Avg. cases per judge
First	2	58,956	3,017	1,509
Second	12	373,233	22,064	1,839
Third	3	67,052	4,000	1,333
Fourth	2	45,805	1,962	981
Fifth	2	42,454	2,597	1,259
Sixth	2	28,701	1,205	603
Seventh	2	17,330	646	323
Eighth	33	1,620,748	86,878	2,633
Ninth	2	45,603	1,764	882
<b>TOTALS</b>	<b>60</b>	<b>2,296,566</b>	<b>124,133</b>	<b>2,068</b>

# Justice Courts

The Justice Courts are county courts with responsibility for a variety of legal matters — from felony arraignments and preliminary hearings, to civil matters involving up to \$7,500 (increased to \$10,000 on January 1, 2005), small claims, and landlord-tenant disputes.

Justices of the Peace have authority over misdemeanor cases and traffic matters in unincorporated townships. In rural Nevada, many Justices of the Peace serve only part time.

## The Five Busiest Justice Courts

Justice Court	Population as of 7-1-03	Judicial Positions	Non-traffic caseload	Cases filed per judge*	Traffic & Parking
Las Vegas	1,182,623	8	115,754	14,469	205,582
Reno	234,438	5	26,461	5,292	40,589
Carson City	55,220	2	7,548	3,764	18,188
Union	14,483	1	3,757	3,757	5,506
Sparks	122,293	2	7,490	3,745	8,294

\* Traffic violations may be resolved by payment of fines and not require judicial time. Therefore, they are not included in “cases filed per judge.”

# Municipal Courts

Municipal Courts are city courts that operate within the city limits of incorporated municipalities to handle traffic violations and misdemeanor offenses. They also have limited jurisdiction in civil cases under NRS 5.050, primarily handling the collection of debts owed the cities. In rural communities, many of the Municipal Judges work part time.

## The Five Busiest Municipal Courts

Municipal Court	Population as of 7-1-03	Judicial Positions	Non-traffic caseload	Cases filed per judge*	Traffic & Parking
North Las Vegas	146,005	1	8,364	8,364	47,618
Las Vegas	528,617	6	28,259	4,710	115,710
Sparks	78,435	2	5,724	2,862	10,265
Henderson	217,448	2	5,353	2,677	23,315
Reno	195,727	4	7,598	1,900	26,131

\* Traffic violations may be resolved by payment of fines and not require judicial time. Therefore, they are not included in “cases filed per judge.”

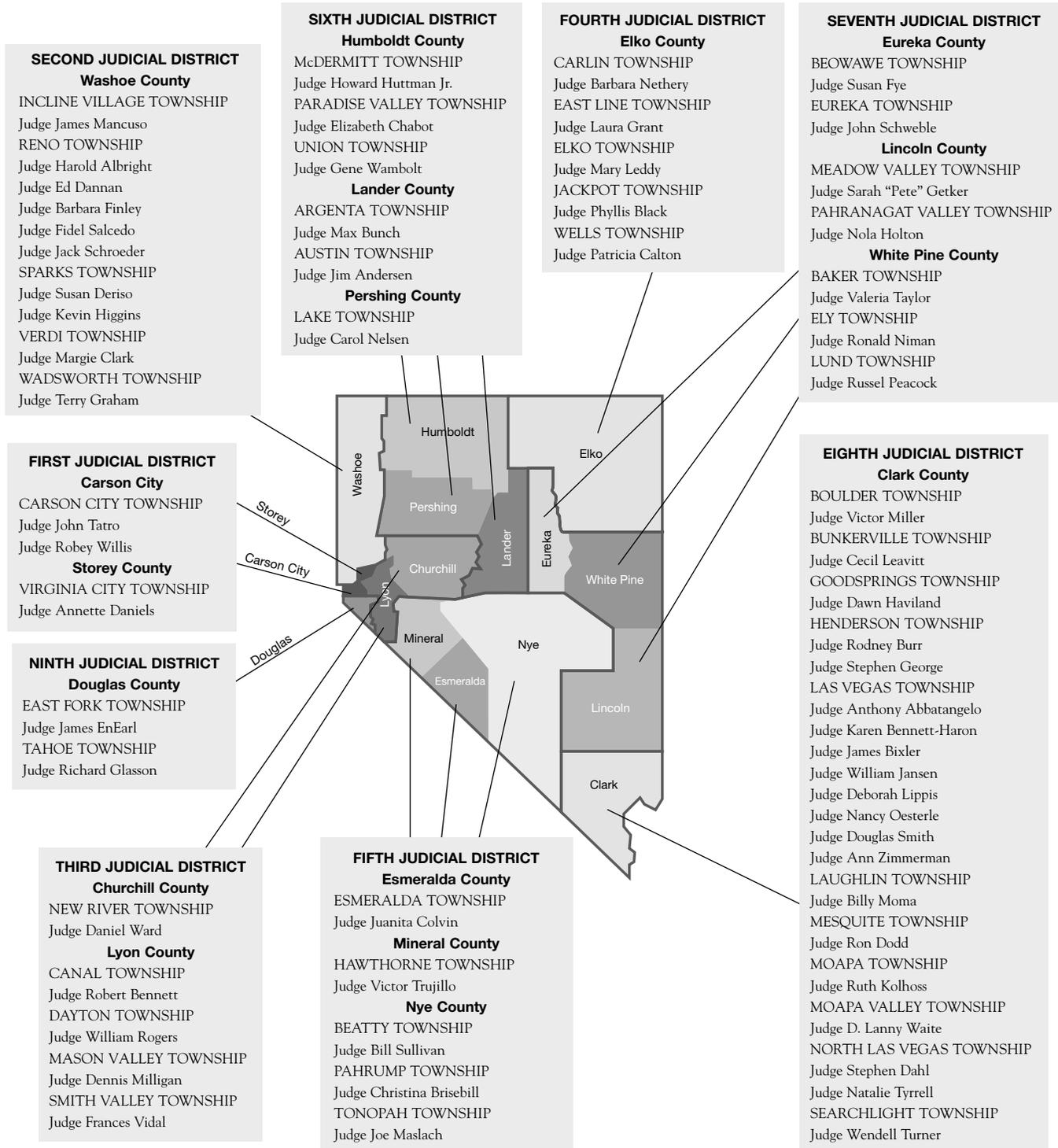
Justice Thomas Porter Hawley  
(1873-90)



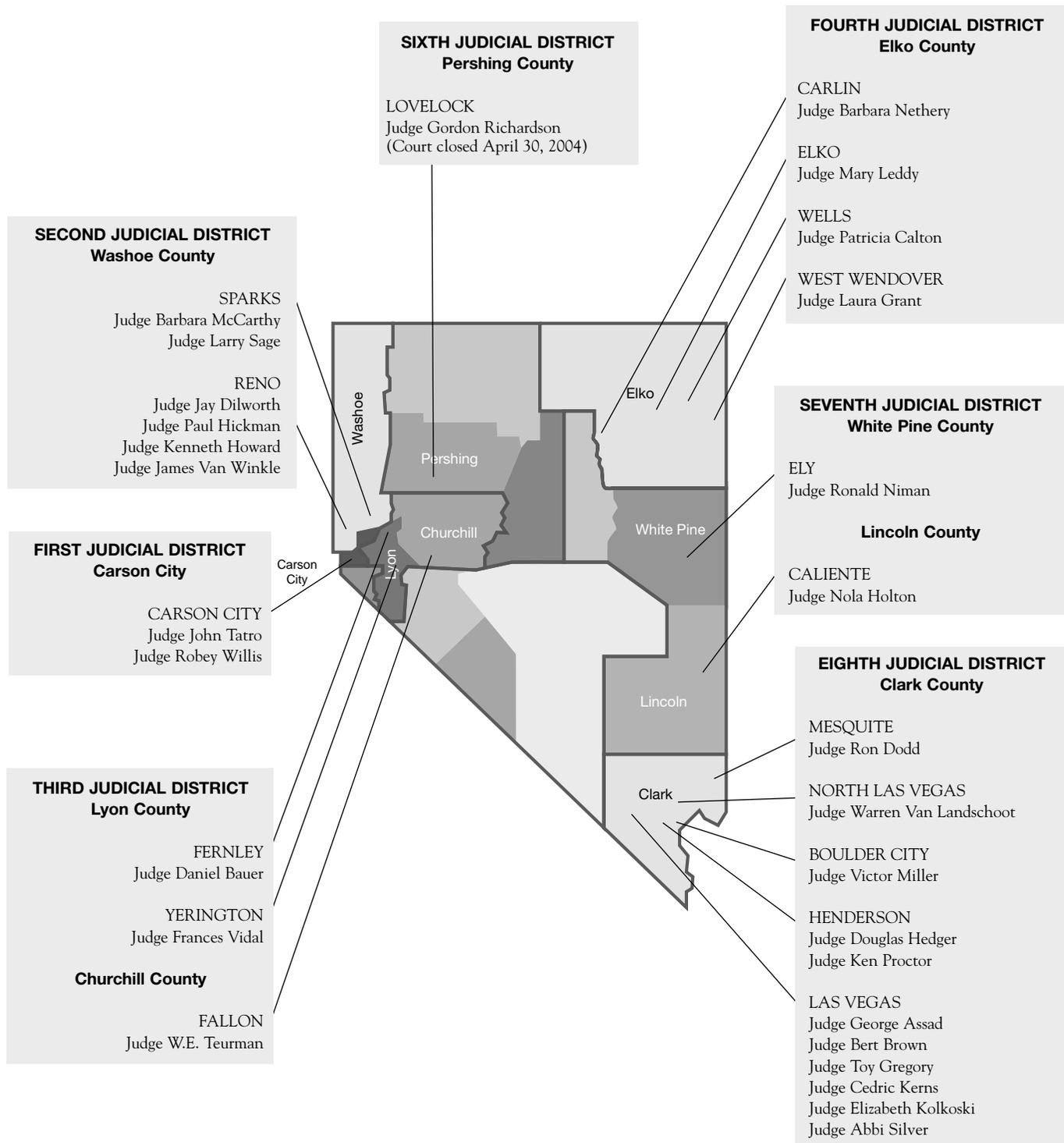


# The Nevada Judicial System Structure and Function

## Nevada's Justices of the Peace (as of June 30, 2004)



# Nevada's Municipal Court Judges (as of June 30, 2004)





# Judicial Council of the State of Nevada

## Judicial Council Members

(As of June 30, 2004)

**Chief Justice Miriam Shearing**  
*Chair*

**Justice Nancy Becker**  
*Vice-Chair*

Judge Max Bunch

Judge Ed Dannan

Judge Jay D. Dilworth

Judge Michael P. Gibbons

Judge Kathy Hardcastle

Judge James Hardesty

Judge Nola A. Holton

Judge John Iroz

Judge Charles M. McGee

Judge John McGroarty

Judge Dan L. Papez

Judge Ken Proctor

Judge Andrew Puccinelli

Judge William O. Voy

Judge D. Lanny Waite

Judge Jessie Walsh

Judge Robey B. Willis

### **Ex-Officio Members**

**Judge Ron Parraguirre**  
*Nevada District Judges Association*

**Judge Cedric Kerns**  
*Nevada Judges Association*

**Ron Titus**  
*State Court Administrator*

**Ron Longtin**  
*Court Administrator  
Second Judicial District Court*

**Chuck Short**  
*Court Administrator  
Eighth Judicial District Court*

*“To unite and promote Nevada’s judiciary as an equal, independent and effective branch of government.”*

**- Mission Statement, Judicial Council of the State of Nevada**

**In the handful of years** the Judicial Council of the State of Nevada has operated with additional administrative authority bestowed upon it by the Nevada Supreme Court, the Council has built a reputation as a progressive and effective arm of the judiciary.

The Judicial Council is comprised of 20 judges from across the state at every level and 3 court administrators. The Supreme Court Chief Justice is chairperson. Members from the various areas of the state meet independently in five Regional Judicial Councils that together form the Judicial Council of the State of Nevada.

The Judicial Council has become instrumental in the continuing efforts to bring the state’s courts and judges into a judicial family, providing equal justice for all Nevadans. The Judicial Council helps the Supreme Court fulfill its administrative duties and improve the court system statewide.

A notable success was the establishment by the Judicial Council of the Commission on Rural Courts to identify problems in Nevada’s smaller courts and communities and recommend solutions. Details about the success of the Commission on Rural Courts can be found on page 12 in this report.

A new role of the Judicial Council is to approve disbursement of the money collected to fund Nevada’s array of Specialty Courts — Drug Courts and Mental Health Courts — and create opportunities for additional Specialty Courts throughout Nevada.

The Judicial Council also has responsibility to propose bills to the Nevada Legislature furthering the Council’s mission. Some bill drafts proposed by the Judicial Council would increase jurisdiction and supervision in drunken driving cases, change the dates for judicial candidates to file for election to 2 weeks in January, increase the number of judges at the Eighth Judicial District Court, and increase the value of cases involved in alternative dispute resolution programs from \$40,000 to \$50,000. In addition, the Judicial Council passed a resolution supporting funding for a new White Pine County Courthouse. Another resolution asks the Governor to create an office of institutional inspectors, following a federal investigation into management practices at the Nevada Youth Training Center in Elko.

The Judicial Council also developed a “Model Code of Conduct for Judicial Employees of the State of Nevada.”

Four standing committees have been established by the Judicial Council:

**Legislation and Rules** with a mission to promote and support a coordinated legislative strategy about legislation affecting the judiciary.

**Education** with a mission to promote the competency and professionalism of the Nevada judiciary and staff.

**Technology** with a mission to promote and facilitate the use of technology by the courts and promote the coordination, collaboration, and integration of technology efforts between the judiciary, and state and local governments.

**Court Administration** with a mission to promote excellence in court administration throughout the state by considering and addressing problems and recommending improvements to the Judicial Council.

The five Regional Judicial Councils are:

- Sierra Region (First, Third, and Ninth Judicial Districts)
- Washoe Region (Second Judicial District)
- North Central Region (Fourth and Sixth Judicial Districts)
- South Central Region (Fifth and Seventh Judicial Districts)
- Clark Region (Eighth Judicial District)

## Passings

### Justice Myron E. Leavitt

Nevada Supreme Court  
Justice from 1998 died on  
Jan. 9, 2004.

See *Remembering Justice  
Myron E. Leavitt* on page vi.

### Richard Minor

Reno Justice of the Peace  
from 1972 to 1983 and  
Second Judicial District  
Judge from 1983 to 1985,  
died in April 2004 after  
months of battling cancer.  
He was 82.

### John Barrett

Second Judicial District  
Judge from 1961 to 1985,  
died in June 2004.  
A founding member  
of the Nevada Judicial  
Historical Society,  
Judge Barrett was 87.



# The Work of the State Courts

## NEVADA JUDICIAL COUNCIL Commission on Rural Courts

**Some light appeared** at the end of the tunnel as a result of the report of the Commission on Rural Courts, which detailed the problems faced by judges and those who use the courts in Nevada's less populated, and often geographically isolated, areas. The report and its recommendations resulted in the Legislature creating the Interim Study Committee on the Criminal Justice System in Rural Nevada and Transitional Housing for Released Offenders (the so-called SCR-32 Committee). That legislative panel saw first hand the problems faced by many rural courts and made several recommendations, including that the state build a \$9 million courthouse in Ely, along with a badly needed juvenile facility.

In all, the interim study committee adopted seven recommendations that are scheduled to be addressed during the 2005 Legislature.

The report of the Commission on Rural Courts highlighted such problems as aging courthouses, limited professional

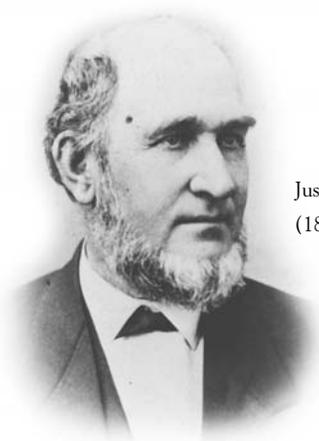
services, marginal security, the lack of legal assistance for residents, and unfunded mandates.

The recommendation by the interim study committee for a new White Pine County Courthouse followed a visit to the existing century-old facility in Ely. Seventh Judicial District Judge Dan Papez gave members a tour and explained that security at the courthouse is not adequate to handle cases of the most violent offenders from the state's nearby maximum security Ely State Prison.

The recommendation for a regional juvenile detention facility in Central Nevada was the result of information from the Commission that youthful offenders arrested in rural areas often had to be transported hundreds of miles to reach one of the few available juvenile facilities.

Other recommendations included:

- Funding for a Rural Court Coordinator at the Administrative Office of the Courts to help rural communities identify and share resources.
- Changing counseling and evaluation requirements in certain criminal cases because of the lack of such services in rural Nevada.
- Promoting the availability of legal services through an expansion of the externship program of the Boyd School of Law and a tuition reimbursement program for students who serve in rural Nevada.
- Increasing courtroom security training through courses offered by POST.
- Providing transitional housing for inmates being released from prison as a way to decrease recidivism.



Justice Warner Earll  
(1875-77)



The historic White Pine County Courthouse in Ely.

# NEVADA SUPREME COURT

## Commission on Court Funding

**Nevada's courts** have been funded in much the same way they have since Nevada became a state in 1864.

But rapid growth in the state's urban centers along with hard economic times in some rural areas have strained the existing systems. During fiscal year 2004, the Nevada Supreme Court created the **Commission on Court Funding** to examine sources of funding and court expenditures, and explore whether there is a better way. This is the first time the judiciary has taken such an in-depth look at the critical issue of court funding, which has increased in importance as the needs and costs for facilities, technology, communications, and service to the communities continue to grow.

The Commission surveyed the courts at every level to gather information necessary to help it determine what is fair, equitable, and reasonable funding for each court system. This has not been an easy task in a state as diverse as Nevada. Courts in the population centers of Las Vegas and Reno must deal with urban problems while some one-judge courts have to cope with larger geographic areas than any urban court faces and must deal with their own unique problems.

Justice Deborah A. Agosti chairs the Commission that will make a series of recommendations, which could eventually lead to a change in the way courts are funded. Currently, less than 1 percent of the State General Fund goes to the judiciary. Administrative assessments collected by the courts from those who commit misdemeanor crimes and traffic offenses fund the Administrative Office of the Courts and provide half of the Supreme Court budget.

Justice Orville Rinaldo Leonard  
(1877-89)



Justice William H. Beatty  
(1875-81)



Justice Michael Augustus Murphy  
(1889-95)





# The Work of the State Courts

## NEVADA JUDICIAL COUNCIL

### Specialty Court Funding Committee

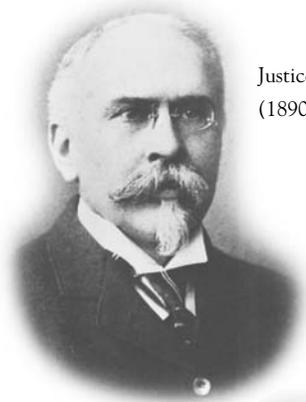
Since the first Drug Court was created in Nevada in 1992, much of the funding was provided by the Legislature and the Governor through the State General Fund. But that principle source of funding changed when the 2003 Legislature (through AB29) cut the General Fund allocation and increased administrative assessments on misdemeanor crimes and traffic offenses to provide a source of court-generated funding. At the same time, courts around the state — both urban and rural — were making plans to expand existing Drug Courts, establish new Drug Courts, or create Mental Health Courts.

The question became how to allocate the available funds for these Specialty Courts to ensure that existing programs are maintained, while preparing for the inevitable growth in the highly successful programs.

The Specialty Court Funding Committee was created by the Judicial Council of the State of Nevada and members were appointed by the Chief Justice of the Nevada Supreme Court. The task was to assess the state's needs for Specialty Courts, evaluate the operating requirements of the Drug Courts and Mental Health Courts, and make

recommendations for dispensing the available funding. The Committee's recommendations are sent to the Judicial Council of the State of Nevada.

Because collection of the new assessments was a slow process at the beginning of fiscal year 2004, the ability of the judiciary to expand the Specialty Courts in Nevada was delayed. Even at the beginning of calendar year 2004, Specialty Court funds were marginal and the eventual amount that would be collected was unknown. This made it difficult for courts to contract with treatment providers for services. Collection of the assessments eventually grew and will meet revenue projections, but will not be sufficient, by themselves, to fully meet the needs of the Specialty Courts in Nevada. AB29 assessments were never intended to be the sole source of funding for Specialty Courts and seeking additional funds will be necessary.



Justice Rennselaer R. Bigelow  
(1890-97)



Justice William Alexander Massey  
(1897-1902)



Justice McKaskia Sterns Bonnifield  
(1895-1901)

# Specialty Courts

## Drug Courts

**Nevada has been** one of the nation's leaders in the Drug Court field, compiling an impressive list of "firsts" over the past decade.

During fiscal year 2004, the judiciary continued that commitment by again expanding the Drug Court system into rural Nevada, where citizens have not had the advantages of the innovative program that helps defendants deal with their drug dependencies under the watchful eyes of the Drug Court judges. The vast majority of participants beat their addictions and again become contributing members of society, reducing crime and the associated costs for the justice system. The newest Drug Court was launched in the Sixth Judicial District Court to serve residents of Humboldt, Pershing, and Lander Counties in north-central Nevada.

Two years ago, Nevada initiated the nation's first Multi-County Rural Drug Court, serving five counties in Western Nevada (Carson City, Churchill, Douglas,

Lyon, and Storey). Third Judicial District Judge Archie Blake rides circuit every week, like judges in the Old West, to serve those communities. Last year, he added a sixth county (Mineral) to his circuit. A similar Drug Court that would serve the rural communities in Eastern Nevada was in the planning stages during fiscal year 2004.

The state's first Drug Court began in Clark County in 1992, followed by similar Drug Courts in Washoe and Nye Counties. A multitude of Drug Courts now serve adults, juveniles, and Family Court litigants. They exist at District, Justice, and Municipal Courts.

## Mental Health Courts

Mental Health Courts are an expansion of the Drug Court concept, except that they are designed to keep defendants with mental issues from becoming chronic criminal offenders. Second Judicial District Judge Peter Breen began the state's first Mental Health Court in Washoe County. During fiscal year 2004, a similar Mental Health Court was

launched at the Eighth Judicial District Court in Clark County with a \$150,000 grant from the U.S. Department of Justice. District Judges John McGroarty and Jackie Glass are presiding over the new court that will focus on diverting non-violent offenders into appropriate treatment programs. As in the Drug Courts, participants are monitored by the Mental Health Court judges to ensure they stay in treatment, stay on their medications, and stay out of trouble.

## Nevada Began the Nation's First . . .

- Juvenile Drug Court (Clark County)
- Family Drug Court (Washoe County)
- Early Release Prison Re-Entry Drug Courts (Clark and Washoe Counties)
- Child Support Drug Court (Clark County)
- Multi-County Rural Drug Court (Carson City, Churchill, Douglas, Lyon, and Storey Counties)



Justice Adolphus Leigh Fitzgerald  
(1901-07)



# The Work of the State Courts

## Court Technology

**Nevada's courts** are being required to do more despite fewer available resources because of hard economic times in many rural areas and the pressures of growth in urban centers. The solution has been the use of progressive and innovative technology systems — some of which have attracted national attention.

The courts and the Administrative Office of the Courts (AOC) were not content to simply do the minimum and just keep up with the workload. The AOC understood that computers could not only make the courts' daily operations more efficient, but they could provide a dramatic improvement in communication. Nevada covers more than 100,000 square miles and vast

distances separate many courts. Until the last few years, when the Supreme Court embraced its role as the administrative head of the judiciary, the trial courts were responsible for their own technology. Although courts are still responsible for their own technology, AOC now significantly helps the courts meet their information technology needs.

### Nevada Rural Courts' System

With most of Nevada's trial courts located in rural areas, it became evident during the past few years that these courts cannot support the use of technology as efficiently as independent entities. These courts usually consist of one or two judges with few staff, limited technical support and marginal financial resources. Yet the courts recognize the increasing need to interact electronically with other courts and share information with law enforcement and other criminal justice entities.

To assist the rural courts, the AOC launched the Nevada Rural Courts' System (NRCS), which is making available a user-friendly case management system that is supported centrally by the AOC information technology professionals. NRCS continued to expand during fiscal year 2004 toward a goal of having the majority of rural courts on-line. The result should be the efficient collection, storage, management, and use of information within the judiciary.

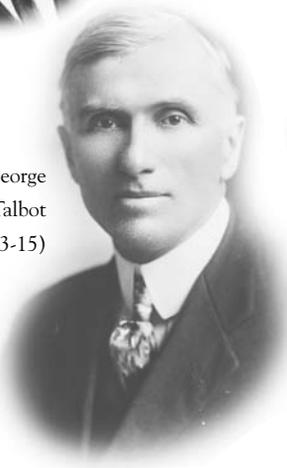
### Multi-County Integrated Justice Information System

An inherent problem in information technology has been that different computer systems with differing software could not communicate. Sharing information was difficult, if not impossible. Law enforcement computers could not talk to the courts' computers, and the courts' computers could not talk to the computers of the prosecutors, public defenders, or the state criminal history repository and Department of Motor Vehicles. The public employees at these agencies had to take the labor-intensive step of manually re-keying necessary information.

The Multi-County Integrated Justice Information System (MC-IJIS) project was begun to address the need to share information electronically. In short, it is an innovative electronic data exchange system developed by the AOC information technology professionals that lets different governmental and court computers talk to each other. At the same time, each participating entity maintains control if its information and decides what data to share and with



Justice Thomas  
Van Camp Julien  
(1902-03)



Justice George  
Frederick Talbot  
(1903-15)



Justice Frank  
Herbert Norcross  
(1905-17)

whom. The result is improved efficiency, reduced mistakes from re-keying data, and a savings of taxpayer dollars.

In 2002, the then-fledgling MC-IJIS project was first showcased nationally at the National Criminal Justice Integration Symposium in Washington, D.C., sponsored by SEARCH and the Bureau of Criminal Justice. In the fall of 2003, a matured and functioning MC-IJIS project so impressed the participants at the 2003 Court Technology Conference in Kansas City, Mo., that an encore performance was requested at the SEARCH symposium in Washington, D.C., in March 2004.

In Nevada, MC-IJIS is operating in several courts and more are waiting to be added. Clark and Washoe Counties are both considering implementing MC-IJIS and eventually, it is expected that the MC-IJIS project will go statewide.

## Nevada Offense Code Redevelopment

For the Nevada Judiciary to efficiently share case information with other criminal justice entities, the courts must take the next step beyond having the ability for computers to talk to each other. The need also exists for a logical, easy to use and maintain, up-to-date structure that standardizes the charges so the information can be shared from arrest to adjudication.

During fiscal year 2004, the Judicial Branch Technology Section launched the Nevada Offense Code (NOC) Redevelopment Project in conjunction with the Nevada Department of Public

Safety, Criminal History Repository. More than 70 people volunteered their time to serve on various committees that eventually will update the table structure for use by all justice agencies.

## Supreme Court Website

Nevada was perhaps the last state to launch a judicial website when a basic site was begun in early 2003. During fiscal year 2004, a re-design of the website was completed that made it easier to use and provided more accessibility. The website, at [www.nvsupremecourt.us](http://www.nvsupremecourt.us), has become an increasingly popular site for the legal community, students, and those with an interest in the Nevada Supreme Court and its cases.

## Supreme Court Technology

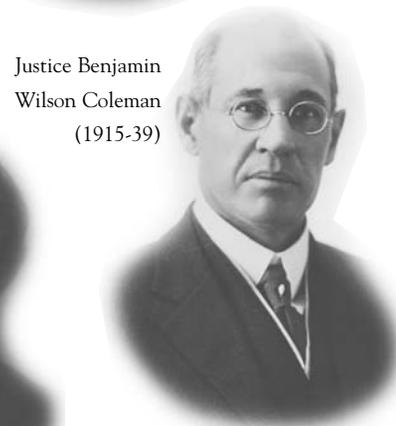
The work of the Nevada Supreme Court, more than any other court in the state, is based on documents. Most are provided by litigants with the rest being generated by the Supreme Court and its staff. Because the management of court documents has always been a time intensive task, the Supreme Court turned to technology as a way of making the process more efficient. During fiscal year 2004, the Court began implementing a computerized system to electronically manage documents, using

workflow to automate what had been manual processes. A bonus is that the system eventually will provide public access to non-sensitive documents via the Supreme Court website.

During fiscal year 2004, the Supreme Court also began exploring systems that would allow court cases to be filed electronically. Under the system, attorneys would file their documents via the Internet and the District Court record would be transmitted electronically to the Supreme Court Clerk's Office.



Justice James G. Sweeney  
(1907-13)



Justice Benjamin  
Wilson Coleman  
(1915-39)



Justice Patrick Anthony McCarran  
(1913-19)



# The Work of the State Courts

## SUPREME COURT OF NEVADA Jury Improvement Commission

**During fiscal year 2004**, the Nevada Supreme Court continued the groundbreaking work of its Jury Improvement Commission that explored ways to ensure jurors can get all the information they need and help make jury service a more rewarding experience.

The Commission, which already prompted legislation to increase juror fees from \$15 to \$40 per day, established the Jury Improvement Implementation Committee to determine how best to

make the Commission's recommendations a reality. The Committee launched pilot programs to test ways of letting jurors have a more active role in trials — such as allowing them to ask questions of witnesses during trial, and to have notebooks containing pertinent exhibits and jury instructions. The Committee also looked into having competing expert witnesses in trials testify one after the other to make the information more meaningful for jurors.

These pilot programs were conducted not only in Nevada's urban courts, but also in the rural District Courts in Elko and Ely.

The Committee began drafting new rules to make recommendations of the Commission a reality. Some rule changes likely will address the way cases are processed to promote the resolution of disputes and legal issues before trial, reducing the impact on prospective jurors and the courts.

The Jury Improvement Commission was established in September 2001 and spent more than a year reaching its conclusions in a 92-page report that is available on the Nevada Supreme Court website at [www.nvsupremecourt.us](http://www.nvsupremecourt.us)

While the Commission has completed its report, its spirit will continue well into the future. One of the recommendations the Committee is addressing involves juror questionnaires so the courts can continue receiving input from those called to jury duty and, as a result, continue exploring better ways to conduct jury trials.

Justice John  
Adams Sanders  
(1917-35)



Justice Edward Augustus Ducker  
(1919-46)



Justice Errol James Livingston Taber  
(1935-47)



# Court Interpreter Certification Program

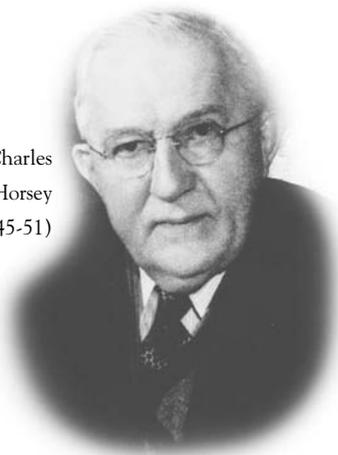
**Providing equal access** to justice for those who do not speak English has been a problem for many courts in Nevada that are faced with burgeoning populations of non-English speaking individuals, Hispanics in particular. Qualified interpreters have been in short supply across the state, especially in rural areas. Judges have relied on uncertified employees or bilingual residents to interpret court proceedings and are always concerned whether court sessions are properly interpreted.

Two years ago, the Administrative Office of the Courts (AOC) began a court interpreter certification program to help ensure that interpreters are measurably competent and certified to provide needed services in our courts. Nevada joined the National Center for State Courts Consortium for State Court Interpreter Certification, which provides standard testing instruments in 10 languages, interpreter rating services, and training for those who administer the certification program.

Since then, workshops have been conducted for those with ambition to serve as interpreters, followed by written and oral testing. The testing provides an objective assessment of language ability and interpretation skills. Certification is awarded once all requirements are met. The highly successful program continues to graduate certified interpreters — some who are current employees or individuals who will expand the pool of interpreters for Nevada's courts.

During fiscal year 2004, the AOC began working with educational institutions to develop workshops that will expand the opportunity for court interpreter certification to students already possessing bilingual skills. The AOC also worked to develop a continuing education policy for certified interpreters to ensure their continued expertise.

These are examples of the AOC's commitment to meet the judiciary's current and future needs for qualified interpreters.



Justice Charles  
Lee Horsey  
(1945-51)



Justice Edgar Eather  
(1946-58)



Justice William Edwin Orr  
(1939-45)



# The Work of the State Courts

## Judicial Education

**Protecting the rights** of free citizens requires an independent and competent judiciary.

In the quest for judicial competence, the Nevada Supreme Court and the Administrative Office of the Courts have provided a wide array of resources for judicial education. The goal is to ensure that judges are knowledgeable and skilled in the study and development of the law and trained in the application of legal principles and the art of judging. Court staffs also require education and training to help them assist judges in carrying out

judicial responsibilities and to provide accurate and timely services to the public.

The mission of the Judicial Education Division of the Administrative Office of the Courts is to promote the competency and professionalism of the judiciary through a comprehensive system of continuing education and training.

The Division's budget comes from administrative assessments collected by the courts on misdemeanor criminal charges and traffic offenses. The Division provided training for well over three-quarters of all Nevada judges and court executives covering a wide range of topics. Many were involved in multiple training sessions. In addition, more than 50 judges and court staff were sent to

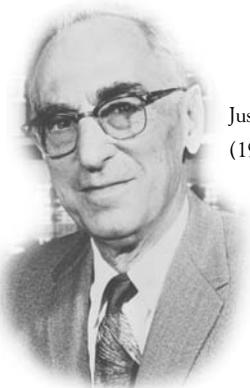
conferences and training programs offered by other educational institutions. Many of these attended the statutorily mandated and Supreme Court-ordered courses for new judges at the National Judicial College and the National Council of Juvenile and Family Court Judges in Reno.

Educational topics during fiscal year 2004 included technology, criminal evidence, domestic violence issues, traffic laws, small claims cases, evictions, harassment and stalking cases, abuse of the elderly, recent U.S. Supreme Court and Nevada Supreme Court opinions, new state legislation, the ever expanding Drug Courts and Mental Health Courts, and a variety of other legal and administrative matters affecting the courts.

The highlight of the year was the Judicial Leadership Summit, a conference held every 4 years that brings together all levels of Nevada's judiciary at one location to share information and explore issues of mutual concern.

Family law matters were addressed, as they are every year, during the highly acclaimed Family Jurisdiction Judges Seminar in Ely.

Nevada's courts clearly will continue to face an ever-expanding range of legal and social issues. The Judicial Education Division of the Administrative Office of the Courts will continue to work to anticipate and plan for the educational needs of the judiciary's most valuable resource — its judges and their staffs.



Justice Milton Benjamin Badt  
(1947-66)



Justice Charles M. Merrill  
(1951-59)



Justice Frank McNamee  
(1958-65)

# Judicial Education — Lake Tahoe Summit

## Judicial Leadership Summit 2004

**For new judges,** taking the bench is only the starting point in their judicial careers. The education and training provided through the Judicial Education Division of the Administrative Office of the Courts hones the judges' judicial skills and provides a template for equal justice throughout Nevada's courts. Ensuring equal justice comes, in part, from Nevada Supreme Court opinions and court rules, but also requires that judges interact and share their experiences so a common goal is achieved.

Every 4 years, the Supreme Court of Nevada asks judges at all levels, along with commissioners, referees, masters, court executives and clerks, to gather together and reflect on the judiciary's tasks and exchange views on solutions to common problems. **Judicial Leadership Summit 2004**, held at Lake Tahoe in May, addressed **The Role of the Judge in the 21st Century**.

Summit 2004 reminded judges at all levels of the importance of their decisions and the ramifications of their actions. Judges explored the changing roles of the courts and how society has been looking to the judiciary to resolve traditionally social problems through special programs such as the highly successful Drug Courts and Mental Health Courts. The Summit also provided some nuts and bolts assistance to judges with specific problems along with guidance from the Supreme Court justices on current court issues.



The first Judicial Leadership Summit was held at Lake Tahoe in 2000 — bringing together for the first time every level of the judiciary to communicate their accomplishments and mutual concerns. The event was attended by 103 of the state's judges. The 2004 Summit saw 123 judges attending, along with 31 masters and court administrators.

Chief Justice Miriam Shearing observed that during the past 4 years the judiciary has become a much more cohesive entity, working toward common goals and providing more consistent justice for Nevada's citizens due, in part, to judicial education programs and the Judicial Leadership Summits.

## Summit 2004 Highlights

- University of Southern California Professor Erwin Chemerinsky's keynote address: "The Role of the Judiciary in the 21st Century"
- Nuremberg and the Holocaust, "Law and Justice in a Time of Retribution," by the Honorable Norbert Ehrenfreund and Lou Dunst
- "Making the Record, the Trial Judge as Eyes and Ears in the Appellate Process"
- "Living Voices — the Internment of Japanese-Americans during World War II"
- "Perception, Persuasion and Provocation, Scrutiny of the Judiciary"
- "The Judge as Leader: Courts and Community Collaboration" about Mental Health Courts
- "Mental Illness: Understanding the Problems, Working the System"
- "State Prisoner Civil Litigation"