

Supreme Court of Nevada  
ADMINISTRATIVE OFFICE OF THE COURTS

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Carson City, Nevada 89701-4702



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June 20, 2007

FILED

Ms. Janette Bloom  
Clerk of the Court  
Supreme Court of Nevada  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701

JUN 20 2007

JANETTE BLOOM  
CLERK OF SUPREME COURT  
BY *J. Castells*  
DEPUTY CLERK

Dear Ms. Bloom:

This letter is submitted in response to ADKT 297, Order Scheduling Public hearing to Review the Operation of the Judicial Council for the State of Nevada, dated June 1, 2007.

The Judicial Council of the State of Nevada (JCSN) is created through Supreme Court Rules 8 and 9. JCSN has several standing committees to help plan, develop, and shape the policies and processes of the Nevada judiciary. Currently, those committees are:

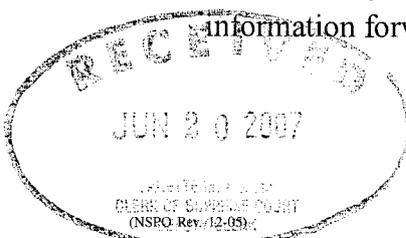
1. Legislation and Rules Committee
2. Education Committee
3. Technology Committee
4. Court Administration Committee
5. Certified Court Interpreters Committee
6. Specialty Court Funding Committee
7. Court Improvement for the Protection and Permanency for Dependent Children (CIP)

Occasionally, ad hoc or interim committees are formed such as the Statewide Court Security Task Force or the two committees to standardize protection order forms.

Additionally, JCSN has five Regional Councils:

1. Clark Regional Judicial Council
2. North Central Regional Judicial Council
3. Sierra Regional Judicial Council
4. South Central Regional Judicial Council
5. Washoe Regional Judicial Council

The committees work on their specific topic areas and make suggestions or recommendations to JCSN and the Supreme Court. The Regional Councils are forums for information exchange within the regions while also providing a forum to bring pertinent information forward to JCSN and the Supreme Court.



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All committees have varied membership that includes general and limited jurisdiction judges and court administrators from urban and rural areas. Members serve for a 2- or 3-year term and may be reappointed for an additional term. The committees and councils are to meet at least once every 4 months.

Administrative Office of the Courts (AOC) staff provides administrative support and subject matter research to the committees and Regional Councils. This effort includes planning the meeting venue, preparing and distributing an agenda and meeting summary, as well as research or other efforts needed on specific tasks related to the committee. Currently, seven AOC staff<sup>1</sup> work part time on tasks related to JCSN.

As part of the preparation and research into the AOC response to the order reviewing the operation of JCSN, all AOC staff working JCSN efforts were asked to provide relevant information. The information below is a summary of their responses with specific examples as warranted.

### **1. Fulfill Their Intended Purpose**

Currently, the purpose of JCSN as identified in the court rules is to develop and recommend policies and forward them to the Supreme Court; consider issues from the Court; review and recommend proposed legislation; recommend rule changes; develop minimum standards for judicial performance, education and training, facilities, security, technology, and staffing; recommend improvements for the court system; recommend changes to the annual report; seek grant funding; and establish procedures to achieve the purpose.

Generally, JCSN is successful with proposed legislation, tackling issues from the Supreme Court, and developing some minimum standards. They have not been too successful developing policies and otherwise recommending improvements.

According to Supreme Court Rule 8, the purpose of the regional councils is to coordinate implementation of administrative rules and orders of the Supreme Court; represent the courts in all matters relating to the court system in local government affairs; and define, develop, and coordinate programs and projects for the improvement of courts in the region.

The regional councils generally do not fill their purpose as outlined in Rule 8. The primary purpose of the regional members and the Regional Councils has been to communicate information and issues between the Judicial Council and the local courts. Regional Councils are a forum to communicate information concerning AOC activities, information of interest to the area courts, and information concerning rules and orders of the Supreme

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<sup>1</sup> AOC staff that work regularly on JCSN committees or regional councils are Karen Baggett, Michael Bell Vicki Elefante, David Gordon (will now be Andrea Krlickova), John McCormick, Sheryl Overstreet, and Steve Tuttle. Other AOC staff assists or provides subject matter expertise as needed.

Court. The Regional Councils also provide input on various initiatives and discuss local issues.

## **2. Viable Organization**

With strong leadership, JCSN has the potential to be a viable organization and one that could provide great assistance to the Supreme Court in fulfilling its constitutional responsibility to administer the Judicial Branch of Nevada. The primary role of the council is to develop consensus among the judiciary: urban-rural, north-south, small-large. The JCSN has only existed 6 years in its current form. During these 6 years, the Council has developed into a body that has addressed three legislative sessions with success, has assumed responsibility for distributing funds for specialty courts, has developed educational policies, worked on issues related to rural courts, and provided the model code of conduct.

The JCSN has been most successful in the area of legislation with the interaction between NDJA/NJA and Legislation Committee being cooperative and generally effective. The distinction between policy and process is not always clear, but during this recent legislative session, the NJA president was very effective providing testimony, finding other limited jurisdiction judges to testify, and working the halls while communicating and interacting with the AOC and JCSN Legislation groups. The 2009 session will see a reduced number of bills for the Supreme Court and none for the two associations. This relationship may become more symbiotic with this change.

All three organizations have worked together for a successful legislative session this year. Last session was better than the one before it as well, especially for consistent, organized messages from the Nevada judiciary. For legislation (and education) policies and procedures, NDJA and NJA have not made JCSN obsolete.

Current JCSN committees and related information:

**Legislation and Rules Committee** – Meets weekly during the legislative session to review pending legislation and coordinate any judicial branch efforts; off-session, they meet periodically to solicit, review, and develop legislation affecting the judicial branch.

**Education Committee** – Meets regularly to determine if any updates or changes are needed to judicial education requirements. They also provide training suggestions to associations for seminars.

**Technology Committee** – Meets regularly to review statewide information technology plans and projects for the judicial branch; generally, not for the Supreme Court.

**Court Administration Committee** – Meets regularly when administration topics are presented to them for decisions or policy.

**Certified Court Interpreters Committee** – A recent addition to the JCSN list. They meet regularly to review and make recommendations regarding the process and rules of becoming a certified court interpreter.

**Specialty Court Funding Committee** – Meets regularly to administer the Specialty Court funds. This includes, for example, preparing applications and standards for data collection.

**Court Improvement for the Protection and Permanency for Dependent Children (CIP)** – Another recent addition to JCSN. They meet regularly to review and provide guidance for the Court Improvement Project and grants.

Ad hoc committees are created as needed; recent committees include the Minimum Accounting Standards, Court Security Task Force, and two that standardized different protection orders. These committees meet for an unspecified period that is dependent on the topic.

### **3. Changes to Purpose and Responsibilities**

Generally, the most common element that AOC staff felt needed to be improved or reworked centered on the purpose of JCSN. One comment specifically noted:

*Redefine the “purpose of the Council” by getting input from the entire judiciary. Find out what it is they expect from the council and restructure it accordingly.*

Another common element involved that lack of interest, participation, or knowledge of JCSN members who are put on committees. They either do not know what their role is, what they are supposed to be doing, or that they should be taking the lead in developing and recommending policy for the Judicial Branch. Too many standing committees do little or nothing because they do not have the appropriate leadership, correct committee composition, nor the appropriate tasks or projects.

A related item involves the selection or appointment of individuals to JCSN and committees. The bylaws are incongruent with the committee effort such as a JCSN member appointed to a committee for a 2-year term with only 1 year left on his JCSN term and then not being reappointed. While this is a process issue, it also speaks to the lack of continuity and knowledge that interferes with fulfilling the purpose of the councils or committees.

The Regional Councils have seen mixed successes in the past. Of note, the process of determining topics in the two urban regions has recently changed. AOC staff will solicit topics from the region members and work to provide information at meetings to those topics. This change may garner improved results for these two regions.

The rural Regional Councils provide an excellent opportunity for the judges to come together and discuss issues and suggest possible solutions. However, they probably do not need to be formalized with agendas and meeting summaries. In fact, they may be more successful as mini-seminars and networking meetings for all judges than as formal Regional Councils.

Another recommendation for change was to reduce the number of standing committees and have topic committees for limited tenures. Those topic committees could be filled with appropriate judges or court staff to work on the select topic for a specified duration or project.

#### **4. AOC Role**

The AOC should provide support to the JCSN to help accomplish its role to recommend Judicial Branch policy to the Supreme Court. That support should include coordinating meetings and providing subject matter research as well as maintaining the record of all meetings, providing reports, and maintaining products of the JCSN. However, several staff commented that the AOC involvement should be minimal at the meetings themselves. Often, the AOC staff member serves as chair at regional meetings. AOC staff draft the agenda for most committee or Council meetings. Several AOC staff thought that more responsibility should be placed on the chair themselves to run the meetings and possibly even as to determining the topics.

While determining the role of the JCSN, the role of the AOC in relation should be revisited as well. Who, JCSN or AOC, should be leading on the policy development following legislation? For example, AB334 of the 2005 Legislature dealt with including social security numbers on documents and what could be released. Instead of developing statewide policy, nothing was done until after it became law on January 1 of this year.

In deciding how issues such as these should be handled and the subsequent policies implemented, the Supreme Court may help define the roles of the AOC and JCSN.

#### **Conclusion**

The Nevada judiciary is not a unified judiciary in the sense that the state does not provide funding for all courts of the Judicial Branch, but the Constitution does assign the responsibility of administration and leadership of the Judicial Branch to the Supreme Court. The JCSN was envisioned as a body to assist the Supreme Court with its administrative and leadership responsibilities, being able to vet various issues and bring them to the Court with consensus. The JCSN has had limited success in fulfilling these responsibilities.

Areas of improvement include narrowing the focus of the JCSN. Currently, Rule 9 assigns various responsibilities such as developing minimum standards, education and training, court facilities, court staffing, resolving intra-court and interagency discrepancies, and

recommend changes to the annual report. Some of these, such as resolving conflict between courts or judges are probably inappropriate for the Council to address. The Council's responsibilities should be redefined. Also, the Court may want to address how the Council is formed. To ensure the best judges and court personnel are addressing issues of importance to the Judicial Branch, the Court may want to appoint membership from the various regions.

The regional councils are not performing the responsibilities as assigned by Rule 8. They do serve an important role, especially in the rural areas, of judges and court staff from all jurisdictions gathering to share information and common local and statewide issues. The Rule needs to reflect this if the regional councils are to continue.

The AOC is assigned as staff to the JCSN. Staff's role should be well defined as supporting the JCSN in its development of Judicial Branch policy. These responsibilities include meeting logistics, subject matter expertise, and documentation of the activities of the JCSN.

Issues for the JCSN can originate through many avenues. Issues may be assigned by the Supreme Court, but may also originate in the Legislature, or come from federal initiatives, local courts, staff, and others. With the exception of the issues assigned by the Court, all other issues should be approved by the Court prior to being addressed by the Council.

The basic work of the Council is completed by its committees whether they are standing committees or ad hoc. Staff to these committees, primarily AOC but also consultants and staff from other courts, provides the details for discussion and final policy development.

In an organization made up of 152 independently elected officials (justices and judges), and 77 independently funded member organizations (courts), consensus is a very important tool to bringing uniformity to the organization. The JCSN, under the direction of the Nevada Supreme Court and staffed by the Administrative Office of the Courts, can be a major tool of the Court in bringing uniformity and structure among our trial courts, which is expected of the Judicial Branch by the citizens of our state.

Respectfully submitted,

  
JR Ron Titus

RT:rls

Copies to: All Justices  
Karen Baggett, AOC  
Robin Sweet, AOC