



SECOND JUDICIAL DISTRICT COURT

STATE OF NEVADA
WASHOE COUNTY

JANET J. BERRY
DISTRICT JUDGE
DEPARTMENT ONE

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TO: Chief Justice William Maupin and
Associate Justices of the Supreme Court of Nevada

FROM: Judge Janet Berry, Second Judicial District, Department One
Chair of the Washoe Regional Judicial Council

DATE: June 19, 2007

RE: Administrative Docket 297

FILED

JUN 19 2007

JANET J. BERRY
CLERK OF SUPREME COURT
BY *J. Caswell*
DEPUTY CLERK

The Nevada Supreme Court issued an ADKT Petition on June 1, 2007, for a public hearing on the operations and responsibilities of the Judicial Council of the State of Nevada ("JCSN") and its role within the Nevada judiciary.

Upon receipt of the Supreme Court ADKT 297, as Chair of the Washoe Regional Judicial Council, I called a meeting of the Washoe Region to obtain input from all members on the questions posed by the Supreme Court.

The consensus or responses I was able to obtain from judges in the Washoe Region within the short time frame established by the Supreme Court follow.

Supreme Court questions:

1. **"Whether the Nevada Judicial Council and the Regional Councils are fulfilling their intended purposes as described in Supreme Court Rules 8 and 9?"**

The composition, elections and meetings of the regional councils appear to have been appropriately executed since 2001. The purpose of the regional councils is to coordinate implementation of rules and orders; represent the various courts in the region; and define, develop and coordinate projects for the improvement of the courts.

The majority of Washoe Regional Judicial Council ("Washoe Region") representatives expressed their belief that the goals and purpose of the Washoe Region have been met. Judge Patricia Lynch noted the important work the various regional councils and full Judicial Council of the State of Nevada ("JCSN") have done in the past legislative sessions. As the regional legislative representative, Judge Lynch kept all limited jurisdiction judges apprised of the JCSN's legislative efforts and sought their input when necessary during the session.

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07-28512

The Washoe Region met on May 9, 2007, at the request of the Administrative Office of the Courts and were asked to vote whether the Washoe Region wanted to continue meeting as a region. The eleven members present voted unanimously to continue the Washoe Regional Judicial Council.

I have been a member of the JCSN for several years and likewise feel the Council serves a useful purpose in bringing judges from all jurisdictional levels together to address issues that effect the administration of justice. The JCSN has worked diligently on projects related to: audits and accounting methods for limited jurisdiction courts; legislation; educational standards and funding for judges; and education for court personnel. Probably the most important achievement of the JCSN is coordination and consensus building related to legislation. Before the JCSN was created, each jurisdiction would propose legislation and pursue separate agendas that often injured the judiciary as a whole. Since the JCSN has been created, the entire judiciary has worked together to insure a cohesive presence at the Nevada Legislature.

2. **“Whether the Nevada Judicial Council and Regional Judicial Councils remain viable organizations or have the Nevada District Judges’ Association and the Nevada Judges’ Association rendered the Council obsolete?”**

The Nevada District Judges’ Association meets annually. The majority of the meeting is spent obtaining required CLE credits. Approximately two to three hours of the three-day meeting are dedicated to business issues of trial judges’ work.

The District Court judges in the Washoe Region are divided on whether the regional council should continue. I received responses from seven district court judges. Four of the judges felt the regional council should continue. Two of the judges indicated they took no position as they have not participated in Council meetings in the past, and one judge acknowledged the potential benefit of such meetings but felt, on the whole, the JCSN and regional councils should be abolished, as they do not appear to have met the terms of Supreme Court Rules 8 and 9.

The limited jurisdiction judges meet two times per year. I cannot address whether these two meetings are sufficient to review the matters that are currently presented at the regional council meetings.

The limited jurisdiction judges in the Washoe Region voted unanimously to continue the State and Regional Councils and asked me to convey their position to the Supreme Court.

3. **“If the Nevada Judicial Council and/or the Regional Judicial Councils are to continue, what changes should be effectuated to redefine their purposes and responsibilities?”**

If the councils are to remain, I would make the following recommendations/observations:

In the past, AOC has provided very limited staff support and interaction with the Washoe Region members. Our last meeting of the Washoe Region was well attended and organized because AOC staff representative, Vicki Elefante, worked closely with the Chair of the meeting to communicate with all judges in the region. She sought input for the agenda and made sure all judges knew they were invited

to attend and participate in the meeting. We also invited all court administrators from the courts in Washoe County. As a result, we were able to meet and confer on a number of very important issues which currently affect the Washoe Region.

If the councils continue, I urge the court to require the AOC staff representative to notify all judges in the region of the date and times of meetings, seek input from all the judges on the issues for the agenda and work closely with the Chair of each region to insure the regional meetings meet the intended purpose of the council.

In the past, AOC provided limited notice of the meetings, created an agenda without input from the judges and left an impression that the meeting was a burden for them and/or a waste of their time.

I would respectfully suggest the Chair of the JCSN not necessarily be the Chief Justice of the Supreme Court. The position of Chief Justice changes from year-to-year, and as a result, there is a lack of continuity in leadership. Many of the council members remain the same from year-to-year and have developed a sense of organizational history. Some Supreme Court Justices may have a greater interest in the JCSN process and might want to stay involved longer. The Supreme Court may want to consider electing a Chair for a certain term with reelection thereafter, and have the Chief Justice serve as an ex-officio member, thus, insuring continuity of leadership.

4. "If the Nevada Judicial Council and/or the Regional Judicial Councils are to continue, what should the Administrative Office of the Courts' role be with respect to the Nevada Judicial Council and the Regional Judicial Councils?"

The AOC role should continue and perhaps expand to be more proactive in the organization and planning of the meetings. The Washoe Region is very impressed with Vicki Elefante and her organizational skills. Our last meeting included communications from Ms. Elefante to the Chair and all judges well in advance of the meeting; as a result, we had excellent attendance and participation at the meeting.

The State and Regional Council meetings will only work if they have proper administrative support. This is an area that has not been adequately addressed in the past. The AOC should require each regional chair to meet and confer with the AOC designated representative at least 30 days before each regional meeting. AOC and the Chair should set the agenda after notice and an opportunity for all the judges and administrators in the region to give input on issues of concern to the region. Further, the AOC representative and regional chair should be authorized to finalize an agenda and supporting materials without approval of the Director of the AOC. This will expedite finalization and distribution of the regional agenda.

Comments received from Washoe Regional Council Members:

From Darin Conforte, Court Administrator, Reno Justice Court:

“From an administration standpoint, the judicial council plays an important role in the management of the judiciary. It is the forum for the different jurisdictional courts to communicate, decide, and provide input on judicial matters. With greater emphasis on centralization and standards in the state judicial system, I see the judicial council as becoming more important and more valuable forum to share power among independently elected judges in deciding statewide judicial issues. A strong judicial branch of government requires enhancing the coordination and cohesiveness among all courts. Without the judicial council, the Supreme Court will not have as effective a means to represent the interests and position of independently elected judges. The judicial branch continues to face encroachments on its independence from the other branches and continued public misrepresentation and public misunderstanding of its constitutional role in a democracy. Cohesiveness and coordination that brings the authority of the independently elected judges together to represent the judicial branch is integral to meet the challenges we face. We must first coordinate and bring/keep the judiciary together as a branch of government before we can be organized in pursuing our needs and protection our interests from the challenges. I just saw a quote from Benjamin Franklin at the signing of the Declaration of Independence that struck me as fitting. “We must all hang together, or assuredly we shall all hang separately.” I see the council as key part of hanging together. While the Council may not have lived up to its full potential value in the past, it does not mean it is not valuable and should be disbanded. Just my thoughts.”

From District Judge Brent Adams: •

“My position is: Despite the occasional encouragement, support and leadership of the Nevada Supreme Court, the judicial council process has not been effective and should be discontinued.”

From District Judge David Hardy:

“I do not have any experience with the judicial council. I give my vote to Judge Berry as she has been the most involved from our district.”

From District Judge Patrick Flanagan:

“I am unable to attend the June 13th meeting or June 21st hearing due to prior commitments. Let me offer these thoughts: While new to the bench and not possessing the historical perspective of others, I do find value in an assembly which includes diverse members of various jurisdictions working in congress to improve the judicial process on a regional basis. I am in favor of maintaining the Judicial Council.”

From District Judge Deborah Schumacher:

“Judge Flanagan's sentiments are mine, too.”

Conclusion

As Chair of the Washoe Regional Judicial Council and a member representative of the State Judicial Council, I thank the Chief Justice and Associate Justices for their time and efforts related to this important issue.

Respectively submitted,

A handwritten signature in cursive script that reads "Janet J. Berry". The signature is written in black ink and is positioned above the printed name.

Judge Janet J. Berry