

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEP 25 2012

TRACEY A. LINDSEAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

IN THE MATTER OF AMENDMENTS
TO THE SUPREME COURT RULES
GOVERNING JUDICIAL COUNCILS

ADKT No. 0481

PETITION TO AMEND SUPREME COURT RULES, PART II, RULES
7.5, 8, AND 9 REGARDING JUDICIAL COUNCILS; AND TO CREATE
RULE 9.5 REGARDING THE LISTING OF VEXATIOUS LITIGANTS

COMES NOW the Honorable Michael Cherry, Chief Justice of the Nevada Supreme Court and Chairman of the Judicial Council of the State of Nevada, to petition the Nevada Supreme Court on its administrative docket to amend Supreme Court Rules (SCR), Part II, Rules 7.5, 8, and 9 governing judicial councils; and to create a new Rule 9.5 regarding the listing of vexation litigants, and alleges that:

The Sierra Regional Judicial Council, at its meeting on October 7, 2011, discussed the Supreme Court Rules governing the State and regional judicial councils. The members of the Sierra Regional Judicial Council unanimously made a recommendation that Rule 8 be revised as to not require that the regional councils represent all the courts of the region in matters of local government relations. The members of the Sierra Regional Council found this requirement to be impractical, unrealistic, and not implementable for Nevada's non-unified Judiciary.

Judge Jim Wilson, Chair of the Sierra Regional Judicial Council, presented this recommendation to the full Judicial Council of the State of Nevada (JCSN) at its April 30, 2012, meeting. JCSN discussed

and unanimously approved the recommendation and further recommended that SCR pertaining to judicial councils be examined for revision. The JCSN also asked that a new rule be drafted to create, in the Office of the State Court Administrator, a repository listing of litigants declared to be vexatious by any court in the State of Nevada.

Pursuant to the instruction of the JCSN, the rule revisions and new rule, attached hereto as Exhibit A, were drafted. The draft changes encompass several matters: (1) to clarify the membership of each regional judicial council; (2) to clarify the representation each judicial council has on the JCSN; (3) to simplify the provisions governing the election of regional representatives to the JCSN and allow such elections to be carried out via electronic means of communication; (4) to redraft Rule 8 (b) to relieve the regional councils of the responsibility of undertaking all intergovernmental relations activities in their respective regions; (5) to define the regional councils as forum for judicial branch information sharing; (6) to clarify the voting powers of each member of regional councils; (7) to expand and refine the authority of the JCSN to create, suspend, inactivate, or reactive such subcommittees as deemed necessary by the JCSN; (8) technical corrections to names of judicial organizations; and finally (9) to create a registry of vexatious litigants, to be available to the courts, within the Office of the State Court Administrator.

The revised and new rules were presented to the JCSN at its September 21, 2012, meeting, and the Council approved the suggested changes as presented. Accordingly, I request that the Nevada Supreme Court review and amend Supreme Court Rules, Part II, Rules 7.5, 8, and

9; and create a new Rule 9.5, consistent with the above referenced recommendations as presented in Exhibit A.

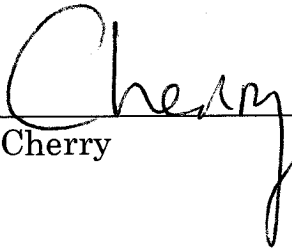
 _____, C.J.
Cherry

EXHIBIT A

SUPRMEE COURT RULES, PART II

Rule 7.5. Judicial regions.

There shall be five judicial regions in the state which shall be comprised as follows:

1. Sierra region shall consist of all courts, except the supreme court, within the first, third, *and* ninth, *and tenth* judicial districts;
2. The Washoe region shall consist of all courts within the second judicial district;
3. The North Central region shall consist of all courts within the fourth and sixth judicial districts;
4. The South Central region shall consist of all courts within the fifth and seventh judicial districts;
5. The Clark Region shall consist of all courts within the eighth judicial district.

Rule 8. Regional Judicial Councils.

1. Composition, terms. Effective January 1, 2001, and superseding former Supreme Court Rule 8, there is hereby created a regional judicial council in each region. Each regional judicial council shall be composed *of the individual judges whose courts are geographically located within the region. The regional councils shall be represented on the state judicial council by one district judge, who shall be chair, and one limited jurisdiction judge, each of whom shall be elected by a majority of his or her respective colleagues in the region for a term of one, two, or three years; thereafter, all terms shall run three years,* except *that* in the judicial districts required to elect a chief judge pursuant to NRS 3.025, that chief judge, or the chief judge's designate, shall be the district judge member concurrent with his or her term as chief judge.

(a) The Clark regional judicial council shall ~~consist of~~ *be represented by:*

(1) Two additional district judges to be elected by a majority of the district judges in the region. Of the two additional district judges, one must be from the criminal/civil division and one from the family division.

(2) One additional limited jurisdiction judge to be elected by a majority of the limited jurisdiction judges in the region.

(b) The Washoe regional judicial council shall ~~consist of~~ *be represented by* one additional limited jurisdiction judge to be elected by a majority of the limited jurisdiction judges in the region. Of the two limited jurisdiction judges, one must be a justice of the peace and one must be a municipal judge.

2. Election. ~~At the first regional meeting following the adoption of these rules, all judges within each region shall meet and elect a regional judicial council and the chair of the region shall certify the results of the election to the supreme court via the administrative office of the courts. Terms for the regional council members will commence for each region upon the date of its first meeting in 2001. Elections for regional judicial council representative shall be conducted as necessitated by prospective expiration of terms. Elections may be conducted in-person, via mail, or via electronic means through the administrative office of the courts within sufficient time to ensure that the results of the necessary elections can be certified to the chief justice on or before the first business day in January in which any new term begins.~~

3. Meetings. The regional judicial councils shall meet at least once every four months, or at the call of the chair.

4. Purpose. Each regional judicial council shall, subject to the direction of the chief justice, rule or order of the supreme court:

(a) Coordinate the implementation of, within its region, all administrative rules and orders of the supreme court or the chief justice.

(b) ~~Be primarily responsible for the representation of the courts of the region in all matters relating to the court system in local government affairs. Provide a forum for the communication of information between the courts of the region and the supreme court.~~

(c) Define, develop and coordinate programs and projects for the improvement of courts in the region.

5. Voting authority. ~~Only those judges elected by their colleagues within their respective regions, or their designates, are authorized to~~ Each judge in the region has one vote on regional judicial council matters *at regional council meetings.*

Rule 9. Judicial Council of the State of Nevada.

1. Creation, composition. There is hereby created a judicial council of the State of Nevada which shall supersede the council established by former Supreme Court Rule 9 and it shall be composed of the members of each regional judicial council, the chief justice, who shall serve as chair, and the vice-chief justice. If not otherwise a member, the presidents of the Nevada District Judges Association and ~~Nevada Judges Association~~ *Nevada Judges of Limited Jurisdiction Association* shall each be an ex-officio member to provide additional information to the judicial council of the State of Nevada on behalf of their respective associations. If otherwise a member, the presidents of the Nevada District Judges Association and the ~~Nevada Judges Association~~ *Nevada Judges of Limited Jurisdiction Association* shall appoint a voting designate to represent their respective association. The state court administrator, Clark region district court administrator and Washoe region district court administrator shall each be a non-voting, ex-officio member of the judicial council of the State of Nevada. All members of the council are voting members except the three court administrators.

2. Meetings. The judicial council of the State of Nevada shall meet at least once every four months.

3. Purpose. The judicial council of the State of Nevada shall, at a minimum:

(a) Develop and recommend to the supreme court policies for the administration of the judiciary.

(b) Consider issues forwarded to it by the supreme court and/or chief justice.

(c) Review and approve proposed legislation affecting the courts submitted by the Nevada District Judges Association, *and the Nevada Judges Association Nevada Judges of Limited Jurisdiction Judges Association, and the various courts that make up the Nevada Judicial Branch.*

(d) Recommend legislation and/or rules affecting the courts to the supreme court.

(e) Establish committees, as deemed necessary and proper, to develop minimum standards, to be recommended to the supreme court for, at a minimum:

(1) Judicial administrative performance;

(2) Education and training for judges;

(3) Education and training for court support staff;

(4) Court facilities;

(5) Court security;

(6) Court technology;

(7) Court staffing;

- (8) Resolving intra-court discrepancies submitted to the council by one or more courts;
- (9) Resolving discrepancies between the courts and outside organizations submitted to the council by a court or by the outside organization.

Such committees exist at the will of the council and may be convened, suspended, reconvened, or eliminated at the direction of the council at any time. Other committees may also be established to consider and make recommendations regarding other issues of concern to the Nevada Judiciary.

(f) Develop recommendations to be approved by the supreme court for the improvement of Nevada's courts and the statewide court system.

(g) Review and recommend changes as needed to the annual report on the judiciary published by the administrative office of the courts.

(h) In coordination with the administrative office of the courts, seek and accept federal and private funding for the improvement of Nevada's courts and statewide court system.

(i) Establish procedures to be followed by the council to achieve its purpose.

4. Support. The administrative office of the courts shall provide support services to the council including, at a minimum:

(a) Developing and publishing regional judicial council and council of the State of Nevada agendas.

(b) Recording and publishing the council of the State of Nevada's meeting minutes.

Rule 9.5. List of Vexatious Litigants.

1. Purpose and procedure. The administrative office of the courts shall maintain for use by the judicial council and the courts of the State a list of litigants that have been declared as vexatious by any court, at any level of jurisdiction, throughout the State:

(a) Each court shall, upon entering an order declaring a litigant to be vexatious, submit a copy of the order to the director of the administrative office of courts or his/her designee.

(b) The director or designee shall enter the name of the litigant identified in the aforementioned order on a list of vexatious litigants and post the list in such a place as for it to be readily accessible to the various courts. The director or designee shall maintain the list in good order.

(c) If a court takes any action that affects the status of a litigant declared vexatious, the court shall forward record of that action to the director or designee forthwith for amendment to the list.