

IN THE SUPREME COURT OF NEVADA

FILED

OCT 23 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

1
2
3 IN THE MATTER OF THE REPEAL)
4 AND REPLACEMENT OF THE)
5 CHIEF-JUDGE RULE FOR THE)
6 LAS VEGAS JUSTICE COURT)
7 _____)

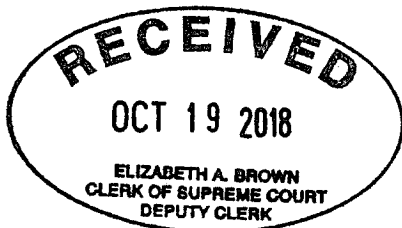
ADKT NO.: 0535

8
9 WHEREAS, the Nevada Supreme Court has previously approved for the Las Vegas
10 Justice Court a Chief-Judge Rule contained in the Justice Court Rules of the Las Vegas
11 Township (JCRLV), and

12
13 WHEREAS, the justices of the peace have determined that amendments to the Chief-
14 Judge Rule (JCRLV 6.5) are warranted; and

15
16
17 WHEREAS, the Las Vegas Justice Court is in the process of preparing proposed
18 revisions to all of its local rules, with the eventual intent of grouping related topics in specific
19 sections; and

20
21 WHEREAS, the Court has concluded that the current Chief-Judge Rule should be
22 renumbered as "JCRLV 2.1" in order to be classified within a future "Part II" of the JCRLV
23 entitled "Administration of the Court," and
24

25

RECEIVED
OCT 19 2018
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

18-41671

1
2 **WHEREAS**, Rule 83 of the Justice Court Rules of Civil Procedure provides that copies
3 of any proposed rule changes “shall upon their promulgation be furnished to the Supreme Court,
4 but shall not become effective until after approval by the Supreme Court and publication,”
5

6 **THEREFORE**, the justices of the peace of the Las Vegas Justice Court do hereby
7 formally petition the Nevada Supreme Court for permission to repeal the existing Chief-Judge
8 Rule (**JCRLV 6.5**) and to replace that rule with new **JCRLV 2.1** as illustrated in “Exhibit A”
9 which is attached hereto.
10

11 Dated this 11th day of October, 2018.
12
13
14
15
16
17

18 

19 **CHIEF JUDGE JOE BONAVENTURE**
20
21
22
23
24
25

Exhibit "A"

[JCRLV 6.5. Chief judge.

(a) Selection and term.

(1) The justices of the peace must biennially select one of their number to serve as chief judge for a term of 2 years. However, the term may, by election, be extended 2 years.

(2) The election shall take place in November of an election year, or at such other convenient time as a majority of the justices of the peace may agree. The chief judge so elected shall begin to serve on January 1 of the next year following the election.

(3) At the time of the election, any incumbent justice of the peace who will not be returning to office the next year because of retirement, resignation, failure to be reelected, or other reason shall not be eligible to vote in the election for chief judge. Moreover, any person who has been elected to take office as justice of the peace in the year following the election shall be eligible to vote in the election for chief judge. In the event that the chief judge retires, resigns, or is prohibited from completing his or her term of office, a majority of the remaining justices of the peace shall choose a successor who will serve for the balance of the term.

(b) Duties and responsibilities.—The chief judge must:

(1) Be responsible for the chief judge's own administrative calendar which shall include, without limitation, motions, status checks, special settings, and hearings on judicial disqualification motions.

(2) Consider and rule on any ex parte applications for orders in cases which have not been assigned.

(3) Make regular and special assignments of judges, including committee work and special court projects, and hear or reassign emergency matters when a judge is absent or otherwise unavailable.

(4) Supervise the court administrator/deputy clerk and related supervisors and managers in the management of the court and the performance of the administrator's duties, in order to assure that court duties are performed in an orderly and timely fashion. Such supervision shall include the completion of required performance evaluations for the justice court staff attorney.

(5) Supervise the administrative business of the court and have general supervision and disciplinary authority over referees, justices of the peace pro tempore, hearing masters, and any other judicial officers, quasi-judicial officers, or independent contractors employed by the court.

(6) Coordinate regular training sessions, including training in judicial ethics, for referees, justices of the peace pro tempore, and hearing masters.

(7) Assure quality and continuity of services necessary to the operation of the court.

- ~~(8) Be responsible for the administration of court rules and administrative orders.~~
- ~~(9) Attend meetings as a representative of the Las Vegas Justice Court.~~
- ~~(10) Exercise general supervision over all court personnel that are not permanently assigned to a particular justice of the peace.~~
- ~~(11) Determine the need for and approve:
 - ~~(A) the allocation of space and furnishings in the court building;~~
 - ~~(B) the construction of new court buildings, courtrooms and related physical facilities;~~
 - ~~(C) the modification of existing court buildings, courtrooms and related physical facilities; and~~
 - ~~(D) the temporary assignment or reassignment of courtrooms between departments to accommodate the needs of litigants, and efficient and effective case management.~~~~
- ~~(12) Supervise the court's calendar, apportion the business of the court among the several departments of the court as equally as possible, and resolve any procedural/policy disputes between the court departments.~~
- ~~(13) Reassign cases or categories of cases from a department to another department as convenience or necessity requires.~~
- ~~(14) Appoint standing and special committees of judges and/or court staff as may be advisable to assist in the proper performance of the duties and functions of the court.~~
- ~~(15) Act as a liaison between the court and other governmental and civic agencies and, when appropriate, meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, and community to review problems and to promote understanding of the administration of justice.~~
- ~~(16) Set and preside over frequent and regular meetings of the judges at least once every other month and additional special or closed meetings as may be required by the business of the court, distributing to all judges a prepared agenda before the meeting and minutes thereafter. If a quorum of judges is not present at a regularly scheduled judges' meeting, the chief judge shall have the authority to mandate attendance at the next regularly scheduled judges' meeting. Topics for consideration at judges' meetings may include, but are not limited to, the following:
 - ~~(A) Discussion and policy setting on procedures;~~
 - ~~(B) Strategic planning;~~
 - ~~(C) Caseload distribution;~~
 - ~~(D) Judicial training;~~
 - ~~(E) Court improvements;~~
 - ~~(F) Special court projects;~~
 - ~~(G) Personnel matters; and~~
 - ~~(H) Any other matters of benefit or concern to the court.~~~~
- ~~(17) Designate another judge to perform the chief judge's duties (serve as acting chief judge) in his or her absence or unavailability as chief judge. The acting chief judge shall serve at the pleasure of the chief judge.~~

~~(c) Removal from office as chief judge.—The chief judge may be removed from office by a two-thirds vote of the judges present at a duly noticed meeting. Any judge may appeal any order of the chief judge to the full panel of the justices of the peace. Any order of the chief judge can only be reversed by a two-thirds vote of the judges attending a regularly scheduled meeting.~~

~~(d) Compliance with other rules; delegation of duties.—The duties prescribed in these rules shall be done in accordance with applicable Nevada Revised Statutes, Supreme Court Rules, and established court policies. To facilitate the business of the court, the chief judge may delegate the duties prescribed in these rules to other judges.]~~

(Proposed) JCRLV 2.1. Chief judge.

(a) Selection and term.

(1) The justices of the peace must biennially select a chief judge for a term of 2 years. A justice of the peace may not serve as chief judge for more than two full consecutive terms.

(2) The election shall take place in November of an election year at a duly noticed meeting with the related agenda item clearly listed, or at such other convenient time at a duly noticed meeting with the related agenda item clearly listed as a majority of the justices of the peace may agree. The chief judge shall be elected by secret ballot and by majority vote of the justices of the peace who are present in person or by proxy. The votes shall be tabulated by the court administrator or his or her designee. In the event of a tie:

(a) The candidate who has the most years of service as a justice of the peace for the Las Vegas Justice Court shall prevail; and

(b) If multiple candidates are tied with the most years of service, the judge who has the most years of licensure as an attorney in the State of Nevada shall prevail.

The chief judge who is elected shall begin to serve on January 1 of the next year.

(3) At the time of the election, any incumbent justice of the peace who will not be returning to office the next year because of retirement, resignation, failure to be reelected, or other reason shall not be eligible to vote in the election for chief judge.

Any person who has been:

(a) Declared elected during the primary election of an election year; or

(b) Elected to take office as justice of the peace in the year following the general election,

shall be eligible to vote in the election for chief judge.

(4) In the event that the chief judge retires, resigns, or is prohibited from completing his or her term of office, a majority of the justices of the peace shall elect a successor by the process described in subsection (a)(2) above. The successor will serve for the balance of the term.

(b) Duties and responsibilities. The chief judge must:

(1) Be responsible for the chief judge's own administrative calendar, which shall include resolution of judicial disqualification motions pursuant to NRS 1.235.

(2) Consider and rule on any applications for orders in cases which have not yet been assigned.

(3) Make regular and special assignments of judges, including committee work and special court projects, with such assignments apportioned in an equitable manner.

(4) Consider or reassign emergency matters when a judge is absent or otherwise unavailable.

(5) Supervise the court administrator/deputy clerk.

(6) Supervise the administrative business of the court and have general oversight and mentorship availability for referees, justices of the peace pro tempore, and any other quasi-judicial officers who are independent contractors of the Court.

(7) Consult with the court administrator who shall have general supervision and disciplinary authority over attorneys who are employed by the court as hearing masters, quasi-judicial officers, or staff attorneys.

(8) Coordinate regular training sessions, including training in judicial ethics, for referees, justices of the peace pro tempore, and hearing masters.

(9) Assure quality and continuity of services necessary to the operation of the court.

(10) Be responsible for the administration of court rules and administrative orders.

(11) Attend meetings as a representative of the Las Vegas Justice Court.

(12) Determine the need for and approve:

(A) the allocation of space and furnishings for the court;

(B) the construction or modification of court buildings, courtrooms, and related physical facilities; and

(C) the temporary assignment or reassignment of courtrooms between departments to accommodate the needs of litigants, and efficient and effective case management.

(13) Supervise the court's calendar, apportion the business of the court among the departments of the court as equitably as possible, and resolve any procedural/policy disputes between the court departments.

(14) Reassign cases or categories of cases between departments as necessary.

(15) Appoint standing and special committees of judges and/or court staff as may be advisable to assist in the proper performance of the duties and functions of the court.

(16) Act as a liaison between the court and other governmental and civic agencies and, when appropriate, meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, and community to review problems and to promote understanding of the administration of justice.

(17) Set and preside over frequent and regular meetings of the judges at least quarterly and additional special or closed meetings as may be required by the business of the court; distribute to all judges an agenda before the meeting; and prepare minutes thereafter. If a quorum of judges is not present at a regularly scheduled or specially scheduled judges' meeting, the chief judge shall have the authority to mandate attendance at the next regularly scheduled judges' meeting. As used in this subsection, a "quorum" shall consist of a majority of the justices of the peace attending a meeting, either in person or by proxy.

(c) Discretionary actions. The chief judge may:

(1) Appoint a presiding civil judge and/or a presiding criminal judge who serves at the pleasure of the chief judge.

- (2) Appoint a vice-chief judge who serves at the pleasure of the chief judge.**
- (3) Designate another judge to perform the chief judge's duties or presiding judge's duties when necessary because of absence or unavailability.**
- (d) Removal as chief judge.** The chief judge may be removed from office by a two-thirds vote of the total number of judges of the court. The meeting shall be duly noticed and properly agendized. Votes may be cast either in person or by proxy. The votes shall be tabulated by the Court Administrator or his or her designee.
- (e) Reversal of a chief-judge decision.** A decision by the chief judge may be reversed by a two-thirds vote of the judges who are present, either in person or by proxy, at a meeting which shall be duly noticed and properly agendized. The votes shall be tabulated by the Court Administrator or his or her designee.
- (f) Limit on Expenditures.** Except as provided in subsection (g), the chief judge shall not approve or modify an annual court expenditure in excess of \$250,000.00 without the consent of the majority of the justices of the peace. As used in this subsection, an "annual court expenditure" is defined to include an expenditure that occurs once in a one-year period or an expenditure that is cumulated over a one-year period.
- (g) Exception Regarding Expenditures.** If a multi-year contract has been approved as provided in subsection (f), no subsequent annual reviews during the period of the contract shall be necessary.