



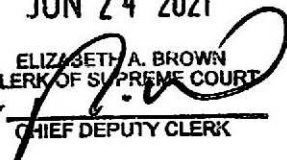
CHIEF JUDGE MELISSA A. SARAGOSA

Justice Court, Las Vegas Township

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FILED

JUN 24 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

June 22, 2021

Elizabeth A. Brown
Clerk of the Supreme Court
201 So. Carson Street
Carson City NV 89701

Dear Ms. Brown,

I am writing to provide written comments to ADKT 0581 set for public hearing on June 28, 2021. I am the Chief Judge of the Las Vegas Justice Court (LVJC), by far the busiest limited jurisdiction court in Nevada. While the Las Vegas Justice Court supports the creation of a committee to study best practices for virtual appearances, we respectfully request one of our members be appointed to any such committee. The challenges stemming from virtual appearances in a fast-paced limited jurisdiction court are complex and unique. Rules and procedures that may work for litigants in a district court will, in most situations, not be practical for the types of cases and litigants that we encounter.

In general, one of our biggest issues is the lack of reliability of the BlueJeans/JAVS equipment connection. Court calendars are regularly delayed while IT troubleshoots the problem. Additionally, virtual appearances for testimony problem a layer of difficulty in evaluating the demeanor of a witness and can negatively impact the ability to conduct cross-examination. Below is a summary of the challenges our court has faced in conducting court in a virtual environment by case type.

Small Claims and Summary Eviction Actions

Small Claims actions and Summary eviction actions in the LVJC are held Monday – Thursday and most calendars have 20-35 cases scheduled each day. Litigants usually appear in proper person with an occasional attorney appearance. Written notices of the hearing date are mailed to the litigants.

During the pandemic, both small claims and summary eviction hearings were held via BlueJeans, either through audiovisual means or telephonic. Although notices of the hearing gave

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instructions on the virtual appearance, the court still encountered litigants who came to the courthouse for their case. Litigants appearing in proper person have no counsel to provide them guidance on how to properly make a virtual appearance. Problems encountered include:

- Inability of the judicial officer to hear the litigants. Because we are required to record the proceedings, BlueJeans is run through the JAVS system. The audio comes from the overhead speakers.
- Inability of the judicial officer to control litigants from interrupting each other in the virtual environment as there is no marshal present to enforce rules of etiquette, thus compounding the problem of hearing the litigants.
- Calendars which normally took 2-3 hours to hear were protracted and often doubled the time to complete the docket.
- Pro Per litigants rarely heeded direction to provide exhibits to the court and opposing party before the hearing necessitating either a continuance or delay of the hearing to provide such exhibits. This contributed to excessive delays in completing the docket and clogged up future calendars with unnecessary continuances. Overall, mandated virtual appearances prevented efficient case management by the court.
- A fair number of litigants require the services of a court interpreter. When making a virtual appearance the court was not notified of this need until the case was called rendering the court unable to hear the case because an interpreter had not been scheduled in advance.
- Many indigent litigants do not have the equipment to appear with both audio and video and will appear telephonically. Telephonic appearances made in this manner do not allow the litigant to "check-in". This often results in litigants missing their case as they don't hear when it is called. Additionally, this makes it impossible for the court clerk to manage the calendar.

Civil Actions

Civil actions in the LVJC include a significant number of consumer debt cases, including high-interest or deferred deposit loans, credit card debt, and medical debt. Other case types include unlawful detainer actions, low impact personal injury cases, and breach of contract cases.

In general, the plaintiff is represented by counsel, but the defendants usually appear in proper person.

During the pandemic, civil actions were held via BlueJeans, either through audiovisual means or telephonic. Although notices of the hearing gave instructions on the virtual appearance, the court still encountered litigants who came to the courthouse for these civil cases as well. Problems encountered include:

- Similar to the summary eviction and small claims cases, sound quality is poor. The overhead speakers are too far from the judicial officer who has no ability to adjust the volume.
- Despite instruction, we continue to have unlawful detainer trials where counsel and pro per litigants fail to provide exhibits to the court, opposing party, and witnesses appearing

virtually. This makes it incredibly difficult to make an accurate record of the proceedings.

- Pro per litigants don't appreciate the serious nature of the proceeding. When they appear virtually, there is a strong tendency to treat the matter with less import than it deserves. The unlawful detainer order to show cause hearings and trials can result in a temporary or permanent writ of restitution where a lockout occurs.

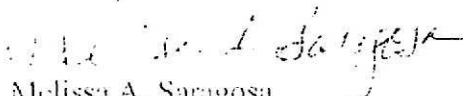
Criminal Actions

Criminal actions in the LVJC include bail hearings, arraignments, initial appearances, misdemeanor trials, felony and gross misdemeanor preliminary hearings, and status checks. These various hearing types include defendants who are both in and out of custody. Calendars for in-custody defendants are conducted via BlueJeans through a JAVS connection with the Clark County Detention Center. The inmates are transported to one of four classrooms fitted with the necessary equipment. These classrooms have low ceilings, hard floors, cinderblock walls, and terrible echoes. Recently, carpeting was laid to assist with sound dampening and alternative wall material is being installed as well. Problems encountered include:

- Despite noise dampening efforts, the sound quality is still difficult.
- Classrooms only hold about 25 inmates while calendars often have more than 25 in-custody defendants requiring multiple sessions.
- Defendants will manipulate the outcome of a compliance hearing by appearing virtually when conditions of suspended jail sentences are incomplete or have been violated removing the court's ability to remand the defendant into custody.
- Defendants and witnesses appear in attire inappropriate for a court hearing.
- Defendants and witnesses appear from locations with poor reception, or while travelling where reception is changing.
- Witnesses cannot be sequestered from other family members who also be witnesses.
- Identification of the Defendant becomes overly suggestive.

Please share these concerns with any committee established to look into best practices for virtual appearances. While virtual appearances have enabled the LVJC to continue operations during the pandemic, it is not an ideal system for all case types and case hearings and has significant limitations. Virtual appearances degrade the dignity of the court proceeding in the majority of our cases. While virtual appearances can decrease overall time spent traveling to and attending hearings for some civil actions where both sides are represented by counsel, that is not the typical case in the limited jurisdiction courts. Overall, we support the creation of the committee and welcome an opportunity to be involved in the discussion. For the foregoing reasons, we do not support a push to make virtual appearances the default.

Sincerely,


Melissa A. Saragosa
Chief Judge, Las Vegas Justice Court