

NEVADA

Justice Commission, Mental Health Courts, Early Release and Child Support Drug Courts

This state's summary includes reports from the following:

[Administrative Office of the Courts](#)

[Eighth Judicial District Court](#)

[Nevada Trial Lawyers Association](#)

Judicial Assessment Commission: As noted in the striking, comprehensive Annual Report of the Nevada Judiciary for 1999-2000, the Supreme Court's Judicial Assessment Commission--still carrying the Rose Commission nickname it was given in 1994 for its sponsor, Chief Justice Bob Rose during his first stint as Chief Justice--was resurrected in fiscal year 1999-2000 to take a fresh look at a judicial system that had experienced considerable change during the previous five years.

The Commission's assignment: make recommendations for needed changes without regard for politics or special interests. While many of the commission members were connected to the legal community and familiar with the current system, many others were not. Chosen for their skills, business knowledge or community involvement, they brought a fresh perspective to the Commission. The Commission was divided into four task forces: *Access to and Quality of Justice*, *Court Administration*, *Criminal Justice*, and *Special Court Structures*.

Recommendations made by the original Rose Commission led to the passage of new laws by the Legislature and new rules by the Nevada Supreme Court, making the court system at every level work better for the people. Implemented 1994 recommendations included: truth in sentencing laws to keep prisoners behind bars, establishing strong chief judge systems in the state's urban District Courts, the statewide collection of judicial statistics, creating a Division of Planning & Analysis at the Administrative Office of the Courts, and expanding drug court programs.

The fiscal year 1999-2000 Rose Commission fine-tuned many of its prior recommendations, reaffirming its position on sometimes politically sensitive issues--such as the appointment rather than election of judges (the so-called *Nevada Plan*), consolidation of the Municipal and Justice Courts under state funding, and re-categorizing minor traffic offenses and "neighborhood disputes" from misdemeanor crimes to civil infractions. The Rose Commission also renewed its 1994 call to reduce the penalty for possession and use of small quantities of marijuana from a felony to a misdemeanor or gross misdemeanor. Passage of the controversial law was supported in newspaper editorials. Other fiscal year 1999-2000 recommendations: A) prompt lawyers to donate 20 hours of their time or \$500 to help people too poor to afford legal representation; B) expand the rights of citizens to represent themselves in all types of court cases; C) work toward the electronic filing of court documents to eliminate the paper-dependent system currently in place; D) ensure the Judicial Branch receives its statutory share of administrative assessments; E) revise bail laws to give courts and jailers more control and minimize jail overcrowding; F) create a "blended" system to deal with serious juvenile offenders that would let them be processed in adult courts but rehabilitated in the juvenile system

The [Administrative Office of the Courts](#) is addressing two kinds of problem-solving courts--

Several district courts in the State of Nevada have been considering a plan to establish a *Mental Health Court*. The program would divert people charged with minor offenses who have mental health problems to the proposed court where a district judge could order mental health evaluations. Washoe County has a task force of police, mental health professionals, prosecutors, defense lawyers, and others who have been working on a proposal. Proposed legislation (currently pending) would make it clear that limited jurisdiction courts have the authority to transfer those cases to district court.

The Administrative Office of the Courts (AOC) registered for the *Drug Court Planning Initiative* on behalf of the Nevada Judiciary in May 2000. The cost of the workshops and travel expenses for the team members are paid through the Drug Court Program Office. Because there is no cost to the drug court teams, rural courts were able to take advantage of this unique opportunity. Upon successful completion of the drug court training program, it is likely that communities will be eligible to apply for implementation funds in fiscal year 2002.

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The [Eighth Judicial District Court](#) (Clark County/Las Vegas) highlights the following activities:

Drug Court Developments: Under implementation is an Early-Release Drug Court Program for non-violent prison inmates who are within two years of probable release and are addicted to drugs. Twelve inmates are currently participating in the program; four have been approved for release; another six are in review. A bill is pending before this legislative session that will increase eligibility by allowing inmates to have up to five felonies instead of a total of two. To the court's knowledge, this represents the first program of its kind in the United States. Also implemented is a Child Support Drug Court for non-custodial parents who are not meeting their court ordered support obligation because they are addicted to drugs. There are currently eighteen individuals in the program. This also represents the first program of its kind in the United States.

There is also participation in the *Female Offender Task Force* recently established by the Director of the Nevada Department of Prisons (NDOP). This is an initiative to look at a continuum of services and programs for the female offender within institutions, as well as pre- and post-incarceration.

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The *Family Violence Intervention Program* (FVIP) (Protection Orders) went on-line with the Nevada Protection Order registry on July 19, 2000. A computer software program developed by Nevada Department of Motor Vehicles and Public Safety (DMV & PS), allows individual Courts throughout the state to perform data entry of Protection Order information and within minutes the information is accessible to other courts and law enforcement agencies. The Administrative Office of the Courts provided updated computer systems that were able to handle the software program and link with the registry in Carson City through funds obtained from the Grants to Encourage Arrest Policies.

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Court Appointed Special Advocate Program: The Court Improvement Project has funded numerous undertakings, i.e., Families Visiting Project in Reno; Children's Attorney Project in Clark County; Health & Education Passport Project in Clark County, and Adoption and Safe Families Act (ASFA) seminars statewide, all of which have been very successful. The Training Partnership has sponsored numerous statewide and local training events for attorneys, caseworkers, foster parents, child advocates, and police officers with extremely positive feedback and results. The Children's Attorney Project has hired two full-time attorneys plus trained private members of the Bar to serve as legal counsel for abused/neglected children with outstanding success. The Diligent Search Project has developed guidelines and criteria and hired a part-time employee to search for relatives of abused/neglected children in care. The Children's Justice Task Force has assisted in the coordination of child welfare services statewide through seminars, annual reports and conjoint meetings with other groups in the arena.

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Family Mediation Center – Eighth Judicial District provides vital adjunct support to the court and provides neutral, independent, specialized services to the courts and parties. The FMC provides eight primary services: (1) mediation services; (2) child interviews; (3) interviews with minors seeking permission to marry; (4) Program Coordinator for court-mandated divorce seminar (Transparenting); (5) coordination of outsourced services; (6) criminal history/juvenile records check; (7) court consultation; and (8) information/community education and referral.

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Arbitration Surveys: The Eighth Judicial District Court's Arbitration Office recently concluded its 2000-2001 Arbitrator Survey asking attorneys who completed a final arbitration hearing to rate their arbitrator and to state whether he/she should be retained on the panel of approved arbitrators. Over 1,500 survey forms were sent out asking sixteen questions about the arbitrator. Over 1,000 responses (a 65% response rate) were received. In all, those responding rated 174 arbitrators (approximately 83% of the active arbitrators on the panel) in 730 different arbitration cases. 168 arbitrators were asked to be retained; 79 arbitrators received both a "yes" and "no" to the question as to whether or not they should be retained. Responses indicated only five arbitrators should not be retained and those responding were unsure about 25. Four arbitrators voluntarily withdrew their names from the panel as the result of the survey. With respect to those arbitrators whom respondents indicated should not be retained or were unsure, the single largest complaint was that the arbitrator did not fairly weigh all the evidence and the arguments of counsel before rendering his/her decision (four out of five arbitrators received this complaint).

The results of the survey have recently been sent, confidentially, to each of the arbitrators who were rated, and in many cases, arbitrators have been personally contacted about their ratings. Based upon the responses, the Assistant Arbitration Commissioner conducted arbitrator continuing legal education (CLE) for all arbitrators in April-May 2001. Recently, a survey of participants in arbitration was initiated; parties at a final arbitration hearing are given an evaluation form to complete and return. The results are not yet available.

As a further effort to improve the arbitration program, the Arbitration Office has worked closely with the State Bar of Nevada in several ways, including attending and contributing to alternative dispute resolution (ADR) seminars sponsored by the State Bar and working with the State Bar in making annual arbitration a CLE requirement in order to remain on the approved panel of arbitrators for the court-annexed arbitration program.

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The Clark County *Family Law Self Help Center*: An additional Public Service Representative (public assistance/receptionist) position was added in March, 2001 so the Center can maintain quality of services and timely customer assistance. The Center will replace one public typewriter with a computer and printer. The Center is also investigating the best procedure to make its Web site interactive. Once the forms on the Center's Web site become interactive, customers will be able to use the unit to customize the Center's forms and print them for a nominal charge. In early 2000 the Center extended hours one day per week so that customers would not need to take time from work to visit the Center. The new hours were prompted by numerous customer requests. The Center will be investigating the feasibility of additional extended hours in the near future.

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www.co.clark.nv.us/district_court/self_help_center_index.htm

The [Nevada Trial Lawyers Association](#) (NTLA), through its public education arm, the Nevada Foundation for Consumer Education, has been presenting The People's Law School, free of charge, since 1986. In even-numbered years it takes place in southern Nevada and in odd-numbered years in northern Nevada. Its purpose is to educate the citizens of Nevada regarding their constitutional, legal and consumer rights. The school consists of twelve classes held two at a time during a six-week period. Extensive advertising is utilized in the presentation geographical area advising the general public of its date, time, and place. Volunteer instructors consist of members of the Nevada Supreme Court, Nevada Legislature, and NTLA member attorneys—all covering the areas of law in which they practice. The school is videotaped and the tapes made available to public television stations throughout Nevada.

NFCE also sponsors a Speakers Bureau. Most recently, NFCE joined efforts with the Clark County School District, the University of Nevada Las Vegas Safe Community Partnership, and the Nevada Independent Insurance Agents and created a teenage driving course, *Hitting the Road: Your Rights and Responsibilities as a Driver*. The goal of this class is to not only create more skilled teen drivers but to also educate young people about their driving responsibilities.

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