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LEGISLATIVE TESTIMONY ON AB 100

The Honorable Judge James M. Bixler
Las Vegas Justice Court

February 28, 2003

Good morning. My name is James Bixler. I am here on behalf of the Justices of the Peace and the Administrative Staff of the Las Vegas Justice Court to address our concerns about AB 100. If the Justice Court jurisdictional civil case limit is raised to \$10,000, there will be a tremendous impact on all the major Justice Courts in the State of Nevada.

In 1993, the Legislature raised the jurisdictional limit from \$5,000 to \$7,500. In the eleven years since this change was made, the number of new general civil filings has increased 632% in the Las Vegas Justice Court. In 1992, the year before the change went into effect, there were 3,186 new formal civil case filings in the Las Vegas Justice Court. In 2002, there were 23,331. Moreover, the average increase in general civil filings over the last five years has been 30% per year. Today, despite the large civil caseload, the Las Vegas Justice Court has only 2 full-time equivalents (FTEs) to process formal civil cases.

The Las Vegas Justice Court is already the busiest court in the State of Nevada. According to the fiscal year 2001-2002 Annual Report of the Nevada Judiciary, 101,528 criminal and civil cases were filed in our court. This accounts for 61% of the criminal cases and 54% percent of the civil cases filed statewide. This equates to 12,691 cases per judicial position - - compared to a statewide average of 2,615 cases. In addition to the civil and criminal caseloads, the Las Vegas Justice Court receives approximately 230,000 new traffic citations each year and provides seven day a week, 24 hour, Pretrial Services in the Clark County Detention Center.

ASSEMBLY JUDICIARY

DATE: 2/28/03 ROOM 3138 EXHIBIT

SUBMITTED BY: Judge Bixler

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Current clerk staffing levels, operating appropriations, and facility resources are barely adequate to adjudicate and process the court's caseload.

The Las Vegas Justice Court has projected that if the civil limit is increased to \$10,000, and if current population trends combine with other factors (the increase in attorneys, the increase in the number of businesses filing lawsuits, etc.), the number of new civil filings would double from approximately 30,000 filings in 2003 to **60,000 filings in 2007**, a mere four years later. The bottleneck caused by the tidal wave of civil cases would likely have a ripple effect across the Justice Courts as those courts struggle to process other types of cases, such as summary evictions, TPOs, and traffic cases. More troubling is the fact that the increased civil caseload would certainly have an impact on the processing of criminal cases, where statutory deadlines and constitutional considerations mandate timely handling.

To meet the resulting caseload demand of AB 100, the Las Vegas Justice Court would need a **minimum of 8 additional employees** to handle the anticipated workload in the existing Records, Detention, Filing, Finance, and Civil Divisions and mandate the creation of a new Jury Services Division to be staffed with a **minimum of 3 additional employees**. Las Vegas Justice Court does not even have a jury deliberation room at this juncture.

When the potential need for a **new judicial department and mediation coordination** are added, the fiscal impact comes to **\$1.9 million**. Currently, NRS 4.020 authorizes the Las Vegas Justice Court to have 11 judges, but we have, thus far, been able to conduct court business with only 8 judges.

The one judge per 100,000 population trigger has been in place for years. During this time, the following legislative changes have occurred:

- (1) Jurisdictional limits for cases in justice court have been increased twice;

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- (2) DUI and Domestic Violence cases have been substantially "criminalized," leading to an increase in the amount of time justice courts must spend on these cases;
- (3) Legislation providing for temporary protective orders has been passed with a substantial amount of the burden for issuing and handling TPOs falling on the justice courts;
- (4) By court order and legislation it is now required that every eviction case in which the tenant files a protest must go to hearing; and
- (5) The justice courts have taken over most of the extradition cases from district court.

A review of funding and appropriations for the district courts versus the justice courts indicates that the justice courts' resources are far more constrained than that of the district courts.

If the Legislature is inclined to pass AB 100, the Justice Courts respectfully request the Legislature's consideration of amendments to the bill which would incorporate one or more of the following means to lessen the financial and operational burden:

- (1) Facilitate the use of "short jury trials" in Justice Court to counteract the increase in the number of jury trials requested for civil cases.
- (2) Provide the Justice Courts with an increased filing fee for cases seeking judgments between \$7,500 and \$10,000.
(Currently, AB 100 does not provide for any increased fees for the Court.)
- (3) Delay the effective date for the change so that the courts can prepare for filings.
(AB 100 states that it applies to civil actions filed on or after October 1, 2003. Staff is now working out of closets and in close proximity to one another. Cases are stored off-site. Request the effective date be January 1, 2005, when the new Justice Center and case management system are in place.)
- (4) Lower the population triggers in NRS 4.020 so the Justice Courts throughout the state can request additional judges as necessary to handle the increase in caseload.
- (6) Consider new legislation to funnel more money to support the Justice Courts.
(For example, create additional fees in NRS Chapter 4 for the growth of the courts).
- (7) Consider incorporating a binding arbitration process.

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In short, we request that these issues be discussed in any analysis of AB 100, and we would be happy to offer additional statistics or information upon request.

Thank you for your consideration.

**Las Vegas Justice Court
AB100 Fiscal Impact**

				Annual Salaries	Benefits	Total
Judicial Department:						
1	Elec	Justice of the Peace		128,700	37,027	165,727
1	C25	Bailiff		32,119	14,524	46,643
1	C27	Judicial Executive Assistant		37,457	15,770	53,237
1	C23	Legal Office Specialist	Backup Clerk	27,541	13,457	40,998
1	C23	Legal Office Specialist	Backup Clerk	27,541	13,457	40,998
		Courtroom Facility				750,000
5		Subtotal		253,369	94,235	1,097,604
Civil Filing and Records:						
1	C22	Legal Office Assistant II	Records Clerk	25,501	12,982	38,482
1	C22	Legal Office Assistant II	Detention Ctr - Civil Contempt	25,501	12,982	38,482
1	C22	Legal Office Assistant II	Civil Filing Counter	25,501	12,982	38,482
1	C22	Legal Office Assistant II	Civil Filing Counter	25,501	12,982	38,482
4		Subtotal		102,003	51,927	153,930
Jury Services:						
1	C27	Office Services Manager	Jury Services Manager	37,457	15,770	53,237
1	C22	Legal Office Assistant II	Jury Services	25,501	12,982	38,482
1	C22	Legal Office Assistant II	Jury Services	25,501	12,982	38,482
3		Subtotal		88,469	41,733	130,202
Office Support:						
1	C23	Financial Office Specialist	Business Offices	27,541	13,457	40,998
1	C22	Legal Office Assistant II	Civil Case Processing	25,501	12,982	38,482
1	C22	Legal Office Assistant II	Civil Case Processing	25,501	12,982	38,482
1	C22	Legal Office Assistant II	Civil Case Processing	25,501	12,982	38,482
4		Subtotal		104,044	52,402	156,446
Mediation:						
1	C25	Legal Office Services Supervisor	Mediation Coordinator	32,119	14,524	46,643
1	C22	Legal Office Assistant II	Mediation Support	25,501	12,982	38,482
1	C22	Legal Office Assistant II	Mediation Support	25,501	12,982	38,482
3		Subtotal		83,121	40,487	123,608
Operating Support:						
		Operating Support	Postage, training, office supplies			100,000
		Capital for Computers	\$4,000 per Employee			76,000
		Capital for Furniture	\$4,000 per Employee			76,000
		Subtotal		0	0	252,000
19		Grand Total		831,005	280,784	1,913,790

* Critical for base operating support.

Assumptions:	Benefit %	0.233
	Insurance	7040

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