

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-ninth Session
February 9, 2017**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 1:33 p.m. on Thursday, February 9, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Tick Segerblom, Chair
Senator Nicole J. Cannizzaro, Vice Chair
Senator Moises Denis
Senator Aaron D. Ford
Senator Don Gustavson
Senator Michael Roberson
Senator Becky Harris

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Kate Ely, Committee Secretary

OTHERS PRESENT:

Elizabeth Goff Gonzalez, Chief District Judge, Department 11, Eighth Judicial District.

CHAIR SEGERBLOM:

We will open the hearing on Senate Bill (S.B.) 40.

SENATE BILL 40: Revises provisions relating to the registration of child custody determinations and support orders from outside Nevada. (BDR 11-401)

ELIZABETH GOFF GONZALEZ (Chief District Judge, Department 11, Eighth Judicial District):

Senate Bill 40 is an amending bill requested by the Eighth Judicial District Court. After discussions with the Division of Welfare and Supportive Services Deputy Administrator, Nova Murray we request to delete section 2 of the bill so any interference with the federal funding of the Department of Health and Human Services would be eliminated. The intent is not to interfere with federal funding but instead to make *Nevada Revised Statutes* (NRS) 125A.465 and 125A.385 consistent with other statutes related to filing foreign judgments. Litigants filing foreign judgments would assume the responsibility to effect notice of registering a foreign judgment through service of the foreign judgment on the adverse party. If the court needs to make a determination that additional service requirements are needed, the judge can make those impositions. Until those judgments are registered, Nevada courts do not have jurisdiction. The bill would eliminate requiring the court to effect notice and make the litigant responsible for satisfying notice requirements.

CHAIR SEGERBLOM:

Could you explain the potential for interference with federal funding?

DISTRICT JUDGE GONZALEZ:

Section 2 of the bill might conflict with the Uniform Interstate Family Support Act which is funded through federal grants.

SENATOR HARRIS:

Does service by certified mail satisfy the notice provisions?

DISTRICT JUDGE GONZALEZ:

Yes, it does.

SENATOR HARRIS:

To prevent inadvertent noncompliance by a party, can the language define the types of service, such as certified or registered mail, as the method to satisfy notice requirements?

DISTRICT JUDGE GONZALEZ:

Yes.

CHAIR SEGERBLOM:

We will close the hearing on S.B. 40. District Judge Gonzalez will now present an overview of the Eighth Judicial District Court in Clark County.

DISTRICT JUDGE GONZALEZ:

The presentation ([Exhibit C](#)) is a compilation of statistical data related to the Eighth Judicial District Court's civil, criminal and family caseload, court personnel, facilities, funding, caseflow management and specialty courts.

As a result of working with the Nevada Legislature over the past 20 years, the Eighth Judicial District Court has expanded to 20 judicial departments. The addition of district court judges has improved access to justice and time for disposition of various case types as illustrated in [Exhibit C](#).

SENATOR FORD:

Is there only one discovery commissioner?

DISTRICT JUDGE GONZALEZ:

Yes. Recently, Clark County allowed the Court to reclassify an administrative assistant position so that a law clerk could fill the position and assist the discovery commissioner. With the assistance of a law clerk, the discovery commissioner is confident she can manage the caseload.

SENATOR FORD:

There is a bill pending for the creation of a second discovery commissioner position. Are you saying the Court does not need another discovery commissioner?

DISTRICT JUDGE GONZALEZ:

At this time, given the addition of the law clerk, a second discovery commissioner may not be necessary.

Page 6 of [Exhibit C](#) lists the several facilities or campuses the Court maintains to conduct the business of the various courts. Over 100 peace officers are tasked with the responsibility of providing safety and security for each of those facilities. As an employer, the Court is responsible for supervising the peace officers and ensuring safety and security is provided for individuals who visit these various facilities to conduct business in the Court system. Many of these

individuals are from dysfunctional families, and safety and security while in the Court's various facilities is an important concern.

SENATOR GUSTAVSON:

Are the peace officers from the Las Vegas Metropolitan Police Department or from a separate police service?

DISTRICT JUDGE GONZALEZ:

They are marshals employed directly by the Court, and the Court has control over their hiring and job duties.

Funding is provided pursuant to NRS 3.100. The Nevada Supreme Court in *Mountain View Recreation, Inc. v. Imperial Commercial Cooking Equipment*, 129 Nev. Adv. Op. 45, 305 P.3d 881 (2013) applied a modern-day interpretation of NRS 3.100 asserting the counties have a responsibility to provide adequate courtroom facilities and support staff for the district court. For administrative efficiencies and cost savings, the Eighth Judicial District Court and Clark County agreed to enter into an interlocal agreement. The interlocal agreement allows the Court to utilize certain Clark County resources for operational support. A pie chart on page 9 of [Exhibit C](#) illustrates the allocation of approximately \$72 million of which the County General Fund provides 74 percent for fiscal year (FY) 2017.

Typically, the Court remains under budget, but in FY 2016 an anomaly occurred of an unbudgeted 2 percent for a cost of living adjustment. Even with that adjustment, the Court remained under budget.

Page 11 of [Exhibit C](#) shows total pending cases and caseload management in criminal, civil and family cases in FY 2016. There has been a focus since the addition of the new judges to review and administratively close cases because they were completed. There has been a reduction in pending caseloads in criminal and civil and recently in adult guardianship. Currently, the focus is on family, minor guardianship and probate.

With regard to time to disposition in criminal cases, the aspirational standard is for 50 percent of all cases be resolved within 6 months, 90 percent within 1 year and 100 percent within 2 years.

[Exhibit C](#) provides data related to the Eighth Judicial District Court's civil and criminal case matters and specialty courts.

The adult and minor guardianship cases were moved to the Regional Justice Center to be housed closer to probate. There has been an effort to pay particular attention to those types of cases to better manage these cases effectively, given the potential legislation that may impact the judicial resources allocated to those cases.

Clark County acknowledged the concerns the Court had with the management of adult guardianship cases and allowed the Court to hire a compliance officer. The compliance officer has accomplished updating those cases on an annual reporting schedule to bring them into compliance. The Court will be updating the minor guardianship program and anticipates approximately six months to accomplish a complete review of those cases. The Court has assigned a law clerk to review and update the probate caseload in like manner.

With regard to civil filing trends, since the new judges took office, a reduction has occurred in the pending case inventory. The civil time to disposition is to achieve a final resolution in 80 percent of its civil cases within 24 months of filing and a final resolution in 95 percent of its cases within 36 months of the date of filing.

The family case filing statistics shown on pages 26 through 29 of [Exhibit C](#) reflect a constant flow of filings, but the average time to disposition for civil domestic cases is 3.7 months due in large part to the addition of new judges. As the pie chart indicates on page 29 of [Exhibit C](#), the family filing statistics include a wide variety of cases which the court is in the process of reviewing and updating.

Hearing masters assist judges in criminal and family cases. Adult Drug Court, Felony DUI and other specialty courts are listed on page 30 of [Exhibit C](#). These courts are both therapeutic courts and diversion programs. Some of the specialty courts are programs that are a part of probation. The judiciary has a strong commitment to the specialty courts that assist individuals in the community who have significant substance abuse issues which prevent them from being successful members of the community.

The Eighth Judicial District Court has court coordinators who assist in each of the specialty court programs and administrative assistants who assist the judges who are handling those programs. The specialty courts require participants to engage in individual and group substance abuse counseling, mental health counseling based on individual needs, random drug and alcohol testing, probation supervision in criminal cases, collaborative case management, and regular court status checks.

CHAIR SEGERBLOM:

With respect to the specialty courts, are there new courts or any resources that you need for those?

DISTRICT JUDGE GONZALEZ:

Part of the discussion has been whether there is a need to return to diversion or deferral programs for some of the specialty courts. That is a policy decision. However, if a decision was made to have more of a diversionary program as part of the specialty courts, more resources would be necessary. The Mental Health Court program is very busy and currently full. It is very successful in helping reduce recidivism.

CHAIR SEGERBLOM:

With respect to diversion, is that a place for beds or is it court resources?

DISTRICT JUDGE GONZALEZ:

The diversion program allows an individual to elect to participate in the program. If successfully completed, a criminal conviction is not lodged. The bed program is a residential treatment issue in both the diversionary programs and programs that are part of probate. Adult drug courts serve as a court of last resort for many individuals.

CHAIR SEGERBLOM:

With respect to the diversion programs, what resources are needed?

DISTRICT JUDGE GONZALEZ:

Funding is necessary for additional coordinators, staffing and treatment personnel to implement a true diversionary program.

SENATOR FORD:

Are numbers available to quantify exactly what is needed to enhance and expand those diversionary programs?

DISTRICT JUDGE GONZALEZ:

Those figures can be provided.

SENATOR CANNIZZARO:

Do you envision the diversion program being separate and apart from how courts currently operate? Could they be housed together but individuals be placed under different structures?

DISTRICT JUDGE GONZALEZ:

If they were housed together under the court system, not necessarily residential housing, and treated under the same model of the drug court and administered by the same judicial officers, that could be accomplished. The problem is that would necessitate additional judicial officers, whether they are elected judges or hearing masters, to assist with those programs. The use of hearing masters for some programs has shown this to be a good solution, and they have performed well. However, there is not enough support staff to allow the hearing masters to conduct court at the same time as the judges.

SENATOR CANNIZZARO:

Is there a possibility to include hearing masters and additional court staff versus an entire new judicial department?

DISTRICT JUDGE GONZALEZ:

A blended model might be an effective model having a combination of hearing masters, court staff and a judicial officer to oversee the objection process.

DISTRICT JUDGE GONZALEZ:

Page 32 of [Exhibit C](#) illustrates grants that help fund implementing programs.

SENATOR CANNIZZARO:

Are there additional resources lacking in the courts?

DISTRICT JUDGE GONZALEZ:

Yes, and as previously mentioned, there is a necessity for additional support staff. Additional programs would necessitate additional hearing masters as well as courtroom facilities.

There is a significant shortfall in the residential funding for treatment. It is more expensive in southern Nevada than in Washoe County to provide residential treatment. Nonprofits in northern Nevada provide services related to residential treatment. Southern Nevada does not have nonprofit support. The cost for each participant in Clark County is a little higher for residential treatment whether it is in the mental health program or in the substance abuse treatment programs. We have resources, but additional resources would be welcome because we have a long wait list. There is a need for additional beds for the inpatient treatment.

CHAIR SEGERBLOM:

Does funding for the additional staff come from Clark County or the State?

DISTRICT JUDGE GONZALEZ:

Those positions are funded by the County.

CHAIR SEGERBLOM:

With respect to the residential, specifically drug treatment, is that State or County money or both?

DISTRICT COURT JUDGE:

It has been mixed.

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CHAIR SEGERBLOM:
The hearing is closed at 2:03 p.m.

RESPECTFULLY SUBMITTED:

Kate Ely,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	3		Attendance Roster
	C	33	Elizabeth Goff Gonzalez	Eighth Judicial District Court Overview