

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-first Session
February 16, 2021**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:00 p.m. on Tuesday, February 16, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator James Ohrenschall
Senator Dallas Harris
Senator James A. Settelmeyer
Senator Ira Hansen
Senator Keith F. Pickard

COMMITTEE MEMBERS ABSENT:

Senator Nicole J. Cannizzaro, Vice Chair (Excused)

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nicolas Anthony, Counsel
Gina LaCascia, Committee Secretary

OTHERS PRESENT:

John McCormick, Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court

CHAIR SCHEIBLE:

I will now open the hearing on Senate Bill (S.B.) 42.

SENATE BILL 42: Revises provisions relating to certain court rules and decisions. (BDR 1-389)

JOHN MCCORMICK (Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court):

I am here to present S.B. 42. This bill transfers the responsibility of printing and distributing the *Nevada Reports*, recorded decisions from the Nevada Supreme Court; the Advance Opinions of both the Supreme Court and the Nevada Court of Appeals (COA); as well as the Court Rules of Nevada from the Legislative Counsel Bureau (LCB) to the Supreme Court.

It appears a change was made in the mid to late 1960s, and this now is a cleanup measure to bring that responsibility back to the Nevada Supreme Court. It would eliminate the statutory requirement that 750 hard copies of each edition of the *Nevada Reports* are printed.

Once the 750 hard copies are printed, they are stored in the warehouse taking up space. The total cost for printing this fiscal year was \$28,832. This measure would result in a savings to the State.

This bill also allows distribution of the *Nevada Report* of advance opinions and court rules in paper and electronic format to help meet the needs of the recipients. People tend to want this information electronically rather than a hard copy. Both will remain available.

This bill would not have a big impact aside from transferring this responsibility. I have had discussions with the Director of the LCB, and we are committed to share all this information and continue to collaborate to make sure the information is available to the end users and the citizens of the State. Allowing greater electronic distribution would increase access. There is a list of people who receive copies of the various decisions and rules for free in the statute, and the LCB has been added to that list.

Senate Bill 42, section 16, will eliminate a statutory requirement in *Nevada Revised Statutes* (NRS) 3, which indicates the Supreme Court requires training on medical malpractice and professional liability for district court judges by court rule. This requirement was added in 2005 during the Special Session when Nevada was experiencing the doctor medical insurance crisis. This requirement is not needed because medical issues and professional liability are considered core competencies under the umbrella of judicial knowledge in our formalized training plan for district court judges. This training occurs every two

to three years. We did have training on medical malpractice during our first virtual seminar last year.

The Judicial Educational Committee can ask our Judicial Education Unit to have this training whenever deemed necessary. It has been formalized and incorporated in our ongoing training plans to make sure district court judges have adequate training and information regarding medical malpractice issues.

We are experiencing an increase in specializations in urban courts. These urban courts have more judicial experience in handling these types of cases, particularly in Clark and Washoe Counties.

This bill moves items from NRS 345 and some legislative chapters to NRS 2, where the statutory provisions regarding the Supreme Court reside.

SENATOR HARRIS:

Why does the Supreme Court want this responsibility back? It is very rare that someone wants to bring something back in-house that somebody else is doing on his or her behalf. What is the benefit; what is the reason for the move? Even if we do not know the reason why it was taken from the Supreme Court in the first place, why do you want it back?

Is this repeal part of standard practice? You have the section making it part of standard practice; but if we remove the section, that could fall out at any part.

MR. MCCORMICK:

The Supreme Court wants to bring this back in-house because it is more appropriate for the Supreme Court to be the entity that is publishing and distributing its decisions. The Supreme Court will be able to achieve the cost savings mentioned by removing the statutory requirement, which mandates the amount of hard copies. The Supreme Court determined it is more appropriate for the actual Court to be handling those decisions.

As far as the training, medical malpractice will be an issue for district court judges who will require training. It will not go away because the statutory provision was repealed—it cleans up statute. A number of topics we train on are not required by statute. Obviously, these are good practice to have judges receive these trainings to handle their various caseloads.

Repealing the statute will not have any impact on the training plan. There was a committee a few years back in which district judges came together to develop core competencies including these key topics, and medical malpractice was one of those decided on by the district court judges. This decision showed that the value of this training was recognized by the community of users.

SENATOR OHRENSCHALL:

My concern is for litigants who cannot afford to hire an attorney and go to the law library, trying to move forward on their own in pro se. Do you think that if this change becomes law, the rules and information that these pro se litigants need will still be available to them?

MR. MCCORMICK:

All the law libraries in the State receive copies of these rules, advance opinions and reports at no charge. This requirement remains the same. The Supreme Court sees this as being seamless at the law libraries. It will just be who is sending the information to the library, whether it is the LCB or the Supreme Court. Allowing electronic publication, not just hard copy, will be a benefit to all who request the information.

The Supreme Court, being the owner of the information rather than the LCB, will allow further electronic publication. I have had discussions with our Nevada Supreme Court Law Library, and there was some concern regarding copyrights because this information technically belongs to LCB. If this bill has any effect, it should make that information more available, particularly on the internet and in electronic format.

SENATOR PICKARD:

The printing and distributing of printed materials is probably not the Supreme Court's primary role. I am surprised that you would take this responsibility from the LCB whose job is to print and distribute printed material. Is this because it is viewed as a potential profit center? Because now you are taking the ability to sell this material, which would normally revert to the General Fund—as we do with other things. In the Sunset Subcommittee of the Legislative Commission, any fines or penalties, any assessments laid on market participants, are required to go to the General Fund and not for the use of the charging organization.

How is the Supreme Court going to handle printing and sales when this has never been part of its core duties?

MR. MCCORMICK:

We plan to maintain the relationship with State Printing, having them print for us. It would only change the machinations of where the money goes. With regard to the revenue from this bill, I cannot see it as being a tremendous amount of revenue. I am not privy to how much the LCB receives. The Supreme Court was more concerned with the cost-saving aspects of the bill rather than the revenue generated. If the Committee was to decide that this revenue should be allocated to the General Fund, I am sure the Court would be fine with this.

SENATOR PICKARD:

What you are saying is that the ultimate machinations are not changing—you will continue to use the State Printing Office. This is about the cost saving?

Would it not make more sense to reduce the amount of hard copies required or eliminate a requirement for a number of printed copies? You could leave everything else the same and just say that the Supreme Court will determine how many printed copies it needs and avoid some of the changes.

My concern is that we do not know why we made this change in the 1960s in the first place. Are we stepping back into a situation that was corrected in the 1960s and do not know that we are stepping into that minefield?

MR. MCCORMICK:

Part of the Supreme Court's concern on this matter was the Court performing the function of distributing its decisions and court rules. As far as stepping back into a situation, I was remiss and did not adequately research why the change was made in the first place. The Supreme Court had a concern about ownership of this and bringing the publication of these records back where they came from. If the Committee's prerogative is to have the statutory requirement of 750 hard copy sets changed or take pieces and parts of this bill and make changes, this would be the prerogative of the Legislature.

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SENATOR PICKARD:

It would be helpful for us to know why we made the changes. Maybe a better way to do this would be to remove the printing requirement and leave that up to the discretion of the Supreme Court.

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CHAIR SCHEIBLE:

This concludes the presentation. There being no testimony or public comment on S.B. 42, this concludes the hearing, and we are adjourned at 1:20 p.m.

RESPECTFULLY SUBMITTED:

Gina LaCascia,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda