



Judicial Council of the State of Nevada Videoconference

Date and Time of Meeting: May 12, 2023, at 2:00 p.m.

Place of Meeting: Remote Access via Zoom (zoom.com or zoom app, see “Notices” for access information)

All participants attending via teleconference should mute their lines when not speaking; it is highly recommended that teleconference attendees use a landline and handset in order to reduce background noise.

AGENDA

- I. Call to Order
 - A. Call of Roll
 - B. Determination of Quorum
 - C. Opening Remarks
- II. Public Comment
- III. Review and Approval of Previous Meeting Summary*
 - A. February 24, 2023 (**Tab 1, pages 4-6**)
- IV. Business and Action Items
 - A. JCSN Bylaws, Article XI Revisions* (**Tab 2, pages 8-11**)
- V. Reports of Standing Committees
 - A. Court Administration Committee – *No meeting held within the reporting period*
 - B. Court Improvement Program (**Tab 3, page 13**)
 - C. Legislative Committee – *verbal report*
 - D. Specialty Court Funding Committee (**Tab 4, page 15**)
 - E. Technology Committee – *No meeting held within the reporting period*
- VI. Summaries of Regional Judicial Council Meetings
 - A. Clark Regional Judicial Council (**Tab 5, pages 17-19**)
 - B. North Central Judicial Council (**Tab 6, pages 21-23**)
 - C. Sierra Regional Judicial Council – *No meeting held within the reporting period*
 - D. South Central Regional Judicial Council – *No meeting held within the reporting period*
 - E. Washoe Regional Judicial Council (**Tab 7, pages 25-28**)
- VII. Future Meetings
 - August 18, 2023, at 2:00 p.m.
 - December 1, 2023, 2:00 p.m.

VIII. Public Comment

IX. Adjournment

Notices

- Action items are noted by * and typically include, approval, denial, and/or postponement of specific items. Certain items may be referred to a subcommittee for additional review and action.
- Agenda items may be taken out of order at the discretion of the Chair in order to accommodate persons appearing before the Commission and/or to aid in the time efficiency of the meeting.
- If members of the public participate in the meeting, they must identify themselves when requested. Public comment is welcomed by the Commission but may be limited at the discretion of the Chair.
- The Commission is pleased to provide reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If assistance is required, please notify Commission staff by phone or by email no later than two working days prior to the meeting, as follows:
Almeda Harper, (775) 687-9810 – email: aharper@nvcourts.nv.gov
- This meeting is exempt from the Nevada Open Meeting Law (NRS 241.030)
- At the discretion of the Chair, topics related to the administration of justice, judicial personnel, and judicial matters that are of a confidential nature may be closed to the public.
- **Notice of this meeting was posted in the following locations:** Nevada Supreme Court website: www.nvcourts.gov; Carson City: Supreme Court Building, Administrative Office of the Courts, 201 South Carson Street; Las Vegas: Nevada Supreme Court, 408 East Clark Avenue.

Teleconference Dial-in (669) 444-9171
Meeting ID: 848 6484 4104
Participant Passcode: 621535

TAB 1



Judicial Council of the State of Nevada

February 24, 2023

2:00 p.m.

Summary prepared by: Almeda Harper

Members Present

Chief Justice Lidia Stiglich, Chair
Judge Steven Dobrescu
Judge Shirle Eiting
Judge Kelley Giordani
Judge Tom Gregory
Steven Grierson
Chief Judge Kevin Higgins
Alicia Lerud
Judge Victor Miller
Judge Mike Montero
Judge John Schlegelmilch
Chief Judge Lynne Simons
Judge Randall Soderquist
Katherine Stocks
Judge Dawn Throne
Judge Ryan Toone
Chief Judge Jerry Wiese

Guests Present

J. Wilson
Jessica Gurley
Joe Tommasino
Cody Drews

Absent

Associate Chief Elissa Cadish, Vice Chair
Judge Eileen Herrington
Judge Gus Sullivan

AOC Staff

Angelina Arnold
Paul Embly
David Gordon
Stephanie Gouveia
Jamie Gradick
Almeda Harper
Hans Jessup
Brandi Jinkerson
Sheldon Steele

Absent Excused

Chief Judge Michael Gibbons
Judge Gloria Sturman

- I. Call to Order
 - Chief Justice Stiglich called the meeting to order at 2:00 p.m.
 - Ms. Harper called roll; a quorum was present.
- II. Public Comment
 - There was no public comment.
- III. Review and Approval of Previous Meeting Summary
 - The meeting summary for September 16, 2022, was unanimously approved.
- IV. Business and Action Items
 - Juvenile Records Request by the Department of Public Services for Gun Backgrounds
 - ♦ Judge Schlegelmilch explained that requests are being sent directly to the court clerk but felt the clerk does not have the authority to release confidential documents.
 - Mr. McCormick recently mentioned to DPS that 62H needs to be addressed but has not received a response. He offered to reach out to DPS for details.
 - Ms. Stocks commented that DPS has decided not to pursue federal funds related to improving data collection under the Bipartisan Safer Communities Act.
 - The State of the Judiciary will be held on Tuesday, March 14, 2023. The Chair asked the members of the Council to provide information showcasing the Judicial Branch in a positive light to be included in her speech.

V. Reports of Standing Committees

- Court Administration Committee
 - ♦ Ms. Stocks commented that the summary from August was short due to a demo on the civil traffic portal before user testing took place. There has been a more recent meeting during which the Committee discussed details of the legislative session.
- Court Improvement Program Select Committee
 - ♦ Ms. Martinez provided a quick overview of the most recent achievements of the committee. Judge Gibson replaced Judge Burton as a member. The committee released three studies relating to their efforts which are available on the CIP webpage. They have executed a data agreement with DCFS that has been in the works for a few years. They submitted seventy-four orders for the *Child Welfare Law and Practice* book (aka The Red Book). The Committee started its JCAMP project which provides judicial, court, and attorney measures to help improve child welfare court practices. They also awarded seven Community Improvement Councils Timely Permanency & Termination of Parental Rights subgrants.
- Specialty Court Funding Committee
 - ♦ Ms. Gouveia commented that Justice Bell has been appointed as co-chair. The committee's first peer reviews have been scheduled for May and June to visit the sixth and seventh districts. Fiscal year 24 budgets are being reviewed. The National Conference will be held in June 2023. They are working with a specialty court in East Fork to provide additional resources to prevent the program from closing. The Committee is also looking into a fidelity monitor.

VI. Report of Regional Council Meetings

- Clark Regional Judicial Council
 - ♦ Judge Wiese directed the members to the meeting materials as he did not have any additional comments to share.
- North Central Judicial Council
 - ♦ Judge Montero commented that the council met that morning and discussed details for the State of the Judiciary highlights which Ms. Gradick will forward to the chair.
 - Chief Justice Stiglich commented that if anyone would like to attend the State of the Judiciary, they should contact their legislator and attend with them to ensure a seat is available.
- Sierra Regional Judicial Council
 - ♦ Judge Schlegelmilch commented that their last meeting was not very well attended, and they are working on improving attendance.
- South Central Regional Judicial Council
 - ♦ Judge Dobrescu commented that the council is working on utilizing Zoom for future meetings to improve attendance. The members put together a list of highlights for the State of the Judiciary.
- Washoe Regional Judicial Council
 - ♦ Chief Judge Simons commented that the main concern for the Washoe Region has been mental competency. Judge Walker has overseen the competency court. The purpose was to assign one person for consistent rulings and to reach out to the justice and municipal courts for collaboration. The Washoe Public Defender resigned this week. The County Commission will be filling the position based on recommendations from County Administration. She believes Ms. Evelyn Grosenick will be the acting Public Defender.

VII. Informational Materials

- Dismissal – Fines and Fees
 - ♦ Ms. Jinkerson explained that while performing docket testing, she discovered that when a court set a singular sentence condition to pay their fines and fees. Once that sentence condition was satisfied, the courts dismissed the case. In researching with the AOC's legal counsel, it was

decided that under NRS 176.059, §3, the money should be returned to the defendant. Please refer to the memo provided in the meeting materials for additional information.

- 2022 Attendance Records for the Judicial and Regional Councils
 - ♦ Mr. McCormick explained that the 2022 Bylaw revisions stated the attendance for the Judicial Council and the Regional Councils will be reported to the Judicial Council at the beginning of 2023.
 - Judge Toon commented that the current rules cause a problem in the larger regions. It is difficult to get a quorum with a large number of members.

VIII. Other Items/Discussion

- Chief Judge Simons commented that there are certain situations in specialty courts where there should be a dismissal, but the case has outstanding restitution or other cases. In addition to fines and fees, she felt Ms. Jinkerson presented two topics. One is, if fees are collected, they must be returned. The second is, how should the courts proceed if fees have been assessed at adjudication, and not everything has been paid. Usually, specialty court cases are paid. Some are not paid because they are on probation and do not participate in specialty courts. They are supposed to apply for economic hardship findings, but the court does not receive updates on this. This has become a larger issue with restitution numbers.

IX. Future Meetings

- May 12, 2023, at 2:00 p.m.
- August 18, 2023, at 2:00 p.m.
- December 1, 2023, at 2:00 p.m.

X. Adjournment

- There being no further comment, the meeting was adjourned at 2:35 p.m.

TAB 2

KATHERINE STOCKS
Director and State Court
Administrator



JOHN MCCORMICK
Assistant Court Administrator

MEMORANDUM

TO: Judicial Council of the State of Nevada

FROM: John McCormick, Assistant Court Administrator

DATE: April 26, 2023

SUBJECT: JCSN Bylaws, Article XI Revisions

Attached hereto is a proposed amendment to Article XI of the JCSN Bylaws which govern the Court Improvement Program (CIP) Select Committee.

The amendment is offered to achieve four things:

1. Clarify that if the Chair of the Committee is the designee of the Chief Justice, the designee must either be a sitting Justice or a currently commissioned Senior Justice;
2. Add a representative of parents with lived experience in the dependency system to comply with federal requirements;
3. Add a representative of young adults with lived experience in the dependency system to meet federal grant maker requirements; and
4. Remove a representative of a specialty court program from the mandatory membership list as this position has been difficult to fill because of the specialized nature of therapeutic court programs operating in the dependency arena.

Recommendation:

Approve the proposed Bylaw amendments.

Attachment

ARTICLE XI

COURT IMPROVEMENT PROGRAM SELECT COMMITTEE

Section 1. Name; Committee Type.

The Court Improvement Program (CIP) for the Protection and Permanency of Dependent Children Select Committee, hereinafter referred to as the “CIP Select Committee” shall be a standing committee to the Council.

Section 2. Composition.

The CIP Select Committee shall consist of no more than 21 members. At least one Committee member must be a member of the Council. The Chief Justice or their designee shall be chair of the committee. Representation of members must consist of, but is not limited to, the following:

Chief Justice or designee *who must be a sitting Justice or a commissioned Senior Justice*;

State Court Administrator or designee;

Two family court judges designated to handle child dependency matters;

Two rural district court judges;

Two juvenile masters (one rural and one urban) designated by the district court to hear dependency matters;

One family or rural court administrator;

Director of the Division of Child and Family Services or designee;

Director of Washoe County Human Services Agency or designee;

Director of Clark County Family Services or designee;

One representative from the Office of the Attorney General;

One representative from a Public Defender’s Office or a Special Public

Defender's Office;

One representative from a District Attorney's Office;

One representative from a legal aid provider with experience in child welfare or dependency cases;

One representative from an organization of Court Appointed Special Advocates (CASA);

One representative of foster parents;

One representative of young adults with lived experience in the dependency system;

One representative of parents with lived experience in the dependency system; and

One representative of Nevada Tribes ~~† and~~

~~One representative of a specialty court program].~~

Consideration given to new members must insure appropriate representation from both rural and urban jurisdictions. All members will serve staggered three-year terms and may be reappointed for additional terms. Initial terms may be for less than three years in order to provide for the continuity of the Committee. The Chief Justice will officially appoint members upon recommendation of the Council, and all terms will commence on January 1st of the appointing year and end on December 31st of the last year of the term. The Chief Justice shall maintain the right to decline recommendations. Advisory members may be assigned from non-court entities and advisory groups at the pleasure of the CIP Select Committee chair. Advisory members are non-voting members of the CIP Select Committee.

Section 3. Duties.

The CIP Select Committee shall promote best practices and facilitate the implementation of local and statewide initiatives to improve the operation and efficiency of the child welfare and dependency court systems; to improve outcomes for children and families who enter into the child

welfare and dependency court systems by improving court and agency collaboration , to reduce the amount of time children spend in foster care and reduce the time to permanency for children subject to dependency proceedings; and to achieve systemic improvement of the child welfare and dependency court systems so that all children who have been the victims of abuse and neglect can achieve safety and permanency and enjoy the stability and love of family.

Section 4. Meetings; When Held.

The CIP Select Committee shall meet at least three times a year at the call of the chair or a majority of the CIP Select Committee members.

TAB 3

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS
Director and State Court
Administrator



JOHN MCCORMICK
Assistant Court Administrator

JUDICIAL COUNCIL OF THE STATE OF NEVADA

*“To unite and promote Nevada’s judiciary as an equal, independent and effective
branch of government.”*

COURT IMPROVEMENT PROGRAM SELECT COMMITTEE REPORT

Committee Members:

Justice Nancy M. Saitta, (Ret.), Chair	Amber Howell Wonswayla Mackey	Buffy Okuma Jennifer Rains
Justice Elissa Cadish, Co-Chair	Fran Maldonado John McCormick	Jane Saint Kate Schmidt
Judge Paige Dollinger	Jennifer Merideth	Jennifer Spencer
Judge Gary Fairman	Judge Michael Montero	Juvenile Magistrate Alison Testa
Judge David Gibson	Juvenile Magistrate Kimberly Okezie	Janice Wolf, Esq.

May 12, 2023, JCSN Prepared by: Zaide Martinez, CIP Coordinator

- The CIP Legislative Subcommittee Bill (AB148) was heard before the Assembly Judiciary Committee on March 21, 2023. Amendments to AB148 were made and submitted. On April 13, 2023, [AB148](#) was amended and passed by the Assembly Judiciary Committee.
- CIP sponsored 11 registrations for the National Association of Counsel for Children (NACC) *Inaugural Race Equity Virtual Training Series* from March 1-3. As a result of the training, the CIP Race Equity & Cultural Humility workgroup was formed. The next meeting will be on Monday, June 12, 2023, at 8:00 am. Please email Zacary Casper at zcasper@nvcourts.nv.gov if you would like to join the workgroup.
- The Judicial, Court, and Attorney Measures of Performance (JCAMP) Leadership Team has been meeting regularly and is in the process of identifying priority measures for Nevada’s dependency system.
- The Annual Juvenile Dependency Mediation Training will be held at the Atlantis Casino, Resort, and Spa on May 19, 2023.
- The Annual Community Improvement Council (CIC) Summit dates have been determined and will be held in Reno, Nevada. Venue information will be provided at a later date. The CIC Summit dates are as follows:
 - September 27, 2023, Judicial Officer Roundtable for judges and magistrates only
 - September 28-29, 2023, CIC General Summit for all CIC stakeholders

TAB 4

KATHERINE STOCKS
Director and State Court
Administrator



JOHN McCORMICK
Assistant Court Administrator

JUDICIAL COUNCIL OF THE STATE OF NEVADA

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SPECIALTY COURT FUNDING AND POLICY COMMITTEE REPORT

Committee Members:

Justice Lidia Stiglich, Chair	Senior Judge Archie Blake	Judge Jim Loveless
Justice Linda Bell, Co-Chair	Senior Judge Peter Breen	Judge Lynne Simons
Judge Michael Montero, Vice-Chair	Chief Judge Cynthia Cruz	Judge Ryan Sullivan
Judge Tom Armstrong	Judge Steven Dobrescu	Chief Judge Jerry Wiese
Judge Stephen Bishop	Judge Harmony Letizia	Judge Bitia Yeager

Committee Meeting of January 27, 2023

Prepared by: Stephanie Gouveia, Specialty Courts Statewide Coordinator

- The Committee reviewed a Budget Report and Cash Flow Summary from Todd Myler. Financial assistance from the governor’s office will help us continue to operate at this level.
- The Committee discussed the benefits of transferring funds to assist courts in need. It was reiterated that you will not receive a reduction in funding if you are able to contribute to another court in need.
- For this year’s National Association of Drug Court Professionals Conference, June 26th to 29th in Houston, Texas, it was announced that the Supreme Court, Administrative Office of the Courts, will partially fund ten slots for specialty court judges and team members to attend.
- The Committee agreed to stop fund source tracking within the Drug Court Case Management System (DCCM) utilized by the specialty courts across the state.
- The Committee considered adding a Fidelity Monitor position to assist with program audits and certifications.
- The East Fork Justice Court Misdemeanor Treatment Court announced it would no longer apply for funding and would cease their program once their final participant graduated.
- Justice Bell was appointed co-chair by Chief Justice Stiglich and will take on a significant role in running the committee.
- The Request for Proposal for a statewide drug testing contract has been put on hold and the statewide coordinator will begin speaking with courts to see what their needs are in this area before reissuing.
- The first Peer Review will take place May 8th-9th in Winnemucca, Nevada with Judge Montero, and the 6th Judicial District.
- The next Specialty Court Funding & Policy Committee meeting will be May 22, 2023, at 2pm.

TAB 5

JUDICIAL COUNCIL OF THE STATE OF NEVADA

"To unite and promote Nevada's judiciary as an equal, independent and effective branch of government."

MEETING SUMMARY

CLARK REGIONAL JUDICIAL COUNCIL MEETING PLACE AND TIME:

Via Zoom Video Conferencing
at 12:00 p.m

I. CALL TO ORDER

Chief Judge Wiese called the meeting to order and asked Mr. Jessup to take attendance. The following individuals were present during the remote video conference.

II. ATTENDANCE

Chair, Chief Judge Jerry Wiese
Vice Chair, Judge Ryan Toone
Chief Judge Cynthia Cruz
Chief Judge Cynthia Leung
Judge Gregory Mills
Judge Nadin Cutter
Judge Pickard
Judge Gloria Sturman
Judge Margaret Pickard
Judge Dawn Throne
Administrator Jack Eslinger
Administrator Jessica Gurley
Asst. Administrator Charles Mapp
Administrator Erin Tellez
Administrator Melissa Bender
LVJC Staff Attorney Joe Tommasino

III. APPROVAL OF MEETING SUMMARY FOR SEPT 1, 2022

Chief Judge Wiese asked members to review the meeting summary and provide corrections. No corrections were offered. No discussion was made, and the motion passed unanimously by those present.

IV. DISCUSSION ITEMS

1. First Amendment Policies and Procedures in Nevada Courts
 - a. Chief Judge Wiese voiced concerns regarding groups of people who are “first amendment auditors” causing problems within the public areas of government buildings. Chief Judge Wiese had hoped it was isolated but recently discovered it was occurring at other courts. Other court representatives indicated that they had similar instances and policies that addressed recording in the courthouse to help alleviate some of the distractions. It was also noted that Supreme Court Rule addresses recording requests in the courtrooms. Chief Judge Wiese asked any policies to be sent to Hans so he can share and disseminate it to interested parties.
2. Legislative Update/Issues
 - a. Chief Judge Wiese stated they presented a bill regarding the District Court COLA bill, Supreme Court COLA bill presented at same time, they also put a bill on that had to do with some type of financing through governor’s office.

Chief Judge Cruz stated she was reviewing AB160 and made comment that every other court is going to have to put fiscal note as to how it will translate. Concerns were expressed about issues with records, as DPS only has a 60 percent disposition entry rate right now, to talk about auto-sealing records or them being able to provide notice to courts or AOC to know what courts should be sealing what, they have no way to control that info or pull it accurately. Also, SB155 was discussed briefly as a conceptual amendment was proposed.

3. Fines and Fees on Dismissed Cases (see attached memo/materials).
 - a. Judge Toone asked to have it put on, it was discussed at the state judicial council, and this impacts what happens with fines & fees if a case gets dismissed. Judge Toone asked Judicial Branch Audit Manager Brandi Jinkerson to speak regarding the topic. Ms. Jinkerson stated that the memo was put together after an audit found that cases where charges were dismissed but fines had been applied to the case. The issue was brought to legal counsel, and legal counsel was unable to find the legal authority to allow court to keep fines and fees if case is ultimately dismissed. There is language specifically in NRS 176.059 (3), which states Courts must return the money if found not guilty/dismissed. Chief Judge Cruz asked, if a defendant and the prosecutor agree to negotiate this case between parties where the defendant does traffic school, pays fines, and stays out of trouble, and if completed, the state agrees to dismiss charges, then how is the court responsible to remitting fines in this agreed upon situation? Ms. Jinkerson explained that the NRS states if there is no conviction you cannot keep the fines/fees, but each scenario will need to be researched individually. Other courts expressed concern over this memo and the courts ability to revert money on negotiated settlements.

Ms. Jinkerson was asked if this applied to specialty courts. Ms. Jinkerson stated program fees in specialty courts can be retained. Chief Judge Wiese asked that this topic should be put back on for the next meeting for further discussion.

V. **NEXT MEETING**
June 1, 2023

VI. **ADJOURNMENT**

Meeting Adjourned.

DRAFT

TAB 6

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS
Director and State Court
Administrator



JOHN MCCORMICK
Assistant Court Administrator

JUDICIAL COUNCIL OF THE STATE OF NEVADA

NORTH CENTRAL REGIONAL JUDICIAL COUNCIL MEETING

Friday, February 24, 2023

10:00 AM

Winnemucca, NV

(Prepared by Jamie Gradick)

Members Present:

Judge Michael Montero, Chair
Judge Bryan Drake
Judge Denise Fortune
Judge Bill Gandolfo (Remote)
Judge Al Kacin (Remote)
Judge Jim Loveless
Judge Dee Primeaux
Judge Mason Simons
Judge Randall Soderquist (Remote)
Judge Karen Stephens

Guests Present:

None

Administrative Office of the Courts (AOC) Staff Present:

Jamie Gradick, Rural Courts Coordinator/Court Services
Supervisor

Members Absent (Excused):

Judge Kenneth Calton
Judge Kriston Hill

Members Absent (Unexcused):

Judge Rob Hoferer
Judge Jim Shirley
Judge Kenneth Quirk

I. Call to Order

- Judge Montero, as Council chair, called the meeting to order at 10:06 a.m.

II. Determination of a Quorum

- A quorum was present.

III. Approval of Meeting Summaries

- Summaries from the May 27, 2022 and August 26, 2022 meetings were approved.

Supreme Court Building ♦ 201 South Carson Street, Suite 250 ♦ Carson City, Nevada 89701 ♦ (775) 684-1700 • Fax (775) 684-1723

Supreme Court Building ♦ 408 East Clark Avenue ♦ Las Vegas, Nevada 89101

IV. Business, Action, and Discussion Items

- AOC Updates
 - Ms. Gradick informed attendees of the following AOC personnel changes:
 - Ms. Stephanie Gouveia is the new Specialty Court Program Manager.
 - Armani Johnson is the new Senior Judge Program Coordinator
 - The Trial Court Service Desk is now fully staffed.
 - Ms. Gradick informed attendees that the Certified Court Interrupter Program is assessing individual court interpretation needs in order to improve language access.
 - A series of brief survey will be sent to the courts over the course of the next several months.
 - Surveys will cover key “benchmarks” as identified by the NCAJ Access to Justice Index.
 - Attendees discussed a lack of certified court interpreters in the rural jurisdictions; many rural courts are paying higher costs to bring in certified interpreters from Washoe County.
 - Attendees discussed concerns regarding the use of certified interpreters for jury trials; often these situations require a “team” of interpreters in order to allow for breaks. The issue is amplified when multiple parties require interpreters.
 - Attendees discussed how to handle a situation in which a juror requires an interpreter.
 - ◆ Judge Kacin commented that, in his experience, these jurors will ask to be excused.
 - ◆ Discussion was held regarding the court’s obligations in this situation; are courts required to provide reasonable accommodations?
 - Ms. Gradick provided a brief overview of the AOC Grant Program and the AOC’s ARPA CMS Subgrant.
 - At this point, the AOC Grant Program will continue to operate as it has in the past; the next submission cycle will open July 1, 2023.
 - The CMS Subgrant is available to courts to subsidize the purchase of case management systems; contract start dates must be on or after March 3, 2021. This grant is being administered by the AOC’s Accounting unit; the funds cannot be used for licensing fees or personnel costs.
 - Ms. Gradick provided attendees with a brief update on current AOC IT projects.
 - Attendees briefly discussed the new statewide CMS (Global Justice) and the projected timeline.
 - Judge Montero commented on the need for consistency in entering data into DCCM. Entering data into the system accurately and consistently is beneficial for future analysis and initiative planning.
- Community Service Reports
 - Judge Simons reported participation in the “Reading and Robes” program. He also invited local criminal justice students to the courthouse for a tour and a Q & A session.

- Judge Montero invited local 5th grade students to his courtroom for his Law and Motion calendar. He also invited high school students to his courtroom to observe court.
- Judge Fortune reported participation in the local elementary school's "Reading Round-Up" event.
- Other Items and Discussion
 - Attendees discussed the 2023 Legislative Session.
 - Ms. Gradick provided a brief overview of the AOC's bill tracking sheet and current statuses of Supreme Court bills.
 - Attendees discussed an AB116 (2021 Leg. Session) "clean-up" bill.
 - ◆ A provision that allows the district court to "opt into" jurisdiction over juvenile civil infractions.
 - Attendees expressed concern regarding county requests that the courts complete fiscal notes on bills.
 - ◆ Discussion was held regarding whether this level of involvement by the court is appropriate. Attendees agreed that the courts should be "helpful" but the county cannot "assign" or mandate that the courts complete these.
 - Attendees expressed concern regarding the Department of Indigent Defense Services (DIDS).
 - The current system "saddles" courts with unfamiliar attorneys from out of town; there should be a provision that gives first preference to local providers.
 - Attendees commented that DIDS isn't responsive to rural court concerns, so some rural counties are contracting counsel to mitigate this. Attendees briefly discussed the ACLU lawsuit and concerns regarding "lump sum" contracts for contract counsel; contracts now need to incorporate hourly rates or cap caseloads in order to comply.
 - Judge Montero informed attendees of a newly-opened, juvenile transitional living center in his county. This is a work in progress; eventually, he would like to see the addition of on-site, individual houses for participants.
- Informational Documents
 - None submitted.

V. Future Meetings

- The next North Central Regional Judicial Council meeting will be held May 26, 2023 at 10:00 am in Elko.
- The next Judicial Council of the State of Nevada meeting will be May 12, 2023 at 2:00 pm.

VI. Adjournment

- The meeting was adjourned at 12:10 pm.

TAB 7



Washoe Regional Judicial Council

March 8, 2023

Noon

Summary prepared by: *Almeda Harper*

Members Present

Chief Judge Lynne Simons (Chair)
Judge Shirle Eiting
Judge Erica Flavin
Chief Judge Kevin Higgins
Judge Jessica Longley
Chief Judge Scott Pearson
Judge Tammy Riggs
Judge Tamatha Schreinert
Judge Kathleen Sigurdson
Judge James Spoo
Judge Chris Wilson

Absent

Judge Amiee Banales
Judge Kendra Bertschy
Judge Barry Breslow
Judge David Clifton
Judge Paige Dollinger
Judge Gene Drakulich
Judge Kathleen Drakulich
Judge Scott Freeman
Judge Terry Graham
Judge David Hardy
Judge Pierre Hascheff
Judge Christopher Hazlett-Stevens
Judge Cynthia Lu
Chief Judge Shelly O'Neill
Judge Bridget Robb
Judge Connie Steinheimer
Judge Ryan Sullivan
Judge E. Alan Tiras
Judge Sandra Unsworth
Judge Egan Walker

Absent Excused

Judge Dixie Grossman

Guests Present

Mr. James Conway
Ms. Cynda Horning
Ms. Alicia Lerud
Ms. Veronica Lopez
Marc Picker, ADP
Ms. Heidi Shaw

AOC Staff Present

Almeda Harper

- I. Call to Order
 - Chief Judge Simons called the meeting to order at 12:01 p.m.
- II. Call of Roll and Determination of Quorum Status
 - Ms. Harper called roll; a quorum was not present, however, Judge Simons elected to proceed.
- III. Approval of Meeting Summary
 - There being no quorum, the summaries were not approved.
- IV. AOC Updates
 - Civil Traffic
 - ♦ Mr. Embley commented that the statewide civil traffic program went live on January 1, 2023.
 - ♦ Many of the initial flaws have been corrected. We have seen over 5000 citations come through the portal. About 55% of the citations are paid electronically. About 10% of people

using the program opted for online dispute resolution and several people have opted for community service. 32 courts are currently using the new program excluding Las Vegas and Reno who have their own systems.

- E-filing
 - ♦ Mr. Embley commented that the AOC has signed a contract with Tybera. The state-wide system should work with existing systems. The first installation will be in the Second, Third, and Eleventh Judicial Districts and is expected to be running by June 30, 2023. It will be a cloud-based program through Amazon web services which will allow for better security. The program is designed to interface with all case management and e-filing systems in the state with the future intention of interfacing with self-help portals.

V. Discussion and Action Items

- Young hearings
 - ♦ Mr. Picker explained that Mr. Arrascada recently left the Public Defender's office and Ms. Grossnick is now the interim Public Defender.
 - ♦ The Nevada Supreme Court case *Young v. State* laid out three factors that courts must consider before it relieves counsel.
 - Extent of the conflict
 - A defendant is not entitled to reject their court-appointed council unless adequate cause for such a charge can be shown. A disagreement is not enough. The US Supreme Court has decided all strategy decisions are up to the attorney. If the conflict is irreconcilable or if the conflict was created by the attorney, then counsel could be substituted.
 - Adequacy of the inquiry
 - A hearing is required for the court to adequately inquire into the request. The judge should meet with the client alone to allow them to speak about the conflict. It is paramount for the court to the defendant the level and extent of the difference. It is also paramount to inquire to the attorney whether they can continue to work with the client. The court must decide if there is an irreconcilable difference so profound that the working relationship between the attorney and the client cannot be repaired or that it denies the defendant the right to effective assistance from the council.
 - Timeliness of the motion
 - There is less chance of a negative effect on the client when replacing counsel early in the case. The problem with relieving counsel early is that inmates discuss it, and it becomes a more popular request. Another problem is those early differences in strategy rarely ever rise to irreconcilable differences. The client and attorney have not worked together long enough and should be able to reconcile their differences.
 - ♦ In the last 8-10 months there has been a shortage of attorneys who are willing to take flat-fee cases (category A complex or serious felonies). There are fewer practitioners in the private bar processing criminal defense cases.
 - ♦ As chairman of the Appointed Attorney Oversight Committee, they have been recruiting on behalf of the Second Judicial District Court. They have reached out to the Department of Indigent Defense Services and reached out state-wide as well.
 - ♦ They have been working with the County Manager's Office to increase the hourly fees, especially for the difficult cases no one else will take. Flat fee cases have also been switched to hourly fees.
 - ♦ Please contact Ms. Lerud for a copy of the current redraft of the model plan or any of the unpublished decisions mentioned during the presentation.
 - ♦ Case assignments are random but not perfect. The Appointed Counsel Administrator (ACA) has a list and contacts each attorney, starting at the top. If no one accepts the case, the ACA sends out a blast to see if anyone else is interested. The system in place in the Second Judicial District does not include attorneys under contract. Mr. Picker is looking into placing them under contract and requiring them to take a certain number of cases per year.

Difficulties arise when an extended murder trial requires multiple attorneys, creating a limited panel for other cases.

- ♦ The Public Defender and the Assistant Public Defender have conflict policies for each office. They provide a list and explanation of conflicted cases to the Assistant County Manager and the ACA every Monday.
- ♦ Chief Judge Simons commented that the amended model plan stated the attorney does not have a choice and must accept the case but felt this is not how assignments are being issued. There is a clause in the plan allowing a court to appoint counsel which is being considered.
- Court Updates
 - ♦ Second Judicial District Court – Chief Judge Simons
 - Young hearings and invokes are challenging. There are so many invokes that it's hard to manage calendars and the number of trials has increased substantially.
 - The UCC defense has come up recently in criminal cases. As the uniform commercial code, it has no bearing on criminal actions.
 - Judge Walker has been working on mental competency and will be compiling an administrative order including administrative dockets from all three Washoe chiefs.
 - Judges Riggs and Pearson have been working on pre-trial services by facilitating getting people out of the jails including refining lobby release.
 - The budget was presented to the county in hopes that positions will be filled including additional help in the specialty court.
 - ♦ Reno Justice Court – Chief Judge Pearson
 - In the AOC's annual report, Reno has the second lowest number of criminal cases in the last 25 years. The Alternate Public Defender, Public Defender, and the District Attorney are carrying more cases than ever, yet we have the lowest criminal case filings because of backlog. Effective May 1st, all criminal cases will be set within seven days. They will only be allowed two-week continuances and they will be bound over to the District Court within 90 days. As of December 1st, they will be bound over to the District Court within 60 days. Out-of-custody cases will be addressed next year. Preliminary examinations have been added at arraignments and everyone will be allotted 15 days if needed.
 - We've added more capacity to do preliminary examinations at arraignments, so everyone gets 15 days if they need it.
 - ♦ Reno Municipal Court – Ms. Lopez
 - Judge Hazlet-Stephens is now the new chief judge, relieving Judge O'Neill.
 - ♦ Sparks Justice Court – Chief Judge Higgins
 - In previous years, when an attorney was needed for criminal cases, a newly graduated lawyer would be assigned to the case.
 - Chief Judge Higgins testified for [AB17](#) which proposes to remove the stipulation that offenders must wear distinctive garb identifying the person as having violated the provisions of NRS 484C.110 or 484C.120.
 - There may be a fix-it bill for AB116 which may clarify the juvenile jurisdiction issue which potentially states that juveniles can't get traffic citations for civil infractions.
 - There are rumors regarding an amendment for 48-hour hearings.
 - [SB211](#) prohibits people from changing their names when they get married. The portion of the statute that allows one to change their name on their wedding license is being removed and a formal petition will need to be filed instead.
 - ♦ Sparks Municipal Court – Judge Spoo
 - Judge Spoo and Judge Walker had a very productive and promising discussion on mental competency. These cases don't occur often, but they have proven to be very troublesome.
 - The AOC's civil citation program is up, running, and working after some glitches.

- Judge Eiting commented that everyone should keep an eye on the financial impact of AB160. She was very concerned to hear that Metro's sealings would increase from 1600 to 48,000 per year. She will be reaching out to the assistant city manager to make sure the police department is aware of this bill.
- Open Mic Time
 - ♦ Chief Judge Simons commented that [AB160](#) will need to be watched. There are concerns that it will remove discretion or considerations from the courts when sealing records.
 - ♦ Chief Judge Higgins added that Chief Justice Stiglich is compiling information for the upcoming State of the Judiciary speech and has asked the courts to provide examples of how they have collaborated with legislators, improved access to justice, promoted programs that encourage keeping Nevada residents in Nevada, etc. Please forward your information to the Chief at your earliest convenience.

VI. Adjournment

- There being no further discussion, the meeting was adjourned at 12:58 p.m.