
Simplifying the Maze

A Long Range Strategic Plan for Nevada's Court System

Report of the

Judicial Assessment Commission

December, 1994

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“Mission”

The Commission shall assess the urban courts of Nevada and make findings and recommendations concerning these court systems with a goal of providing fair and expedient justice for all now and in the future. The judicial system should process its cases in a timely, appropriate and efficient manner and should be perceived by the community it serves to be accessible and sensible to the needs of the people.



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PREFACE

The Judicial Assessment Commission, created by Chief Justice Robert E. Rose and the Nevada Supreme Court in October 1993, has been working on behalf of all Nevadans to determine how we might "simplify the maze" of our urban courts. Four task forces--Access to and Quality of Justice, Court Administration, Criminal Justice, and Special Court Structures--have thoroughly researched various topics relating to the courts' efficiency and competence. Fifty Clark and Washoe County citizens from the public and private sector, from law and nonlaw-related fields, have spent the last year researching Nevada's court system to determine if it is suited to meet the demands of the nation's fastest growing state.

The work of the Commission has been divided into two phases. The first phase was a comprehensive present-day analysis of workload in the courts of Clark and Washoe Counties. A report describing the 41 recommendations resulting from that phase and approved by the Commission was completed in September (*see Simplifying the Maze: The Future of Nevada's Court System*). The Commission's second phase has consisted of developing a long-range strategic plan for these courts. This report summarizes the findings of the long-range planning phase and presents the recommendations and strategies approved by the Commission for moving Nevada's urban trial courts into the 21st Century.



INTRODUCTION

The Judicial Assessment Commission was appointed by the Nevada Supreme Court to study urban court workloads in Clark and Washoe Counties and provide recommendations to the Court for improving the courts' access, efficiency and quality. Specifically, the Commission's mission statement is as follows:

The Commission shall assess the urban courts of Nevada and make findings and recommendations concerning these court systems with a goal of providing fair and expedient justice for all now and in the future. The judicial system should process its cases in a timely, appropriate and efficient manner and should be perceived by the community it serves to be accessible and sensitive to the needs of the people.

To this end, the Commission has reviewed the mission of the courts, studied the courts' current environment, envisioned what changes need to occur in the courts over the next ten years, and developed long-range strategies to move the courts closer to the ideal articulated in its mission statement.

The Commission met monthly from August through November, and held several interim task force meetings to develop this long-range plan. The work of the Commission was also facilitated by professional futurists, Jim Dator and Wendy Schultz, at its September meeting. In addition, the Commission conducted a comprehensive organizational assessment of the state's urban trial courts during its "present-day analysis," beginning in November of 1993. Several findings from that phase are relevant to the long-range planning process and are included in this report as needed. All strategies included in this report were approved by majority vote of the full Commission.

As the following table indicates, the fifty commission members were divided into four task force topic areas. The four task forces' topical areas were chosen based on the experiences of other states who have undertaken similar court planning projects. Specific priority issues were identified by the Commission's Steering Committee. While the task forces were asked to address these important, priority areas, the task forces could select other areas of urgency and address other issues they determined to be of concern within their general topic area.

TASK FORCE TOPIC AREAS

ACCESS TO AND QUALITY OF JUSTICE (Chair: Dr. Bill Berliner)

Suggested topics include public access, public perception, media and the courts, methods of judicial selection, and the role of lawyers.

COURT ADMINISTRATION (Chair: Anna Peterson)

Suggested topics include civil cases, case management, court security and facilities, calendar management, and the role of the chief judge.

CRIMINAL JUSTICE (Chair: Judge Nancy Oesterle)

Suggested topics include criminal and juvenile cases, sentencing, prisons and rehabilitation.

SPECIAL COURT STRUCTURES (Chair: Larry Hyde)

Suggested topics include family cases, family courts, drug courts, trial court unification, and the role of alternative dispute resolution.

The Commission has been directed by a Steering Committee whose responsibility was to guide the Commission through its extensive study. Specifically, the purpose of the Steering Committee was to provide the Commission with coordinated leadership, especially in areas where the task forces' work may have overlapped or diverged from relevant topic areas. The Steering Committee met on a monthly basis between Commission meetings so that it could "debrief" with regards to the Commission's preceding meetings and plan for subsequent Commission meetings. The Steering Committee was comprised of seven individuals, including the four task force chairs:

- *Chief Justice Robert E. Rose, Chair, Commission and Steering Committee
- *Dr. Bill Berliner, Chair, Access to and Quality of Justice Task Force
- *Craig Boersema, Executive Director for the Commission

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- *Larry Hyde, Chair, Special Court Structures Task Force
 - *Judge Nancy Oesterle, Chair, Criminal Justice Task Force
 - *Anna Peterson, Chair, Court Administration Task Force
 - *Chuck Short, Court Administrator, Eighth Judicial District Court

The Commission's long-range planning effort was assisted by a grant from the State Justice Institute. The purpose of the grant was to implement a long-range planning model developed by the Center for Public Policy Studies. This training guide, *An Approach to Long Range Strategic Planning in the Courts*, provides specific steps and exercises courts can utilize in developing long-range plans for the judiciary. (The definitions for key terms found in this report are based upon those provided in *An Approach*.) In particular, the Commission implemented steps regarding organizational missions and expectations, future visioning, social trends, and strategies to manage issues. The organization of this report reflects these key elements of long-range strategic planning.

As reported in Chapter 1, the task forces initially developed mission statements for the courts relevant to their assigned topic areas. This chapter addresses what the courts are required to do and what the courts are expected to do. While the mission statements summarize what the courts are mandated to do, surveys of the public and attorneys in Clark and Washoe Counties were conducted to determine citizen expectations of the courts. The results of the surveys are found in Chapter 1.

Chapter 2 summarizes how the courts should ideally look ten years from now. The vision statement detailed in this chapter is a picture of what the courts should be under ideal conditions. It was created with the assistance of professional futurists, where Commission members were challenged to think about the future creatively and uninhibitedly. Characteristics of model trial courts are described.

Chapter 3 infuses reality into the analysis by presenting numerous social trends that are affecting the courts now and over the next ten years. The task forces identified the possible implications of these trends on the courts and also studied possible future scenarios. Each task force identified and prioritized the social trends that they thought would most impact their topic area.

Finally, Chapter 4 summarizes the strategies that the task forces developed to move the courts into the 21st Century. Essentially, these strategies are intended to move the courts from where they are today (i.e. Chapter 1) to where they should ideally be (i.e. Chapter 2), considering the reality of relevant social trends (i.e. Chapter 3). Where possible, each strategy presented in Chapter 4 is introduced by a short rationale that explains the task forces' reasoning. Strategies are also grouped by task force topic area.

CHAPTER 1: THE MISSION AND EXPECTATIONS OF THE COURTS

Organizations need a sense of purpose if they are to function effectively in the future. A mission statement helps provide this sense of purpose. A mission statement reflects both what a court is mandated to do and the expectations of stakeholders (i.e. the public, jurors, attorneys, etc.) in the court's performance. At the same time, a stakeholder analysis enables the courts to make an independent assessment of the court's performance. Stakeholders are those who utilize the court system and are in position to analyze the competency of the judicial system. This chapter presents the mission statements developed by the Commission's four task forces, as well as the results of surveys conducted for the Commission. (The survey was conducted and results tabulated by Terry Miethe, Professor and Chair of the Department of Criminal Justice at the University of Nevada, Las Vegas.)

A. Mission Statements

The task forces spent a significant amount of time identifying what the courts are mandated to do and the expectations of stakeholders in the court's performance. A mission statement describes a court's purpose and explains why a court exists. Mission statements help the courts to focus on what is truly important and provide reference points from which the court develops its objectives, strategies and operational goals.

Each of the four task forces developed its own mission statement for their topic area. These mission statements provide a baseline from which court performance can be measured and assessed by those who utilize the judicial system. The following four mission statements identifying what services the courts should be providing were agreed upon by each of the task forces (see box).

B. Public and Attorney Survey Results

The opinions of public citizens and attorneys are important to determine the perceived strengths and weaknesses of any court system. Accordingly, two surveys were conducted as part of Nevada's Judicial Assessment Commission. First, a telephone survey of a random sample of 116 Clark County residents was performed in August, 1994. This telephone

MISSION STATEMENTS

Access to and Quality of Justice

The judicial system should process its cases in a timely, appropriate and efficient manner and should be perceived by the community it serves to be accessible and sensitive to the needs of the people. Judicial officers independently provide for the just resolution of disputes in order to preserve the rule of law, yet are accountable and responsive to the public they serve.

Court Administration

Effective court management protects and ensures the independence of the judicial branch and contributes to a just and civil society. Court staff provide for, promote, and ensure the effective, economical and efficient utilization of public resources in the administration of the judicial system.

Criminal Justice

The criminal justice system protects individual rights and promotes public safety and well being through an accessible and cost effective judicial process.

Special Court Structures

The organization of the court system should promote the uniform delivery of services, without duplication, throughout the jurisdiction to ensure that all cases are handled justly, promptly, effectively, and efficiently. The structure of the court system should be simple with clearly delineated lines of authority at each level. The courts should offer a full range of dispute resolution options.

survey contained a variety of questions about the residents' experiences with the Nevada courts and their evaluations of its performance. Second, a mail survey was distributed to 200 attorneys in Washoe County and 400 attorneys in Clark County. A total of 187 (31 percent) of these surveys were returned,

61 from Washoe County and 126 from Clark County attorneys. The results from the public and attorney surveys are summarized below.

1. Public Survey

The primary purpose of the public survey was to determine the amount and type of legal experiences of citizens in Clark County and their assessment of various aspects of the Nevada court system based on these experiences. Eighty percent of the respondents had at least one direct experience with the court system--as either a juror, witness, plaintiff, defendant or crime victim.

An examination of survey responses reveals that Clark County residents are generally satisfied with the operation of the Nevada court system, but these attitudes vary widely across different elements of the courts. This variability is reflected in the percentage of residents who agreed with each of the following statements:

**80 percent feel that Nevada judges have sufficient background, education, and training*

**67 percent agree that the court concludes cases in a timely manner*

**61 percent believe that minorities (such as African-Americans and Hispanics) are treated the same as everyone else*

**58 percent think that courthouses are conveniently located*

The degree of unfavorable attitudes toward the Nevada courts is indicated by the large minority of persons who responded negatively to the above items and the fact that 57 percent of the residents felt that the courts "make decisions that are often wrong." A smaller group of residents report that they had no confidence in the Nevada Supreme Court (16 percent) and the Nevada court system in general (13 percent). Only 15 percent of the residents rated the quality of Nevada courts as either "excellent" or "very good." By comparison, a similar public opinion survey in California found that 14 percent of respondents thought that the quality of California courts were either "excellent" or "very good."

Survey respondents were asked whether they favored or opposed various changes in court practices. At least two-thirds of the residents were in favor of each of the following changes:

**provide education/information to help people understand the court system (94 percent favored this action)*

**have courts open longer hours, including weekends and evenings (75 percent)*

**allow judges to punish lawyers for bringing meritless cases to court (75 percent)*

**develop alternative sentences, such as community service, to offenders instead of sending them to prison (70 percent)*

**allow judges to have a wide range of discretion in sentencing criminals (66 percent)*

2. Attorney Survey

Responses to the mail survey indicate that attorneys in the largest urban areas in Nevada differ widely in their evaluations of court services and their support for various changes. With the exception of questions about court efficiency and clerical support (e.g., attorneys in Washoe County are far more likely to feel that cases are handled in a timely manner and there is enough clerical staff to handle workload), there are no substantial differences among attorneys in the two counties.

Based on their experiences, attorneys in the sample have mixed opinions about the operation of Nevada's court system. For example, at least two-thirds of the attorneys agreed with each of the following statements about the Nevada courts:

**accommodates those with special language needs (88 percent agreed)*

**has courthouses that are conveniently located (83 percent)*

**gives citizens their "day in court" by effectively listening to their side of the story (78 percent)*

**offers alternative means of resolution to relieve overcrowding in the court system (78 percent)*

**treats minorities the same as everyone else (68 percent)*

In contrast, it should be noted that nearly one-third of attorneys do not believe that minorities are treated fairly. In addition, almost one-fourth of the attorneys said they had "no confidence" in the Nevada Supreme Court and less than one-half of the attorneys agree with the following statements about the Nevada court system:

**has an impartial body that administers the laws as they are written (47 percent)*

**makes sure that courts are not too expensive for those who use them (43 percent)*

**treats poor people as well as it treats wealthy people (39 percent)*

While there was some diversity of opinion as to the current quality of justice in Nevada's court system, there is greater agreement regarding needed changes in the court system. For example, over three-fourths of the attorney samples said they would favor efforts to:

**have courthouses that are conveniently located (96 percent)*

**use a variety of options for resolving disputes, such as mediation and arbitration (94 percent)*

**ensure that the same decision would be reached regardless of where the trial is held or who the judge is (92 percent)*

**provide education and information to help people understand the court system (88 percent)*

**develop alternative sentences, such as community service, to offenders instead of sending them to prison (86 percent)*

**allow judges to punish lawyers for bring meritless case to court (80 percent)*

**allow judges to have a wide range of discretion in sentencing criminals (76 percent)*

Lawyers were far less supportive of other activities than public citizen respondents, including using court appointed counsel at no cost to poor people in important civil cases (58 percent favored this action), having lawyers available at reduced fees for middle income citizens (55 percent), having courts open longer hours (54 percent), and using computers and television to allow citizen participation from their homes, hospitals, and offices (52 percent).

3. Conclusion and Implications

The attitudes and opinions of public citizens and lawyers are largely mixed about the effectiveness of the Nevada courts and their support for changes in the courts of the future. Although the clear majority of public respondents view judges as sufficiently trained, they are less convinced of judges' abilities to treat people equally and to make "correct" decisions. Only a small minority of Clark County residents rated the quality of the Nevada court system as either "excellent" or "very good." Attorneys in Clark and Washoe Counties shared many of the same opinions, but attorneys were generally less impressed with the educational background and competency of judges than their public citizen counterparts.

Concerning changes in the future for Nevada's courts, the survey data strongly support the following actions:

- a) greater education and information to help people understand the court system,
- b) punitive action for bringing meritless cases to the courts,
- c) enhanced judicial discretion in sentencing, and
- d) the development of alternatives to incarceration for convicted offenders.

Each of these issues should be considered more fully in public debates about the future of Nevada's court system.

CHAPTER 2: A VISION FOR THE FUTURE

Utilizing professional futurists, task forces developed a vision of what they would like the courts to be in the future. As the futurists explained, "A vision is a compelling statement of the preferred future that those who develop and subscribe to it want to create." The visioning process helps courts to consider their future creatively and without constraints. The purpose of a vision statement is to develop a picture of what courts should look like under ideal conditions--it is an outline of what is desirable. As a vital part of the long-range strategic planning process, the vision statement establishes positive goals for the courts.

While the task forces worked in separate workgroups to develop individual and group vision statements, the statements have been consolidated here into one vision statement, representing the aspirations of the Commission in general. Below is the Commission's ideal vision for the future.

In the future, Nevada's urban courts are fair, responsible and accountable. They are respected by the public. Courts are convenient and accessible, even from home or the local library. They are understandable to the lay public and are user-friendly. Courts educate the public about the judicial process and are culturally responsive to their diverse communities.

The courts utilize advanced technologies that make case processing more effective and efficient. Tasks are no longer duplicated by separate staffs and separate courts. The judicial system is unified and uniform, making courts more cost-effective. Court records are complete, reliable, and immediately accessible. The courts have an adequate number of judges and staff to handle the caseload. Judges are chosen based upon merit and politics are completely removed from the process.

In an ideal state, no courts are needed because people solve their problems one-to-one or with the assistance of

an ad hoc team. Realistically, in the future, the courts are the ultimate arbiter of decisions that no one else makes. Decision making has become consistent and is characterized by integrity. A menu of dispute resolution options are available, including neighborhood and family mediation, that are tailored to meet individual needs.

The justice system is neighborhood and family oriented. Societal wrongs are mediated through technology, with an emphasis on restitution, education, and future prevention. Judges focus primarily on criminal cases. Violence in society is not tolerated and mere use of any weapon is severely and swiftly punished. Punishment is inflicted through alternative methods, utilizing technology. Punitive damages are paid to community programs.

The "hi-tech" courts of the future balance technology and humanity. Information networks are complimented with education programs that not only educate the public about the judicial process, but also teach dispute resolution skills. "Humanness" and education are ensured through a collaborative partnership among institutions, including the judiciary, schools and the community.

CHAPTER 3: MAJOR SOCIAL TRENDS

Anyone remotely familiar with the courts realizes that there are several impediments to attaining the vision articulated in the previous chapter. First, as described in the first chapter, Nevada's urban courts have not fully achieved their mission or fulfilled the public's expectations of what courts should be doing. In addition, as this chapter details, there are several social trends that are impacting the courts today, as well as trends that will effect the courts as they move into the 21st Century. Before strategies can be developed to move the courts closer to what is desired, an assessment of major social trends and their implications needs to be conducted.

Three task forces were able to study major social trends (the Court Administration task force was given the responsibility of examining privatization issues instead). Each task force created a list of the ten trends they believe will have the greatest impact on their topic area and then prioritized the list in order of importance. Their prioritized lists of major social trends effecting the courts follow (see Appendix A for a detailed discussion of the social trends reviewed by the task forces). The Access to and Quality of Justice task force identified and prioritized the following ten trends:

- *Households/Families*--The redefinition of the traditional family is on the rise, resulting in less child supervision as well as social and economic challenges for children.
- *Diversity*--Courts, institutions and communities are not well-prepared for the increased social diversity of the future. Group conflicts and racism can be expected to be resolved by courts.
- *Education*--The Clark County School District is the fastest growing in the country, ranking it 11th nationally in student population. Educators are also faced with preparing students for a technologically advanced future.
- *Substance Abuse*--With the problem of substance abuse and crime, the courts will use technological advances that will help police in their efforts to curtail drugs, crime and violence in the 21st century. Breakthroughs in

information technologies, medicine, new materials, and a number of other areas will have important implications for crime prevention and justice.

- *Population*--According to the U.S. census, Nevada grew by more than 50 percent over the last decade. In 1993, Clark County had the bulk of the population with 898,020 residents.
- *Changing Workforce*--The composition of the workforce will have increasing proportions of women, minorities and immigrants. It will also be an aging workforce with increasing numbers of older workers desiring and/or needing to extend their working life.
- *Information Revolution*--The explosion of information means society is growing more complex with more litigious situations. The courts will deal with tensions arising between those with access to information and those without access.
- *Jail and Prison Populations*--Nevada has one of the highest incarceration rates in the nation and incarceration rate increases mirror the population increase of the community. Problems with overcrowding in the jails has become a reality.
- *Privatized Litigation*--With courtroom calendars full, a faster, more cost-efficient trend is privatized dispute resolution and the "rent-a-judge" to settle disputes. A private action such as this could save time, money and privacy.
- *Genetic Engineering/Biotechnology*--Medical advances will become reality before the legal and ethical implications are considered. Over \$100 billion will be spent by the year 2000 on genetic engineering, resulting in significant medical advances. The most complex issues will be those that have not yet been considered because they have never been thought to be within the realm of human possibility.

The Criminal Justice task force identified the same ten trends that would effect the criminal justice system, but created a different priority:

- 1) Population
- 2) Substance Abuse
- 3) Education

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- 4) Households/Families
 - 5) Jail and Prison Populations
 - 6) Changing Workforce
 - 7) Diversity
 - 8) Genetic Engineering/Biotechnology
 - 9) Information Revolution
 - 10) Privatized Litigation

The Special Court Structures task force selected a slightly different list of trends that they thought would impact the courts during the next ten years and identified a different order of priority:

- 1) Households/Families (i.e. Changing Family Life)
- 2) Increased Violence/Decreased Personal Responsibility
- 3) Substance Abuse
- 4) Changing Demographics/Diversity
- 5) Technology/Information Revolution
- 6) Low Pay, Transient Workforce (i.e. Smaller Middle Class)
- 7) Health and AIDS Issues
- 8) Population Growth
- 9) Environmental Issues
- 10) Decriminalization

The discussion of social trends by the Special Court Structures task force provides a good example of what the implications of these trends will be for the courts. The implications they identified for each of their top ten trends are presented below. Together, these implications create a possible scenario of the future for Nevada's urban courts.

The changes taking place in family life mean that more family cases will come to the courts, resulting in more sexual orientation cases and also resulting in the need for more communication among the courts. There will also be an increase in the criminal and civil caseload. This trend will require new approaches and innovation to dispute resolution (e.g., public education classes, counselling, family education, etc.). There will also be a need for a full-service family court, where related criminal cases are included.

The increase in violence/decrease in personal responsibility will produce more juvenile crime, resulting in the need for more secure juvenile facilities and also resulting in the need to change juvenile law. There will be a need for better court security, strict sentencing in violent crime, and more adult prisons. This trend will result in even greater sentencing disparity for social and ethnic groups. Most importantly, alternative sentencing schemes will be required.

Substance abuse increases crime, court caseloads, and incarceration rates. Substance abuse also results in more family cases, particularly child abuse, and more violent crime. Substance abuse is a severe drain on the economy and the tax base. One result of the increased burden placed on the criminal justice system because of substance abuse will be the decriminalization of certain drugs.

Changing demographics and increased diversity calls for greater diversity on the bench, as well as cultural training and sensitivity among court staff. This trend means there is a need for more translation services, but it also will cause increased costs to taxpayers for "diversity services." As a result of this trend, there will be more hate crimes and a need for immigration control. Most importantly, the dominant culture will need to accept change as diversity will transform the judicial system, its people, and its laws.

Advances in technology and the courts' ability to utilize technology mean that courts will become paperless and more productive. There will be wider access to information, resulting in the need to review confidentiality laws. Fewer court staff will be needed. New technologies will provide the opportunity for new sentencing alternatives that are reliable. Advances in genetic engineering will bring new issues to the courts and raise the importance of ethics. People will live longer and more health issues will come before the courts. Most importantly, advances in technology and the information revolution will lead to classes of the information rich and the information poor.

A growing low pay, transient workforce will result in a smaller middle class. As the Nevada workforce becomes increasingly reliant on service sector related jobs, government will have a smaller tax base. At the same time, government can be expected to experience a greater demand for its services. A smaller middle class will mean more property crime and more substance abuse. Criminal sentencing changes will be needed because fines will become less effective and practical. Community service will become more important.

Increasing health and AIDS issues mean that the courts need to coordinate services with the health community. Certified health care programs will be needed. Court employees will need special protections and vaccines, resulting in an increased cost for the judiciary. These issues will also cause stress on those who work in the judicial system, causing job dissatisfaction shorter job tenure. Health issues will be raised at the time of sentencing and "prison hospitals" will be established.

The rapid population growth experienced in Nevada, particularly Clark County, means one thing--more. More population means more litigation. It means there will be more police, more arrests, more cases, more judges, more court staff, more courthouses, etc. Innovative technological techniques must be introduced in the courts and utilized to handle "more."

New and an increasing number of environmental issues will face the courts resulting in more complex litigation and necessitating the need for specialization among attorneys and courts. New laws will be created as the result of environmental issues that courts will need to interpret and enforce. The job market will also be impacted as environmental regulation will eliminate jobs currently held. In addition, court buildings will become obsolete--many will be closed for safety concerns, environmental regulation will prohibit new buildings in urban areas, and technological advances will eliminate the need for new courthouses by providing access from

virtually anywhere (e.g., through computer networks, interactive television, etc.).

Increased burden on the courts, primarily on the criminal caseload as the result of increased substance abuse cases, means that decriminalization will occur. With the need to provide increased services, but with a declining tax base, courts will need to redirect their resources to more serious (i.e. violent) crime. As a result, certain drugs will be decriminalized, as will all traffic cases (not DUI) and misdemeanors. More fines and community service sentences will be promulgated, rather than incarceration.

The above future scenario summarizes the potential implications of trends that are facing Nevada's urban courts. Given such a scenario, the following chapter provides recommendations and strategies for helping the courts to achieve their mission, move the courts closer to what is desired, and prepare them to enter the 21st Century.

CHAPTER 4: STRATEGIES FOR THE 21ST CENTURY

The following strategies and recommendations attempt to bridge the gap between how Nevada's urban courts currently conduct their business and how they should conduct their business in the future. However, one recommendation from the Commission's "present-day analysis" is critical to the recommendations and strategies that follow in this chapter. The recommendation to establish a strong Judicial Council is fundamental and the Commission has identified it as the top priority in implementing the following long-range strategic plan (see pages 55-58 of *Simplifying the Maze: The Future of Nevada's Court System*).

Today, there is the perception that no one is in charge of the state's judicial system, that accountability and responsibility need to be established. Because Nevada's urban trial courts tend to operate as autonomous entities and act independently of each other, a central authority to administer the trial court system is required. A strong Judicial Council is needed to promote judicial accountability and clear lines of authority. In this regard, the Judicial Council would help greatly in facilitating the implementation of the following strategies.

The Commission has approved by majority vote the following recommendations and strategies, as developed and presented by each of the four task forces.

A. Access to and Quality of Justice

Based upon its analysis of social trends, the Access to and Quality of Justice task force presents the following 14 recommendations as one "package." This set of recommendations are in direct response to the ten social trends it identified and prioritized (see previous chapter).

Judicial Training

Expand the training of the judiciary to include non-traditional functions (i.e. interpersonal skills, cultural values, managerial skills, etc.). Training should also include methods of conducting nonadversarial dispute resolution such as arbitration and mediation.

Judicial Duties

Expand the duties of judges to include acting as liaisons with the police, the school districts, substance abuse agencies, and mental health agencies with the idea of developing a team approach to case disposition.

Community Justice Centers

Develop community justice centers staffed by professionals in police, counseling/social services, citizen volunteers, mediation/dispute resolution professionals, and members of the judiciary and their staff. Such centers would attempt to intervene in and resolve disputes in their early stages.

Judicial Education Programs

Make it part of a judge's duties to design and participate in programs for children regarding citizen responsibility and conflict resolution.

Judicial Selection

The selection process for judges should work to select individuals for the judiciary based on temperament, legal knowledge and experience,

communication skills, integrity, interpersonal skills, and management skills. The goal is the selection of individuals who have common sense, are reasonable, and have the ability to work with the system for the betterment of the community.

Cultural Diversity

Ensure that members of the judiciary reflect the cultural diversity of the community.

Use of Trained Personnel

Increase the use of trained personnel other than lawyers and judges to handle standard proceedings and processes.

Continuing Non-Legal Education

Require continuing non-legal education for judges on topics that affect the judicial system, such as substance abuse, domestic violence, mental health, etc.

Staff Training

All personnel working in the judicial system should have training that empowers the employee to make decisions and provide customer assistance without direct input from management.

Accountability

Establish systems of accountability to insure accurate information and quality control from service providers, such as alternative sentencing, private arbitrators/mediators and counselors.

Evaluation of Status Offenses

Establish a periodic evaluation of all status offenses, their punishments, and their impact on the system, society, and individuals. Make recommendations

regarding penalties and possible decriminalization based upon such evaluations.

Public Education of the Judiciary

Increase public knowledge and understanding of the direct and indirect cost of the judicial system with the goal of improving public awareness of the issues and their cost. It is hoped that the result would be an increased level of participation on the part of the public in the allocation of limited resources to the judiciary.

Media Standards

Recommend that standards be set for the media to ensure accountability and accuracy of the information they disseminate with the goal of eliminating the sensationalization of violent crime.

Use of Technological Advances

The courts should effectively use technological advances to promote access to justice through interactive litigant programs, video hearing or conferencing, automated document storage and retrieval or other devices designed to improve the ability of the judicial system to quickly answer client questions and guide them through dispute resolution.

B. Court Administration

Privatization of Parking and Traffic Violations

The Court Administration task force has previously developed three recommendations intended to improve the administration of parking and traffic violations in the state's urban limited jurisdiction courts. First, it was recommended that electronic data entry devices be used for the issuance of parking and traffic citations on a statewide basis. Second, the California model for the adjudication of minor traffic citations was recommended to make adjudication an administrative process rather than a criminal one. Finally, the task force has recommended that public access to the courts regarding citations be facilitated through use of new technologies, including voice response systems, automated court tellers, interactive television, etc. In order to implement the task force's original three recommendations regarding parking and traffic citation case processing, the following recommendation is proposed.

Recommendation:

** The Municipal and Justice Courts located in Clark and Washoe Counties, as well as Carson City, should develop a Request for Proposal (RFP) and a Memorandum of Understanding to implement a two-year centralized pilot program for collections of traffic and parking citations with a private vendor or county designee;*

** After two years, this program shall be evaluated with respect to achieving its goals of increased cost savings, revenue recovery, and case disposition; and*

** If determined successful, an RFP shall be developed for a long-term centralized collections program expanded to all remaining Nevada counties.*

Adoption of National Center for State Courts' Model for the Adjudication of Minor Traffic Offenses

In the United States, courts adjudicate minor traffic violations using one of three models: criminal, administrative or civil. The criminal model is the traditional model for adjudication of traffic offenses. The civil and administrative models are viewed as attractive alternatives to the traditional

criminal model because less formal hearing procedures can be instituted, reducing stress on motorists and the burden on the courts. Also, these approaches are more in keeping with public expectations regarding the nature and severity of these offenses.

In June 1992, the National Center for State Courts published a study titled, *Untying the Knot, An Evaluation of Traffic Adjudication Alternatives in California*. This research offered several excellent ideas related to the processing of minor traffic violations in high volume courts. Based on that research, and an examination of the current criminal model used in Nevada to adjudicate minor traffic violations, the following recommendation is submitted.

Recommendation: It is recommended that

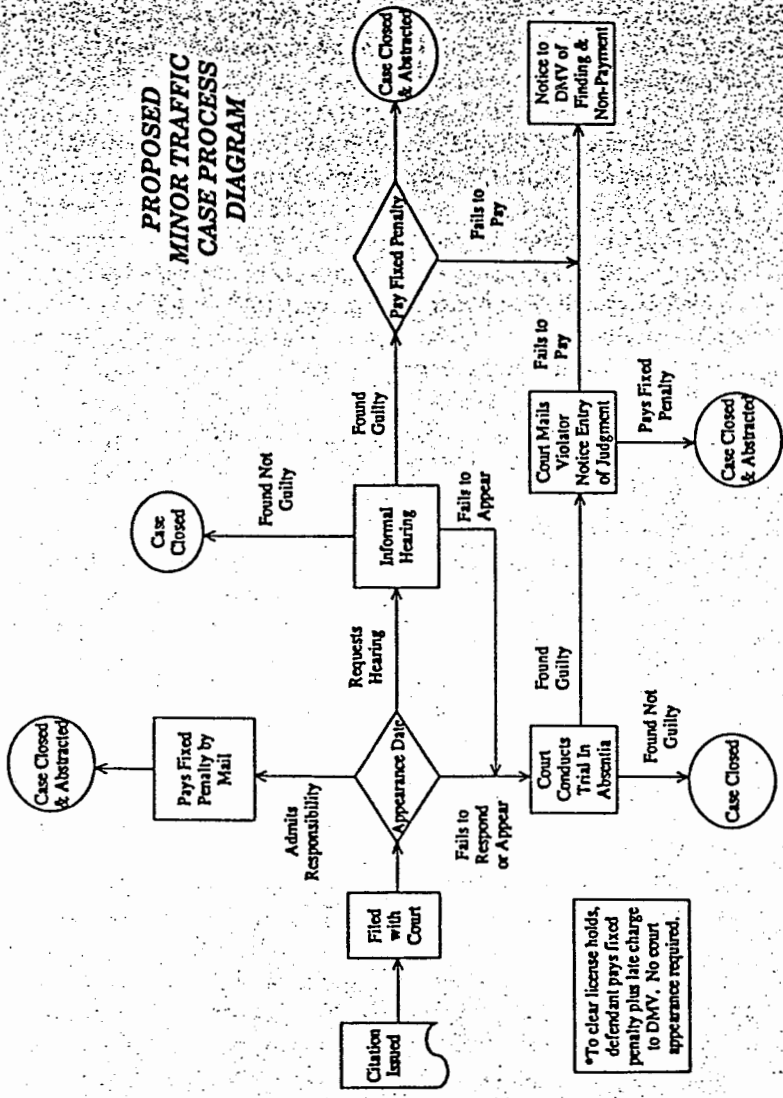
- 1) *The Nevada Legislature should create a category of traffic violations called infraction, consisting of all minor traffic violations assigned a demerit point total of four points or less.*
- 2) *Infractions should be adjudicated under the following relaxed rules of criminal procedure, and be punishable by fine only (see figure, "Proposed Minor Traffic Case Process Diagram").*

A) A defendant charged with a traffic infraction shall have the following options available:

1. *Plead guilty or nolo contendere.*
2. *Plead not guilty and receive a hearing.*
3. *Do nothing, in which case the court where the case is filed will enter an Order of Judgment and Sentence based on the information provided on the traffic citation document.*

B) A defendant found guilty or pleading guilty or nolo contendere to a traffic infraction shall pay a fine to the court in the amount ordered by the court, or enter into an approved education program as ordered by the court in lieu of or in addition to any fine amount levied by the court.

**PROPOSED
MINOR TRAFFIC
CASE PROCESS
DIAGRAM**



*To clear license holds, defendant pays fixed penalty plus late charge to DMV. No court appearance required.

C) An Order of Judgment and Sentence issued pursuant to non-appearance by the defendant will be forwarded by the issuing court to the Department of Motor Vehicles.

D) Failure to pay a fine imposed by the sentencing court will result in a Notice of Failure to Pay Fine sent by the issuing court to the Department of Motor Vehicles.

E) The Department of Motor Vehicles is empowered and required to collect outstanding and non-paid fines assessed by any court in the State of Nevada for traffic infraction violations, plus a reasonable administrative processing fee, prior to the issuance of any driver's license or renewal, or any vehicle registration or renewal to any defendant named in an Order of Judgment and Sentence or Notice of Failure to Pay Fine sent to the Department by the issuing court.

C. Criminal Justice

Medicinal Use of Marijuana

Thirty-five states have passed legislation recognizing marijuana's medicinal value. Many counties and cities are also gaining approval on ballot initiatives declaring that marijuana be medicinally available. The absence of federal action moving marijuana from Schedule I to Schedule II Controlled Substance necessitates state legislation. At this time, there are only nine participants in the Compassionate Investigative New Drug (IND) program under therapeutic treatment.

Studies have already established the efficacy of this mode of treatment as being superior to other prescribed medications in individuals suffering from the painful effects of various illnesses or the treatment of those diseases (i.e. cancer, AIDS, glaucoma, spastic disorders, epilepsy, and multiple sclerosis). Patients do not need to be labelled as criminals in their attempt to grow or purchase this substance. An uncontaminated and dosage-adjusted tablet to THC can be made available at low cost.

Authorization by the state legislature for the use of marijuana as a prescribed medication (Schedule II Controlled Substance) is necessary to relieve chronic or terminally ill individuals of unnecessary pain and suffering.

Recommendations:

1) Through actions of the Nevada State Legislature and the State of Nevada Board of Pharmacy, marijuana should be reclassified from a Schedule I to a Schedule II Controlled Substance.

2) Nevada State Legislature should pass legislation enabling doctors to prescribe and pharmacists to dispense marijuana and/or THC tablets to chronically, incurably, or terminally ill patients.

3) Through the actions of the Nevada State Legislature and the State of Nevada Board of Pharmacy, marijuana for medicinal use should be approved for manufacture in the State of Nevada.

Enhancement to the Nevada Habitual Criminal Law

Crime is on the minds of Americans. Nationwide the battle cry is "Three Strikes and You're Out." Slogans win elections, leaving the complex issues of sentencing and reinventing the criminal justice system untouched. Criminal justice professionals are well aware that "Three Strikes" won't throw away the key on our most serious offenders, thus reducing crime. Instead, courts will be overwhelmed with skyrocketing caseloads, and prisons will be unable to cope with exploding inmate populations. Valuable tax dollars will be wasted locking up low-level drug criminals--those with no record of violence or involvement in sophisticated criminal activity. California expects its "Three Strikes" law to increase their inmate population by 85,000 over the next five years. Criminal justice professionals in Nevada cannot afford to sit idly by and allow some version of a "Three Strikes" law to be passed in future legislation.

The public and most criminal justice professionals agree prosecutive energy should be focused on violent predators and career criminals, those two types of offenders who cause our communities the most harm. A violent predator normally has prior convictions for the same type of offense but always seems to get out of prison to strike again. Career criminals not only commit more crimes, they also commit a variety of crimes from burglary to robbery. For example, in 1982, the Rand Corporation formally identified career criminals in a survey of jail and prison inmates. Rand found that while the average robber commits four offenses a year, the career criminal commits 57.

Clearly these offenders deserve to be permanently removed from society, but our criminal justice system fails to properly deal with them. Why? Because "It's not what you do, it's what you get caught doing." Career criminals are labeled "High Rate Winners" because they are sophisticated and seldom get caught. When they do, their punishment is no worse than that of the "Low Rate Loser," the proverbial klutz who doesn't commit many crimes but almost always gets caught. The criminal justice system is blind to the difference between Low Rate Losers and High Rate Winners. Both serve about the same prison time, thus adding more low rate/non-violent drug offenders to our already overcrowded prisons. We're locking them up, but does the crime rate go down? The answer from almost every expert is "No!" The spiraling growth in our nation's prisons, coupled with the reluctance of voters to pay more taxes, begs a rethinking of our

sentencing practices. The point system dubbed "The Presage Sentence" may be a solution to this dilemma.

The Presage Sentence does not change the way criminal justice does business. The offender will still be sentenced for the commission of the offense and may even receive probation. The only difference is the assessment of Presage points, which will be added during the offender's sentencing. For most offenders, the issue will be moot. They will outgrow their crime committing years and never have to worry about Presage. But for the violent predators and career criminals, Presage will become an issue of monumental proportion. Whether the knowledge that they are close to 500 points will stem their criminal behavior is unknown, but it is suspected they will feel its shadow, and it will be on their minds every time they contemplate a crime, and from that should come deterrent effect.

If criminal justice professionals fail to address this issue, the legislature surely will respond to public pressure, and we should not be surprised to find ourselves struggling to work with the unworkable...some form of a "Three Strikes Law."

Recommendation: It is recommended that the legislature establish a sentencing commission to study and recommend an enhancement of Nevada's Habitual Criminal statute. The commission's objective will be to develop a lifetime point system to identify and permanently incapacitate our state's most serious violent predators and career criminals. Beginning with a juvenile's first felony conviction, the sentencing judge will assess a specific number of lifetime points based on the following criteria: (1) the commission of the criminal act, (2) the savagery of the crime, and (3) the sophistication of the criminal act. From that time forward and continuing through the remainder of his life, each time the offender is convicted of a felony crime, he will be assessed points. When he earns a lifetime 500 points or more, he will automatically be imprisoned for the rest of his natural life. The sentence will be automatic, certain, and without appeal.

Creation of a Technological Master Plan

While information technology is becoming more commonplace, generally the courts and justice agencies have lagged behind the private

sector and other branches of government in integrating technology into daily operations. Throughout our State, the court and justice agencies are independently attempting to catch up. In that effort (with some exceptions), data networks are being developed with little or no consideration for the sharing of data and future technology, and at substantial public expense. This independent approach to the use of technology is furthering the public's opinion that the justice system is inconsistent and inefficient. As the justice community proceeds into the next century, technology must become a part of every court function. However, without a systematic and coordinated approach to technological modernization, the courts are unlikely to substantially improve the system.

Recommendation: The Supreme Court should create a committee consisting of representatives from the justice system, bar, private sector, and other state and local government agencies to establish a Master Plan for the utilization of technology, to include:

- * Setting priorities and schedules for introduction and upgrading of technology*
- * Amending rules and statutes to permit the utilization of technology*
- * Establishing standards to ensure confidentiality and preservation of information*
- * Acquiring funds to implement the Plan*

Creation of Task Force to Study and Implement Alternatives to Incarceration

Steps must be taken to immediately stem our burgeoning prison population. The State of Nevada currently has one of the highest incarceration rates in the world (427 inmates per 100,000 citizens) and crime rates are expected to continue to soar. As candidates attempt to appease the electorate by promising stiffer prison sentences, we must either continue our ever-increasing outlay of money to construct expensive new prisons or find alternatives to incarceration for first time and non-violent offenders.

Many other states have already taken the initiative to form task forces to outline and implement innovative alternatives to strict incarceration. Given the clear crime rate trends, it is critical that Nevada

responsibly identify effective, cost-efficient approaches to manage criminal offenders while ensuring quality of life in our state.

It is far more expensive to house an inmate in prison than to subject the offender to one or more of several available alternatives. Our state simply will not have the financial resources to continue to build and operate new prisons over the next two decades in order to keep up with the expected dramatic increase in our prison population. While repeat offenders and violent criminals would remain in prison, alternatives must be explored to manage first time offenders and non-violent offenders.

After identifying alternative programs, successful implementation will be dependent upon sufficient financing. The Task Force must establish a comprehensive marketing plan to convince legislators, and their constituents, to accept relatively innovative approaches to punishment.

Recommendation: The State should create and fund a permanent Task Force on Alternatives to Incarceration comprised of lay persons and representatives of many areas of the criminal justice system (e.g., representatives of prosecutor's offices, the defense bar, the judiciary, the Department of Parole and Probation, and the Department of Prisons). The Task Force should be charged with the following obligations:

1. Conduct a comprehensive examination of the feasibility of alternatives to incarceration, including (but not limited to) the following:

- A. Fines*
- B. Restitution*
- C. Probation before verdict*
- D. Diversion*
- E. Unsupervised probation*
- F. Community service orders*
- G. Drug testing*
- H. Substance abuse counseling*
- I. Curfew conditions*
- J. Day reporting centers*
- K. Day treatment centers*
- L. Work release program*
- M. Mental health treatment*

-
- N. Regular supervision*
 - O. Intensive supervision*
 - P. Community correctional center placement*
 - Q. Home confinement with electronic monitoring*
 - R. Technical violations center*
 - S. Residential inpatient mental health treatment*
 - T. Shock incarceration/boot camps*

- 2. Work to immediately implement those programs which the feasibility study reveals to be effective alternatives to incarceration and which do not require legislative funding;*
- 3. Create and lobby for legislation to implement additional alternative sentencing programs (particularly those which require state funding or amendments to existing statutes);*
- 4. Garner public support for the implementation of innovative correctional alternatives through a comprehensive marketing strategy; and*
- 5. Conduct periodic reviews and audits of alternative sentencing programs to determine their effectiveness and cost-efficiency.*

D. Special Court Structures

Expanded Curriculum in the Public Schools

The public education system should be restructured to focus on changing the direction of the children who are now becoming unproductive or destructive citizens. Children need dispute resolution education programs, primarily in the schools. Children need to be educated in life skills, including alternatives to violence, to settle their own disputes.

Recommendation: The public education system is our best opportunity to prepare future citizens for productive roles. Therefore we must rethink its goals. Courts need to be involved in these education programs. Education programs could emphasize the following topics:

- *Dispute resolution*
- *Cultural awareness*
- *Communication skills*
- *Substance abuse*
- *Family relationships*
- *Domestic violence*
- *Health and personal hygiene*
- *Self esteem*
- *Money management*

Universal Computerization in the Courts

It is fundamental that there be cross-communication between the many judicial system agencies and the courts. Courtrooms should be interactive. Record-keeping should be reliable and information should be easily and quickly accessible. Courts should utilize video technology and "real time" computer technology. In addition, the public should have access to relevant court information, especially information regarding administrative rules and procedures. Computerization of information is the primary means to accomplish this and court staff need to be educated and trained in the use of information technologies.

Information access is particularly important in criminal and juvenile cases. Reliable criminal histories should include misdemeanors, domestic violence cases, and juvenile records. Such information may be relevant in family cases and should be available. Access to criminal histories and PSI's should be available to sentencing judges in limited jurisdiction courts.

Recommendation: Courts should utilize technologies, which are already commonly used in the private sector, to improve access and the overall administration of justice.

Specialization Training

Technological change, such as advances in biotechnology, will require specialized efforts as the courts are asked to resolve high-tech issues resulting from these advances (e.g., DNA identification, use of fetal tissue, genetic engineering, etc.). Specialized courts (by assignment, not by jurisdiction) may be needed to handle genetic, health, or environmental issues. Education and training may be required of judges and court staff in specific expertise areas. Expert witnesses in these specialized areas need to be certified to reduce the "battle of the experts" which causes public distrust of the courts.

Recommendation: As technological advances occur in society and ever more complex issues come into the judicial system, courts must proactively change and modify procedures and structures. Specialization may be required of court personnel, including judges.

Technological Access for the Public

Technologies exist that would make the courts much more accessible and available to the public. Information about the court process should be easily available to the public. Computer screens should be provided that can translate court information into other languages. Screens should also provide legal information in lay terms.

Recommendation: Courts should be accessible and user-friendly.

Court Costs

The courts need to do a better job of explaining to the public and funding agencies that court resources are wisely spent. For example, drug court is a reliable, cost-effective sentencing option. Further, courts provide an important cost recovery function to the public and businesses by providing a forum for settling money disputes. The resolution of civil disputes by the courts is an important economic function.

Recommendation: Courts need to educate the public and funding agencies about how court resources are spent, what services are provided, and the extent to which those services are cost effective. In addition, courts should collect costs and fees.

Jury Selection and Compensation

The jury system has become needlessly complex and expensive. The burden on court resources and the public is excessive. This is primarily the result of preemptory challenges and the attempt to find "perfect" jurors. To reform the jury system, preemptory challenges should be eliminated and the first 12 (or 6) citizens chosen should automatically serve as jurors. Today, jurors typically do not want to serve because they may lose a significant amount of wages. Therefore, the pay reimbursement for jurors should attempt to be as close to the actual salary of the juror as possible. In addition, it should be considered whether juror compensation may be higher in civil cases and paid for by the litigants.

Recommendation: We recommend that Nevada explore methods to speed up the process of empaneling juries. We also recommend that the adequacy of juror compensation be explored.

APPENDIX A:

SOCIAL TRENDS ANALYSIS

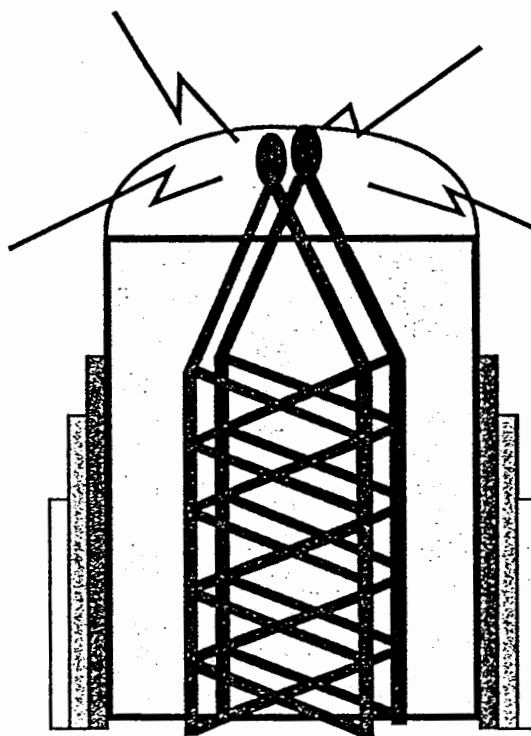
(A Working Paper of the Judicial Assessment Commission)

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SOCIAL TRENDS ANALYSIS

Population

The greatest impact on Nevada's urban courts from social trends may be from shifts in population. Nevada is the fastest growing state in the United States. According to the 1990 United States census, the state grew by more than 50 percent over the last decade. This compares with an overall U.S. growth rate of 9.8 percent. During the last 10 years, Nevada added over 400,000 new residents, bringing the official 1990 census count to 1,201,833. The July 1993 estimates by the Nevada State Demographer have increased that number to 1,398,760. Clark County has the bulk of the population with 898,020. Washoe County is second in population with 271,770. Carson City's population is estimated at 43,460.

According to the University of Nevada, Reno, Bureau of Business and Economic Research, the 1997 population forecast for Nevada will be 1,582,320. County populations will be as follows: Clark County, 1,047,410; Washoe County, 296,010; and Carson City, 45,320.

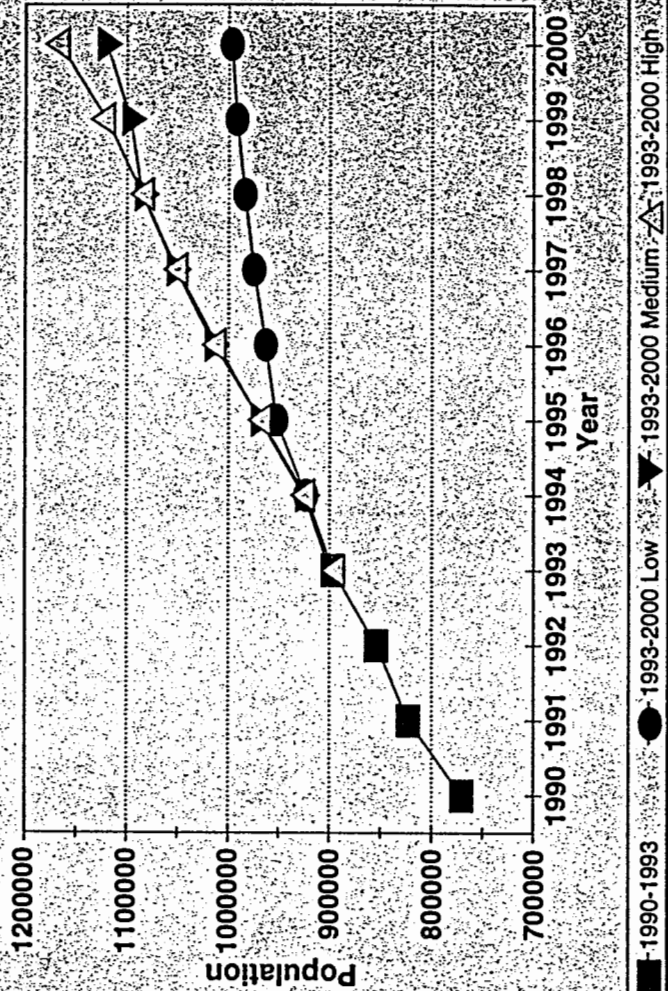
With these increasing numbers in population, there are various population forecasts, assumptions and scenarios through the year 2000. However, the following population forecasts depend primarily upon trends in the gaming industry. The projections for Clark and Washoe Counties use high, medium and low population scenarios (see following two graphs):

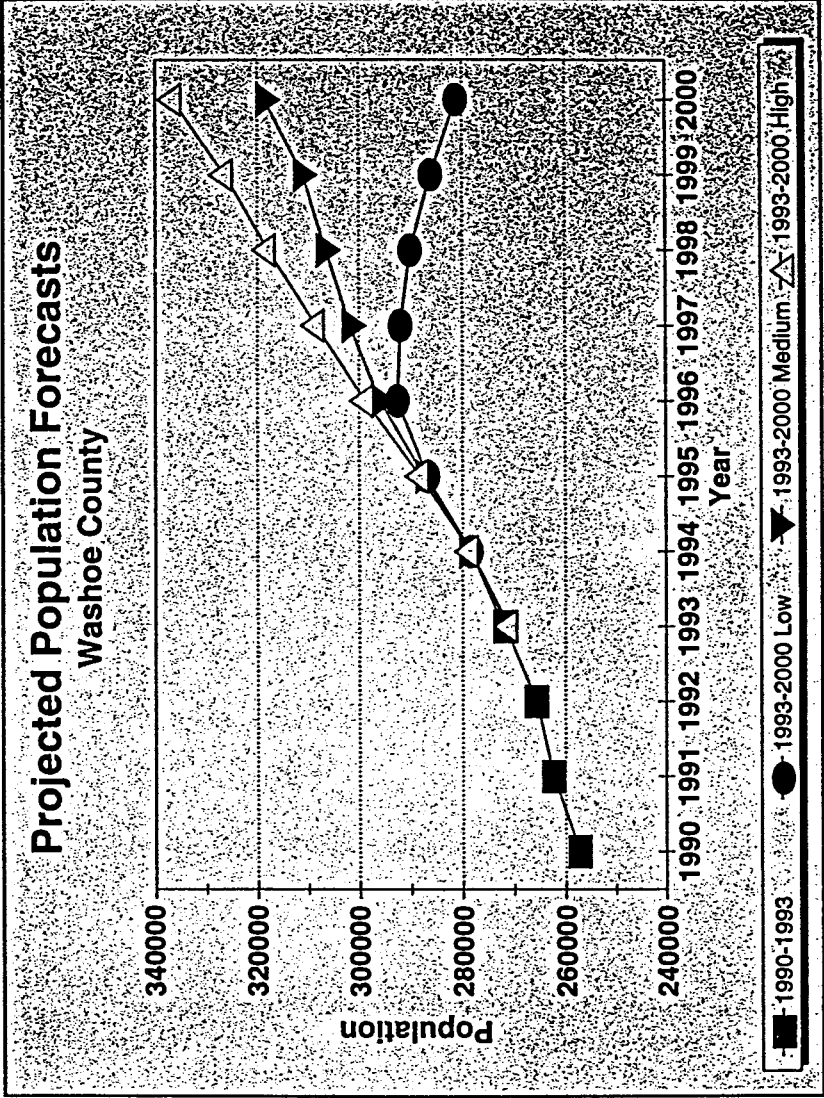
Clark High: In the 1980s, Clark County opened nearly 35,000 hotel rooms. In the 1990s, Clark County will open 40,000 rooms, with nearly 10,500 of those in 1993-94.

Clark Medium: After finishing the current round of announced projects in 1994-95, gaming corporations put more of their investment in other states. From 1996 on, rooms are added half as quickly as in the high series.

Clark Low: After finishing most of the current round of announced projects, gaming corporations concentrate their investment in states where gaming is newly legalized. By 1997, new room construction falls to 500 a year, and stays there.

Projected Population Forecasts Clark County





Washoe High: Project C, a new casino with about 1,800 rooms, is built and opened. The Bowling Stadium opens on schedule. California's Indian gaming has little effect on Washoe County casinos, and Washoe County attracts a substantial share of businesses leaving California.

Washoe Medium: Project C and the Bowling Stadium are built and opened. California's Indian gaming has little effect on Washoe casinos, and some California businesses continue to relocate to Washoe County.

Washoe Low: Project C and the Bowling Stadium both open on schedule. Gaming booms in California, pulling customers away from Washoe County, and forcing several existing casinos to close. Washoe County attracts only a small share of businesses leaving California.

Future population growth will depend on several trends in the gaming industry. For example, as more states begin gaming activities, population growth in Clark and Washoe Counties may level off. In addition, Indian gaming continues to be an important revenue source for tribes and reservations. An increase in Indian gaming could also effect future population growth in Nevada. Nevertheless, with the tremendous growth seen in Nevada during the last few years, while these other gaming activities have also increased outside the state, it seems certain that population growth in the urban areas will continue to be robust through the year 2000.

The projected population growth through the year 2000 also highlights an important issue that may have a great impact on future population growth (i.e. after the year 2000) and the gaming industry in general--water. For example, it is believed that current water resources in Clark County can support a population of about 1.2 million. If this theory holds true, the population in the state's urban areas may be "capped" by the amount of water available. Several attempts are being made in the northern and southern parts of the state to import water from other states. Long-term population growth in the urban areas will be determined, to a great extent, by Nevada's success in obtaining these new resources.

Population by Age

Over the past 10 years, the state's young workforce age population (25 to 44 years) expanded by 164,000 or 66 percent. This age group makes up about 35 percent of the state's population, compared with 32 percent nationally. The number of children aged 5 and younger also increased significantly over the last decade. In 1980, there were about 56,000 persons under 5 years of age in Nevada. By 1990, the number had increased by 64 percent to 92,000. This increase in the number of children will mean the need for more government money to provide additional schools or double-session programs to accommodate the overflow of students. Also, juvenile crimes will likely increase as these young children grow up within the community and begin to commit illegal acts.

Over the last decade, Nevada's elderly population expanded by 94 percent--almost twice as fast as the state's population. While this growth rate is exceptional (the U.S. rate was only 24 percent), it is important to note that the proportion of elderly persons in Nevada still trails the national average by almost 2 percent (12.6 percent in the U.S. vs. 10.6 percent in Nevada). People age 65+ are expected to make up 22 percent of the country by 2050.

This means different types of cases will be going to court, including more probate and estate cases. The aging population means that the family structure will change and different living arrangements will be necessary. Single-family housing will become obsolete. Urban density will increase, and health issues will be more prominent. Courts will need to adjust to increased urban crime, landlord/tenant claims, health care issues, and an emphasis on elder care.

Businesses increasingly will offer older workers and retirees flexible work schedules and retirement options to reverse the trend of early retirement and increase the number of skilled persons in the workforce. Companies will recognize the need to provide more "eldercare" benefits--similar to child-care benefits--to assist those who must care for older relatives.

The physical design and environment of America will start to change in the 1990s to accommodate a middle-aged and older population. Courts will have to adapt to the increasing numbers of elderly by changing their physical structure and by addressing communication difficulties with simplified "legalese." The courts can also expect to see increased disputes

arising out of living will issues, prenuptial agreements, the independence of the elderly, and the regulation and supervision of nursing homes, mortuaries, and cemeteries. Divorce and the potential loss of home, retirement money, pension plans, and medical plans will also be a significant issue with implications unique to the aged.

Population by Race/Ethnicity

Two ethnic groups in Nevada have seen rapid increases--Hispanics and Asians/Pacific Islanders. The state's Hispanic population increased by 131 percent over the last decade, growing from 53,879 in 1980 to 124,419 in 1990. The Asian and Pacific Islander population increased by 169 percent during the same period from 14,164 to 38,127. The growth rate among Blacks has been slower at 54 percent, only slightly above that of the population as a whole. The growth rate among Nevada's American Indian population, at 48 percent, lagged behind the general population. The following chart shows the increase in race populations by county from 1980 to 1990:

<u>Clark County</u>	<u>1980</u>	<u>1990</u>
White	390,959	602,658
Black	46,268	70,738
American Indian	3,041	6,416
Asian	9,207	26,043
Hispanic Origin	35,086	82,904
Other Races	13,612	35,604
 <u>Washoe County</u>	 <u>1980</u>	 <u>1990</u>
White	178,793	225,095
Black	3,552	5,680
American Indian	3,410	4,921
Asian	3,803	9,824
Hispanic Origin	9,352	22,959
Other Races	4,065	9,147

<u>Carson City</u>	<u>1980</u>	<u>1990</u>
White	29,375	36,693
Black	437	698
American Indian	1,481	1,106
Asian	288	569
Hispanic Origin	1,275	3,110
Other Races	441	1,377

Among all states, Nevada ranks as 7th highest in its percentage of Asians and Pacific Islanders and 8th highest in its percentage of Hispanics. The state's percentage of Blacks is about half that of the U.S. population (6.6 percent compared with 12.1 percent nationally). The percentage of American Indians (1.6 percent) is double that of the national average (.8 percent).

Courts, institutions and communities are not well-prepared for the increased social diversity of the future. Social groups with power will fight to keep their power from other groups. Increasing group conflict can be expected to be resolved by the courts. Racism will continue to be a legal issue.

Population by Gender

From 1980 to 1990, Nevada has seen an increase in both males and females. In 1980, the statewide male population was 405,060 and rose to 611,880 in 1990. The female population in 1980 was 395,448 and grew to 589,953 in 1990. Within this decade, males had a 51.1 percent increase, while females had a 49.2 percent increase.

Clark County had 233,548 males and 229,539 females in 1980. In 1990, Clark County saw an increase of 376,108 males and 365,351 females (up 61 percent and 59 percent, respectively). Washoe County had 97,463 males and 96,160 females in 1980; these populations grew to 129,088 males and 125,579 females in 1990 (up 32 percent and 31 percent, respectively). In 1980, Carson City had 16,283 males and 15,739 females, and in 1990, it had 20,670 males and 19,773 females (up 27 and 26 percent, respectively).

Households/Families

According to the U.S. Census Bureau, Nevada had 304,000 households in 1980 and 466,297 households in 1990. This shows a 53.39 percent increase. The average persons per household in 1980 was 2.59; this figure dropped slightly in 1990 with 2.53 average persons. In the last decade, Nevada has seen a 48.2 percent increase in the total number of families. This increase includes families with children, without children, married couples, and single parents. The redefinition of the family is a trend on the rise. By the year 2020, half of the nation's workforce will be comprised of women. The non-traditional family is now commonplace. In 1940, 70 percent of households were single wage earner traditional families. Today that figure is 20 percent. One result of two income families and single-parent households is an increased lack of child supervision.

The numbers of children (White, Black and ethnic minorities) who are growing up in poverty will pose a difficult challenge for America's criminal law system. Economics significantly impacts the future of a child, and the lack of opportunities facing children at the lower end of the economic scale is a significant family issue. Economic status, rather than intellectual ability, is a strong predictor of a child's future. A Carnegie Study done in 1972, entitled "Small Futures: Children, Inequality, and the Limits of Liberal Reform," concluded that "class, race and sex are the most important factors in determining a child's future."

Economics also plays a significant part in the declining birth rate, a trend that is affecting the structure of the family. As the number of single parents and two-income families increases, more children are being placed in child care. As the population grows older, the nuclear family will be replaced by several generations of families living under the same roof. The impact that these changes in the family structure will have on society is difficult to predict, yet will be significantly felt by 2020.

For social as well as economic reasons, young people are leaving home later than their parents did. Increasing age at the first marriage is also a consistent trend toward 2000. But the family makeup is more significantly impacted in several other ways. There has been a rapid increase in single heads of households since the 1970s, and the added economic burden on single parents, especially mothers, is creating a class of "new poor." As income inequality continues to increase through 2000, two-income families

will gain economically, while single-parent households will fall further behind. Affordable housing for low-income families will be a major problem in the 1990s. Three, four and even five generations alive at the same time will give rise to the extended family and may render the old child-centered nuclear family obsolete.

In the future, the traditional family role of teaching values and providing a sense of community to teach children will be transferred to a greater extent than presently exists to other societal institutions such as churches and schools. This also lays great importance on the quality of education received by children. As the nuclear family dissolves, a "make-your-own-family" approach evolves. The need for family has not diminished; however, people are defining their own "family" based on choice and affinity and not on blood. This could be a cause for the growing numbers in gangs. Children become vulnerable in the redefined family and need protection. Courts play an important role in protecting children and families by safeguarding children, mediating family disputes, and ensuring care for the elderly.

Marriage and Divorce Statistics

Due to its lenient state laws, Nevada reflects high marriage and divorce rates. These rates are caused by a large number of nonresidents that come to Nevada to marry and divorce. In 1950, Nevada performed 49,900 thousand marriages; 120,600 thousand marriages occurred in 1990. At the same time, 8,900 thousand divorces happened in Nevada in 1950; this number increased to 13,100 thousand divorces in 1990. As a result of the growing number of marriages and divorces, the courts will face increased workloads with marriage licenses, divorce settlements, custody trials and other related issues.

Illegal Aliens

According to the Nevada Immigration and Naturalization, Nevada has approximately 16,400 illegal aliens, giving Nevada the 16th highest number in the United States. These aliens are illegal aliens that have "established" themselves (i.e. jobs, residences, etc.). In addition, Nevada is 8th in the United States for legal aliens in the last two years with approximately 10,287. Of these aliens, 78 percent are in Clark County.

In the last five years, the workload of the Immigration and Naturalization agency has increased 247 percent. Nevada has seen such a great increase in illegal aliens most likely due to the increase in service-oriented jobs in the hotels and construction occupations.

Economy and Labor

Employed and Unemployed

Nevada's hotel, gaming and recreation industries dominate the economy with service-related employment. These establishments account for 168,000 (27 percent) of the state's 633,000 jobs. The construction industry has also fared well in recent years, supported by the major hotel/casino expansions in southern Nevada. Nevada has managed to maintain an unemployment rate averaging about one percentage point less than the nation as a whole (U.S. unemployment was 7.8 percent in June 1992).

Nevada continues to have one of the highest female labor force participation rates in the country. In 1990, the percent of females participating in the workforce in Nevada was 63 percent while the national rate was nearly 5 percent lower at 58 percent. Nevada's dependence upon service-related employment, particularly in the hotel and gaming industries, is, no doubt, a contributing factor to the higher percentage of women in the state's labor force. This means the courts will have to deal with more sexism, harassment, and equal opportunity issues.

About 43 percent of the state's payroll was earned in the service sector, followed by retail trade and construction at about 12 percent each. Total payroll earnings from the state's 18,000 business establishments amounted to \$4.4 billion in 1980. By 1989, the number of firms topped 29,000 paying out close to \$10 billion in payroll.

Economic polarization will continue to increase, with top and bottom family income brackets proportionately increasing in size. This polarization will be reflected in the workforce. There will be growth in highly-skilled, professional, high-paying positions, while at the same time 85 percent of new jobs will be low-paying, unskilled, service-related positions. Minorities will increase as a percent of the workforce, but their jobs will be in lower-paying, unskilled positions.

The increasing economic gap means that courts will handle more criminal cases as rebellious "have nots" vent their frustrations against economic "haves" and seek economic redress. Civil disputes will also increase as courts are asked to fulfill their traditional role of debt collection and contract enforcement.

Cost of Living

According to the U.S. Bureau of Labor Statistics, the average worker in the United States made \$23,602 in 1990, an increase of 8 percent from 1988. In Nevada, the average for the same period was \$22,358, ranking the state 21st nationally, or 6 percent below the national average.

According to the Places Rated Almanac, Las Vegas ranked 226 out of 343 cities in regard to the cost of living. The typical household income for Las Vegas is \$49,228. Local taxes are approximately \$931. The following charts show the cost indexes for Las Vegas in comparison to the national average of 100:

Housing Cost Indexes

Average Price: 113
Utilities: 82
Property Taxes: 102

Other Living Cost Indexes

College Tuition: 76
Food at Home: 97
Health Care: 111
Transportation: 107

Per Capita Income

In 1985, per capita income in Nevada was \$14,510. By 1990, the per capita income had increased to \$19,035. Nevada is currently ranked 15th in the nation in per capita income. From 1985 to 1990, statewide per capita income grew by 31 percent, just behind the national growth rate of 34 percent.

In the 1990's, Nevada now leads the nation in personal income growth according to the U.S. Department of Commerce. Personal incomes increased 10.7 percent in comparison to the national increase of 5.5 percent in the 12-month period ending June 30, 1993. These increases are due to Nevada's healthy and growing economy.

Persons working in the "services" sector (hotel and gaming industries) earn nearly 43 percent of all wages earned in the state. Since 1980, the share of wages from services in Nevada has grown from 39 percent to over 43 percent. Comparatively, services account for about 30 percent of wages earned nationwide.

The next largest share of wages and salaries in Nevada belongs to governmental employees (federal, state, local and military), accounting for 13.8 percent of all earnings; followed by retail trade (9.7 percent); construction (9.3 percent); transportation and public utilities (6.6 percent); finance, insurance and real estate (4.6 percent) and manufacturing (4.4 percent). Mining and agricultural services fell below 4 percent of total wages paid in 1990.

From 1980 to 1990, total wages and salaries from all industries in Nevada grew by 143 percent. Mining and wholesale trade led with growth rates of 285 percent and 191 percent respectively. Overall, the private sector grew by 146 percent, while the public sector trailed at 126 percent over the same period.

Taxes

Nevada's favorable tax climate has been a tremendous attraction to businesses. With the best tax climate in the western states, Nevada offers a tax structure that is less burdensome to both businesses and its employees.

Taxes are kept low primarily due to tax revenues generated from tourist and gaming expenditures. In addition, the State Legislature has been responsive to both businesses and residents by rejecting the institution of new and costly tax sources.

Nevada has no corporate income tax, inheritance estate and/or gift tax, unitary franchise on income, admission's tax, chain store tax, inventory tax, personal income tax, special intangible tax, or franchise tax.

General Trends

Crime Rates

Nevada's crime rate has declined more dramatically over the decade, dropping from a high of 8,854 in 1980, to 6,064 in 1990. Nevada ranked 11th in the nation on the 1990 crime index, an improvement over 1985 when the state ranked 5th.

In 1990, Nevada ranked first among the states in percent of total state and local general spending for law enforcement. These costs are obviously impacted by the state's large tourist population. During the same period, Nevada, at \$155 per resident, ranked third in the nation in per capita state and local spending on corrections. According to Department of Prisons statistics, the cost per prison inmate per year was \$12,383 in fiscal year 1990, relatively low compared with other Western states.

Of the prison sentences handed down by Nevada's District Courts in 1990, 29 percent involved property offenses, 28 percent drug offenses, 16 percent violent offenses and 6 percent sex offenses. Seven prisoners were sentenced to death and 106 given life sentences. Of the 1990 prisoner intake, 17 percent or 572 prisoners, were committed for parole violation. Women prisoners comprise a growing sector of Nevada's prison population, making up 7.4 percent of the present population and 10.4 percent of the 1990 intake. The percentage of Blacks in Nevada's prison system is 31 percent, a disproportionate number, considering that Blacks comprise less than 7 percent of the state's general population.

Jail and Prison Population

Nevada continues to have one of the highest incarceration rates in the nation. In 1990, the state's prison population was 444 inmates per 100,000 residents compared to 293 nationally. From 1980 to 1990, Nevada's inmate population expanded by over 200 percent--about four times as fast as the state's overall population. The national prison population growth rate over the same time period was approximately 125 percent. By 1990, there were 745,000 people in prison in the United States and 5,637 prisoners in Nevada. Department of Prisons statistics indicate that 21 percent of prisoners newly committed during 1990 were not Nevada residents and that another 20 percent had been residents for one year or less.

The growth rate for the jail population in Clark County has closely mirrored the increased population of the community at large. The tremendous growth rate has made an impact on the jail population. Clark County has historically incarcerated more people per one hundred thousand than the nation as a whole. This pattern only began to change in 1990 when dwindling jail beds forced the criminal justice community to pay closer attention to who it was locking up. Over the years, the jail has double-bunked each room to keep pace with the growing population. In 1993, the jail added 136 beds bringing the facility to its maximum capacity of 1,479 beds. However, there are times when the jail population becomes overcrowded, causing inmate management to become difficult as well as the possibility of lawsuits and federal intervention due to the jail conditions.

In Washoe County, the detention facility inmate population increased 4.7 percent from 701 in 1991 to 734 in 1992. The number of inmates sentenced and the length of their sentences continued to increase the inmate population of the facility. The predicted inmate population for future years is estimated at a 5 percent increase annually.

The inmate population in the Washoe County detention far exceeds the constructed capacity of 559. This overcrowding problem has created the need for additional staff and overtime. With increasing sentencing and sentence length, additional construction, the early release of prisoners and/or sanctions other than incarceration must be implemented to handle the population. Failure to do so will result in additional construction and increased costs to taxpayers.

In order to deal with the incarceration population issue, the courts must analyze other options such as new jail facilities, early release programs, Own Recognizance Releases, House Arrest and Work Furlough.

Voter Participation

The number of registered voters in Nevada increased 14 percent between the 1988 and 1990 General Elections, increasing the state's electorate 71,000 to a total of 516,000. The growth is largely the result of the "Motor Voter" program which allows persons to register to vote when updating their vehicles or drivers' license registrations at the Department of Motor Vehicles. This program was established by the legislature in 1987 and re-authorized in 1989.

Although there was an increase in voter registration, only 57 percent of the eligible population was registered to vote in Nevada's 1990 General Election and only 36 percent of the eligible population, ages 18 and older, actually voted.

During the 1980s, the Nevada Republican party grew substantially, effectively erasing the historic numerical dominance of the state's Democrats. In 1990, Democrats totaled 232,224 (45 percent), Republicans totaled 221,384 (42.9 percent), and Non-Partisans totaled 61,690 (12.2 percent). With the Democrat and Republican parties at equivalent numbers, there will be more competition for power.

Education

The Clark County School District is one of the fastest growing in the country. In the last five years, the district's student population has increased by more than 25,000 students, averaging an annual growth rate of 5.8 percent and exceeding 9 percent in 1990. The population in 1990 was 122,000 and increased to 129,000 by the Fall of 1991. Before the year 2000, the student population is projected to reach 200,000. Clark County is the nation's fastest growing urban school district and is ranked 11th nationally in student population.

Approximately two-thirds of Clark County's graduates go on to some form of post-secondary education. Scores of college-bound students on the SAT (Scholastic Aptitude Test) and the ACT (American College Testing) equal or exceed national averages in all areas. Clark County is also home to the University of Nevada, Las Vegas, and Community College of Southern Nevada.

Washoe County's student enrollment showed an increase of 4.9 percent to 38,466 students in 1991. Both elementary (22,756) and secondary (15,499) schools in Washoe showed increases. SAT and ACT scores for this district exceeded the national averages in all areas. The University of Nevada, Reno, is also located in Washoe County.

By the turn of the century, technological changes are expected to radically shift the workforce into a predominance of service-related jobs. Today's educators are being challenged to prepare students for a workplace and positions that currently do not even exist. With the changes expected,

the importance of education and the need to prepare a workforce for new types of jobs have made the issues and trends of education and labor intertwined. The courts will be faced with issues concerning labor and education such as a widening gap between job skills required and skills possessed by the available workforce; the workforce's increasing diversity; and changes in work organization, content and productivity.

Traditional ideas about what is to be taught, how it will be taught, and who will do the teaching will all become challenged as the gap increases. The need to continue to educate an aging and diverse workforce will become essential as technological changes affect the skills that are needed. The widening gap between skills required and skills possessed will increase advantages of the economically privileged and increase the disadvantages of those without proper skills. Those privileged enough to pay for and choose high quality education will obviously be most desired by businesses. The gap will create an even more dramatic polarization of the "haves" and "have nots."

Of all the new jobs that will be created over the 1984-2000 period, more than half will require some education beyond high school, and almost a third will be filled by college graduates. Today, only 22 percent of all occupations require a college degree. The median years of education required by the new jobs created by the year 2000 will be 13.5, compared to 12.8 for the current workforce. This increase in more highly technical jobs in the future, however, will occur at the same time as a boom in less-educated service-related jobs, again suggesting greater economic polarization by 2020.

In order to meet the challenges of the future, the educational system must undergo a major restructuring. Educators must work more closely with business and convey to students that school is providing them the skills necessary for successful entry into the work environment. Businesses must demonstrate a greater willingness to invest in human capital through ongoing comprehensive training and re-training programs. There must also be an increased commitment of employers, workers and educators to lifelong learning. Computers and databases will replace textbooks as the means of communicating information if students are to be able to keep pace with rapid changes. Future possibilities to alleviate the overburdened U.S. school system include lengthening the school day and year, but lackluster performance of U.S. students on standardized tests will prompt calls for

reform that may be even more radical. Private firms will challenge the public schools to buy into technological advances, and education resources may be scattered on experimental programs that delay bringing needed reform to all students for many years. In addition, private industry funding of experimental educational programs will increase. Private industry will even begin to establish and operate private schools for the children of their own employees.

Future technologies in education include virtual reality goggles and bodysuits in classrooms to be able to experience the sights, smells and sounds of places and events. In the course of their studies, the pupils will experience important historical events that have been carefully re-enacted and digitally filmed. Highly advanced computers will serve as both tutors and libraries, interacting with students individually and giving them access to a universe of information.

Learning will no longer stop with high school or college. Specialized knowledge will become obsolete so quickly that adults will be encouraged to take frequent breaks from work, subsidized by their employers, to catch up. "Learning vacations," even for entire families, will become a major part of the travel industry as well as a big moneymaker for colleges whose campuses and faculty would otherwise be idle.

Scientists are also trying to find ways of radically improving the learning ability of a normal brain. In the future, perhaps learning speed and capacity could be "souped up" by a pill or medical technology. In this way, learning capabilities would be greatly altered.

Hi-Tech Trends

Substance Abuse

Drug abuse is prevalent not just among the poor and unemployed, but also among the affluent and in the workplace. Affluent women are also more likely than low-income women to use drugs. Forty percent of Westerners say they have tried marijuana, compared with 29 percent of Southerners, 30 percent of Northeasterners, and 35 percent Midwesterners, according to a 1991 survey by the National Institute on Drug Abuse (NIDA).

Unemployed workers are much more likely than employed workers to use drugs and to persist in drug use, according to the NIDA study. And in general, drug use tends to decline as income rises, yet this pattern does not fit for women or cocaine users. When asked if they had used an illicit drug in the past month, 25 percent of men aged 18 to 40 and earning less than \$12,000 a year said yes, compared with 9 percent of men earning \$30,000 or more, according to the 1988 National Household Survey on Drug Abuse. The highest rate for women--11 percent--was found among those earning \$30,000 or more, compared with 4 percent for women earning \$20,000 to \$29,999.

Substance-abuse treatment programs are a common job benefit at larger corporations. Employers can take comfort in statistics that show drug use in the U.S. declining during the 1980s. Part of that decline is attributed to the aging population, and changing attitudes toward drugs also played a role. Yet 1991 data show a slight increase in the use of drugs, particularly cocaine, among people older than age 35.

With the problem of substance abuse and crime, the courts will use technological advances that will help police in their efforts to curtail drugs, crime and violence in the 21st century. Breakthroughs in information technologies, medicine, new materials, and a number of other areas will have important implications for crime prevention and criminal justice.

Advances in understanding drugs and the development of new therapeutic medications--along with the redefinition of law-enforcement problems and a redirection of social policy--will assist in the war on drugs and crime in several significant ways. There is now a drug being tested

which would alleviate the problems caused by alcohol abuse. RO15-5413, first tested by a Swiss pharmaceutical firm, sobered up heavily intoxicated rats in two minutes. Later tests found that if the drug was taken before drinking, the rats did not get drunk. If the drug was taken over a period of time, the rats lost interest in alcohol. With these results and early tests on humans, a human "sober-up" pill could be expected in the future. The drug works by blocking the impact of alcohol on the brain rather than actually lowering the body's blood alcohol content. Therefore, the blood-alcohol content should still be able to be detected with tests done by police.

The use of nanocomputer implants to keep track of and control the behavior of criminal offenders could come into use. These implants could be placed in the brain and be equipped with microscopic transmitters to constantly monitor behavior and to send subliminal anti-crime messages to the offender (e.g., "Do what the law requires" or "Help, don't harm"). The nanocomputer could also release control chemicals on a set schedule and even diagnose changes in behavior and take necessary action to calm the individual.

Such technologies raise questions about the invasion of privacy of private citizens and how broad the monitoring and behavior-modification powers of the judicial system will be allowed to grow. But as long as the American public's concern about drugs and crime remains high, increased surveillance and behavior modification are likely to be viewed as acceptable crime-fighting measures.

Another controversial issue the courts will continue to debate is the legalization of drugs. Proponents say the legalization would stop the war on drugs, allow government regulation, put drug dealers out of work, and allow drug abusers to "come out of the closet" to treat their illnesses and addictions without the fear of jail. However, the moral and ethical issues of drug legalization weigh against it. The idea appears too radical for the public as well as the government to accept.

Information Revolution

Society is experiencing an information explosion made possible by quantum advances in technology. In 1800, it took 50 years for the amount of information in the world to double. Today it takes three years, and by the year 2000 it will take only 18 months. Increased information means that

citizens will be more likely to handle their own legal problems. The explosion of information also means that society is growing more and more complex and creating more litigious situations. The courts will see a polarization of their business due to the information society: increasing information will mean more pro se litigation at the low end, but it will also mean more complex, expensive litigation at the high end. Tension will also arise between those with access to information and those without access.

Cable TV and Phone Companies

The joining of cable television and phone companies is a controversial trend that the future will see more of, and the courts will be expected to regulate these new technological mega-businesses. These new partnerships will create a new industry called tele-cable, using fiber-optic cables. It will be a convergence of telephone, cable TV and computers. Among the first effects is likely to be increased competition for phone customers, with the Baby Bells using their new cable partners' pipelines to allow them to deliver telephone services outside their home territories. This interstate broadband communications network will be capable of providing video, data and voice communications using fiber optic as well as copper wire.

Wireless is the new battleground, and several new applications emerged in 1993, including digital "enhanced specialized mobile radio" networks, which are poised to give cellular a run for its money. It uses a single handset as a pager, a phone and a message center to send and receive data via radio waves.

Plain telephone service is feeling the heat from competitive access providers, who are poaching clients from its lucrative business market by developing private phone networks. Competitive access providers offer businesses a fiber-optic pathway onto long-distance lines, bypassing the local telephone company. This typically saves 15 percent on the cost of long-distance calls.

Prior to this tele-cable victory, the law precluded telephone companies from providing cable service in the areas served by the telephone company. This provision--which has been a part of FCC regulations since 1970--was incorporated into the Cable Communications Policy Act of 1984 and has proved to be an effective bar to telephone company entry into the

cable market. However, the Cable Act and FCC included an exception to this law if a waiver for "good cause" was obtained.

With the emergence of this tele-cable trend, companies will supply a wide, profitable information highway into homes, carrying everything from voice and picture-phone service to high-definition video, banking, shopping and services no one has yet dreamed of. Massive litigation by consumer in the courts could erupt as a result, rivaling that of the original telephone breakup or even current asbestos litigation.

Health Care Costs

Health care cost \$685 billion in 1990, up from \$618 billion in 1989 and \$559 billion in 1988. Sixty to seventy million Americans may lack health insurance at some point during the year. Growing evidence suggests that the flawed U.S. health care system cannot be sustained for more than a few years. After adjusting for inflation, health care expenditures have risen since 1950 at annual rates of 5.5 percent overall and 4.1 percent per capita. The proportion of GNP devoted to personal health care has nearly tripled, and a 1987 forecast projects that 15 percent of GNP will be devoted to health care by 2000. High costs will be controlled only if we are prepared to ration care to those who are insured and are willing and able to pay for services.

There will be a surplus of 100,000 doctors by 2001, and 85 percent of doctors will be salaried by an institution rather than earning incomes from a private practice. This should decrease the independence of the medical profession and make doctors more accountable and supervised. The result is that doctors will become more consumer-oriented, will pay closer attention to individual patient care, and office hours will be extended to evenings and weekends. Computer technology will allow families to receive additional medical information via home communication centers.

Growth of the physical culture and personal health movements will continue to be a trend, and the emphasis on preventive medicine will grow. By 2001, some 90 percent of insurance carriers will expand coverage or reduce premiums for policy-holders with healthy lifestyles. Personal wellness, prevention, and self-help will be the watchwords for a more health-conscious population. Diet will be a major part of people's health concern. A general trend toward non-smoking and a noticeable shift away from hard liquor will continue to replace old social values.

By 2000, \$50 billion will be spent on AIDS research and treatment, and by the turn of the century, every taxpayer will be paying \$500 a year to care for AIDS patients. It is estimated that between five and eight million people worldwide are infected with HIV, the virus that causes AIDS. Although drugs like AZT and techniques of genetic-engineering provide rays of hope in the bleak scenario, scientists agree that a cure and/or a vaccine are at least five years away from being available. Within those five years, it is estimated that some 179,000 will have died from AIDS related infections and another 100,000 will be dying soon after that.

Currently, President Bill Clinton and his wife Hillary Rodham Clinton are working on a health care plan for the nation to guarantee coverage for all Americans and legal residents while trying to control health care inflation. Under the plan, all employers and employees would be required to buy health insurance, with employers paying for 80 percent of the premiums.

In Clark County, about 7,500 county and county-related workers have medical, dental and vision coverage under a union-negotiated plan. A single person pays \$10.64 per month, while a family pay \$53. These benefits would most likely be maintained under the Clinton health-care plan, according to George Stevens, risk manager for Clark County.

In general, the public can expect to receive better health care in the future. There will be better technology, more consumer-oriented services, and more publicly provided services for the poor. As health care increases, medically-related litigation in the judicial system can be expected to decrease because fewer people will need to litigate for their medical care.

Genetic Engineering/Biotechnology

For the courts, the most important issue is that medical advances will become reality before the legal and ethical implications are considered. Over \$100 billion will be spent by 2000 on genetic engineering, resulting in significant medical advances. The most complex issues that will result will be those issues that have yet to be considered because they have never been thought to be within the realm of human possibility. Artificial blood, human growth hormones, memory-recall drugs, and newborns with particular disease immunities will be where some of the early progress is realized. It is expected that medical advances will give us artificial blood, limbs (feet,

hands, arms, legs), hearts, spleens, lungs, and skin. Yet, accompanying the technological advances will be ethical and legal issues about how to equitably distribute capabilities and new issues about when to terminate extraordinary life-support efforts. The court's adjudication of living-will disputes will continue until a national policy is socially accepted and formalized. Scientific advances will make the uses of artificial organs and limbs and genetic engineering possible before the ethical, moral, and legal issues are resolved.

Human reproduction may undergo drastic changes as well, creating ambiguities about the definition of "parenthood." The first revolution of removing reproduction from sex by contraceptive techniques has already occurred, and the second revolution of removing sex from reproduction is occurring now, through technology-mediated reproduction, prenatal diagnosis, genetic intervention, sex pre-selection, and commercialization of human reproduction (artificial insemination, marketing human embryos, wombs for rent). Future issues will address the social costs of designing our children, as will current regulatory efforts in the United States and other countries regarding public policy options and technology assessment.

In other areas, new computer-based diagnostic tools will be providing doctors with unsurpassed cross-section images of soft and hard tissues inside the body, thus eliminating much exploratory surgery. "Bloodless surgery," using advanced lasers, will decrease patient trauma, decrease the length of hospital stays, and help lower medical costs. Brain cell and tissue transplants will be in the experimental phase by 2001 to aid victims of retardation and head trauma. Heart repairs will be done using muscles from other part of the body. Transplanted animal organs will find their way into common use in humans. Laboratory-grown bone, muscle, and blood cells will be used in transplants. Other areas expected to be developed include more and better bionic limbs and hearts, drugs that prevent disease and not merely treat symptoms, and body monitors that are able to warn when trouble is beginning.

New technologies are frequently adopted by creative criminals, as well as by the criminal-justice system. The new biotechnologies are no exception. Biotechnology researchers could unlock the genetic passage to immortality. Age-control drugs could encourage a black market for anti-aging and aging drugs. Such products could also be used by the criminal-justice system. One form of punishment might be to speed up a person's aging process. A hot-headed 25-year old could be "sentenced" to being

turned into a more sedate 50-year-old. Older criminals might be punished by being deprived of anti-aging drugs.

Body parts can now be replaced biotically. However, there is still a demand for body parts. If this demand exceeds the supply, laws may be enacted to deal with rich people who want to barter with poor people for their organs. Stealing organs may become a major issue. One news account told of a man who woke up on a park bench after a night of drinking; noticing a pain in his side, he went to a clinic, where doctors found his kidney had been surgically removed while he was intoxicated.

Parents could try to sell their children's body parts. Already, parents have produced additional children as a source of bone marrow for transplants for themselves or their other children. One possible solution would be to allow people to clone themselves and use their clones for spare parts. If governments outlaw this practice, an international black market in spare parts could develop.

Other problems the courts would have to consider relate to cryonics--freezing the bodies of people who die in the hope that someday medical science can thaw them, cure the disease they died of, and restore them back to life. What will happen to a frozen person's assets while he or she awaits revival? If there is a power outage and the body thaws prematurely, deteriorating beyond repair, would the responsible person be charged with murder?

Memory transfer could be developed and crime could be impacted. Master burglars or detectives could pass their vast knowledge of techniques and style to apprentices. Witnesses to crimes could also be able to transfer their complete memory of the crime to investigators, so they could visually identify the offenders. The audiovisual memory of a witness or victim could be attached to a monitor, so the crime scene could be replayed. The reenactment might be used to convince the accused to confess or serve as evidence at a trial.

The mixing of human and nonhuman genetic material could also develop problems with the social order of life. "Humanoids"--half human, half animal creatures--would only add to the confusion that already exists with the difficulty in maintaining peace and order in a heterogeneous society of various races.

Hazardous Waste Issue

The next 30 years will see an increasing concern for environmental issues. Futurists predict that activist baby boomers will call for redress of major environmental problems. This will bring greater court activity into environmental issues as well as greater federal regulatory agency involvement.

Between now and the year 2020, state legislatures will respond to citizens demanding their environmental rights with more legislation intended to safeguard the depletion of the earth's resources. Federal regulatory agencies will also make additional rules regarding the environment as they seek to enforce a safe and clean environment. As consumer demand increases and resources are depleted, courts will be asked to address an increasing number of environmental cases, often complex regional environmental issues of air, water, topsoil, waste (both hazardous and toxic), deforestation, environmental liability or negligence, and land use. Courts will continue to determine right to ownership of environmental resources. Increased federal regulations to preserve and safeguard the quality of existing resources and the regional nature of environmental issues will require the increased intervention of federal courts and federal agencies.

In addition, the discovery of latent dangers in our industrial environment will compel review of environmental law in the context of personal injury and public and corporate responsibility. At the state and local level, environmental conflict will be between those who want to preserve natural resources and those who wish to use the earth's resources for leisure, to manufacture products, and to create jobs. For example, the Nevada Test Site and Yucca Mountain, a facility to store hazardous nuclear waste, are odious to many in the local community because of the potential dangers, but they are also desirable to many because they create jobs. As a result, these issues have been extremely controversial to Nevadans as well as the federal government.

Changing Workforce

The composition of the workforce will have increasing proportions of women, minorities and immigrants. It will also be an aging workforce with increasing numbers of older workers desiring and/or needing to extend their working life.

Workplaces will need to address what the appropriate benefits should be for tomorrow's workforce, particularly the health care needs of women and aging workers, and the costs and benefits of advances in medical technology. Also, the question of how well a diverse workforce will work together will confront business managers. The changes bring along the potential for continued discrimination in hiring, pay and promotion opportunities, as well as the possibility for social tension as threatened White males react to their declining power base. As a result, the harassment of women and minorities in the workplace will become increasingly monitored. The workplace must also adapt to family issues, and deal with problems of combining family roles with work roles. Day care and elder care may become essential components of a benefit package.

The increased economic status of women will continue to reduce birth rates and increase divorce rates. The courts will continue to face issues of equal opportunity and treatment. More indirect issues resulting from increased workforce diversity will include issues of divorce, parental responsibilities, and spousal abuse. A decrease in the amount of product liability may also be expected because as worker benefits and conditions improve, workplace injuries will decrease.

Changes will also take place in the way people will be working as the workplace is changed by technology, with increasing numbers of home-based workers, flexible and part-time schedules that accommodate workers and increase productivity, and increasing numbers of self-employed workers. The employer-employee relationship will also be affected by the changing workplace as traditional employer supervision becomes balanced with employee initiative. Future employees are expected to have a stronger work ethic and greater prerogative to define their work responsibilities.

The protection of women and minority rights in the workplace may require increased court intervention. The status of pensions and other benefits for home-based or self-employed workers will also be addressed, as will job safety for off-site workers and issues of pay equity for flexible/part-time workers. The changing structure of the workplace and technological increases will give rise to crimes not yet even defined, and the courts will have to adapt to adjudicating a new class of techno-crimes.

Improved technology will also have a dramatic impact on the operation of the courts, improving efficiency and effectiveness. The courts

may be called upon to enforce implementation of legislation designed to address the new way in which people work and the complexities of a changing employer-employee relationship. The growth of global markets will lead to new and more frequent conflicts between employers and employees. Part of this conflict may be due to management coming from one culture and workers from another. Tension will also be caused by the necessity of specialized education and training to achieve business success, which continually gives the advantage to the economically privileged. The question of workers' rights will come to the courts more frequently and press for new legal definitions of those rights. A global economic order may lead to the development of "global labor law."

Privatized Litigation

Another trend is the continuing movement toward deregulation and privatization. Decreased government expenditures will be a trend during the next 30 years, especially at the federal level, resulting in fewer government regulations and services. Most areas of business will see economic deregulation, with the exception being environmental regulation. While business will seek environmental deregulation, citizens will demand a safe and clean environment. This means that environmental regulation will increase and courts will be asked to enforce the environmental laws. In society in general, however, the trend will be toward deregulation and privatization. Increasing deregulation and privatization will also occur in the justice system through more private arbitration and mediation services.

With courtroom calendars full, a faster, more cost-efficient trend is the privatized "rent-a-judge" to settle disputes. Rent-a-judges are retired judges hired to preside over trials or serve as arbitrators, mediators or, in some cases, special masters. Rent-a-judges work outside of the courts, but under its direction, often taking on lengthy, complicated cases that the court does not have the time or inclination to hear. Rent-a-judges command fees ranging from \$125 to \$300 an hour. It's not uncommon for a rented judge to earn \$150,000 a year. That, plus a pension earned on the bench, hardly compares with a \$79,000 district court salary.

Time is money. A speedy private action could cut the cost of even a messy divorce by more than half. One aspect of rent-a-judge proceedings has the singular appeal that most of the trials are private. Therefore, rent-a-judges are highly regarded by high-profile individuals who are eager to keep

their contract disputes or unsavory divorce proceedings out of the newspapers.

Projections to 2000

The future holds promise for many trends that will affect the courts. These trends may seem too "sci-fi" to consider, yet these futuristic ideas are becoming realities. For example, police officers could be using laser guns and Personal Jet Packs for short-term aerial transport. The Los Angeles Police Department has already tested some of the Jet Packs.

Computerized work stations, digital telephones and other electronic technologies are now commonplace in the workplace, allowing supervisors to monitor their employees' every move. However, workers feel they are being constantly watched by "Big Brother." The courts will have to regulate privacy issues.

As the developed world moves toward a cashless economy, pocket change, credit cards, most forms of identification and welfare benefits may become obsolete. "Smart cards," plastic cards with microprocessors and memories, will take their place, representing the first step toward a computerized society without money or paper records. A smart card holder's entire financial, medical, educational, military and criminal history could be contained on the card. Although convenient, such technology would be vulnerable to computer crime, including data alteration and financial fraud. Eventually, once society has become a paperless society, even the courts may follow with the "paperless courthouse."

A new class of global commuters will be created. By the end of the century, employees of multinational corporations will be flying from one corner of the world to another, whisked through space at Mach 12, or twelve times the speed of sound. Government officials and military personnel will be traveling at faster rates, up to Mach 25 on NASA's new hypersonic plane. By the year 2000, foot soldiers will be able to arrive at a war zone as rapidly as intercontinental ballistic missiles can hit their targets today.

Communications will allow people to wear their telephones like jewelry, with microphones hidden in necklaces or lapel pins and miniature speakers tucked behind each ear. Also, picture phones will become more widely accepted, creating a new network of telecommunications.

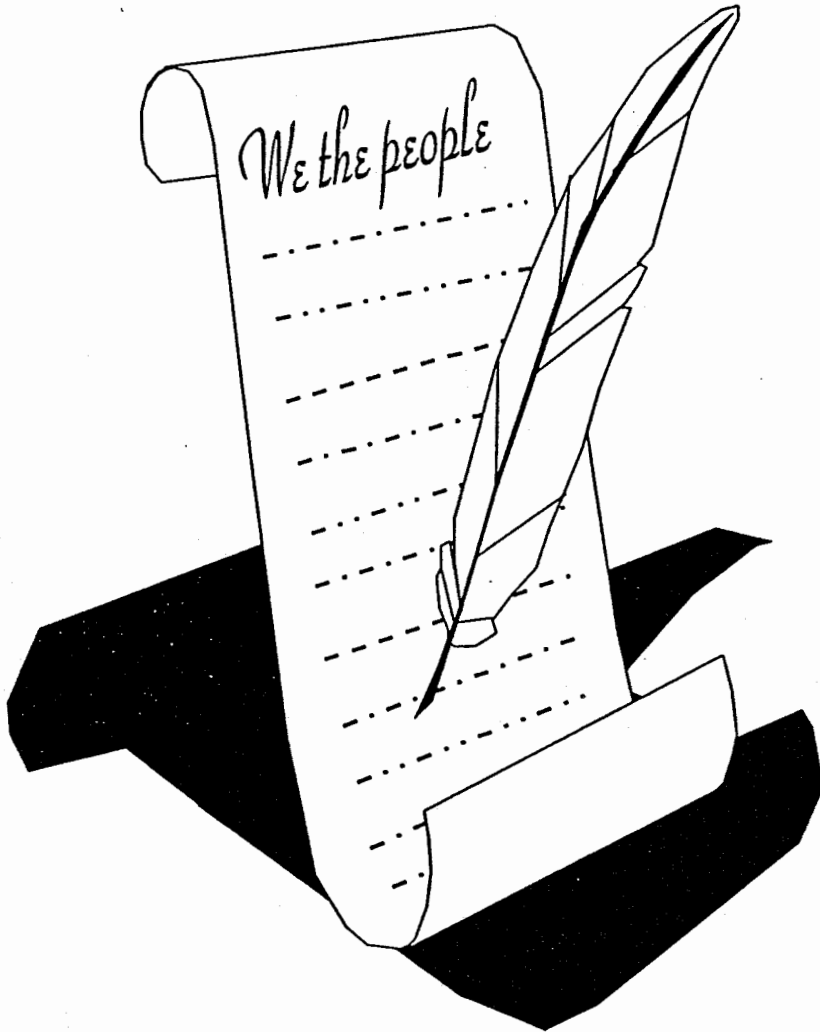
Computers will eventually insinuate themselves into the walls and furniture of offices, perhaps even into clothes. New software will become "personal assistants" or "agents." These agents can assist with pertinent information as desired. For example, a travel agent for a foreign traveler could assist with translations or sites of interest, a virtual lawyer could give expert legal opinions, and a Wall Street agent could give timely investment tips.

"Smart houses" will help prevent crime from happening. These houses will feature a central computer that controls functions ranging from heating and cooling to turning lights on and off. Intruders can be videotaped and police called by the central computer. A combination of retina-scanning equipment for identification and pressure- and heat-sensitive floors and walls could be installed in homes, allowing for the programming of authorized residents and guests in a smart house and the detection of unauthorized visitors.

Transportation will continue to develop super-efficient cars with conventional steering and accelerators for driving around the neighborhood and countryside. However, highways will be embedded with electronics to monitor and control speed and traffic patterns, so that driving on the most heavily traveled freeways will become increasingly effortless. Commuters in the latter half of the century will simply get on the freeway, punch in their destination and let the electronic control systems take over. Collision-avoidance software could speed cars along at 120 m.p.h. with no more than a few feet between each vehicle.



APPENDIX B:
JUDICIAL ASSESSMENT COMMISSION MEMBERS



ACCESS TO AND QUALITY OF JUSTICE

Chair: Bill Berliner, Medical Director of Quality Improvement
Desert Springs Hospital

Nancy Becker, Chief Judge
Eighth Judicial District Court

Roxane Clark-Murphy, Coordinator
Southern Nevada DUI Evaluation Center

Bill Gang, Court Reporter
Las Vegas Sun

Debra Gauthier, Sergeant
Las Vegas Metro Police

Jennifer Lances, Management Analyst
Clark County Manager's Office

Otto Merida, Executive Director
Latin Chamber of Commerce

Michael L. Miller, Chief Deputy Public Defender
Clark County Public Defender's Office

Margo Piscevich, Civil Lawyer
Reno

Chuck Ruthe, President
Boyd Gaming Corporation

John Sherman, Management Analyst
Washoe County Manager's Office

Chuck Short, Court Administrator
Eighth Judicial District Court

COURT ADMINISTRATION

Chair: Anne Peterson, Court Administrator (Retired)
Eighth Judicial District Court

Torris Brand, Chief Deputy District Attorney
Clark County

Brian Doran, Court Administrator
Sparks Municipal Court

Booker Evans, Lawyer
Las Vegas

Eva Garcia, President
Nevada Chapter of the American Immigration Lawyers Association

Mike Haveman, Court Administrator
Las Vegas Municipal Court

Keith Lee, Civil Lawyer
Reno

Steve Morris, Civil Lawyer
Las Vegas

Mary Mosley, Assistant County Clerk
Clark County

Susan Pacult, Management Analyst
Clark County Social Services

Al Wiggs, Bailiff
Eighth Judicial District Court

Robey Willis, Justice of the Peace
Carson City Justice Court

CRIMINAL JUSTICE

Chair: Nancy Oesterle, Justice of the Peace
Las Vegas Justice Court

Brent Adams, Judge
Second Judicial District Court

Linda Bonnici, Local Marketing Director
TV Channel 3, Las Vegas

Carol Cohen, Division Manager
Nevada Parole and Probation

Paul Conner, Deputy Chief of Detention Services
Las Vegas Metro Police

Russ Eaton, Court Administrator and Clerk
Las Vegas Justice Court

Cathy Krolak, Court Administrator
Second Judicial District Court

Terry Miethe, Chair of the Department of Criminal Justice
University of Nevada, Las Vegas

Julie Neil, Advertising Agent
Las Vegas

Ulrich Smith, Chief of the Narcotics Unit
Clark County District Attorney's Office

Bob Teuton, Assistant Director
Clark County Juvenile Court Services

David Wall, Criminal Attorney
Las Vegas

SPECIAL COURT STRUCTURES

Chair: Larry Hyde, Dean (retired)
National Judicial College

Bill Snyder, Architect
Las Vegas

Morse Arberry, State Legislator
Las Vegas

Dina Titus, Professor of
Political Science, University of Nevada
Las Vegas

Sandra Lee Avants, Administrator
Nevada Taxicab Authority

Jan Berry, Judge
Reno Municipal Court

Rodney Burr, Justice of the Peace
Henderson Justice Court

Walt Elliot, President
Nevada AFL-CIO

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Las Vegas Review Journal

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Washoe County

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Eighth Judicial District Court

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