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LAS VEGAS - The Clark County Commission and the state courts believe they have found a partial solution to the perpetual problems of funding new judges and providing faster access to the justice system for civil litigants.

Nevada Supreme Court Justice James Hardesty said a "judicial business plan" will be proposed to the Nevada Legislature in 2009 to fund badly needed judgeships in Clark County. In essence, new civil judges would be funded primarily by those who use their services instead of raising taxes.

"We analyzed civil filing fees of the states in the Western Region and found that we were at the bottom in most civil case types," said Justice Hardesty. Historically, base civil filing fees were last raised in 1993 and have never been raised for the purpose of funding courts.

"As revenues fail to keep pace with growth, it is incumbent upon all of us to find ways to maintain the services our community needs," said Clark County Commission Chairman Rory Reid. "This plan helps our courts meet the increasing demand on our justice system without raising taxes."

Filings in civil cases have been increasing at a considerably higher rate than in criminal cases. In fiscal year 2008, more than 34,000 civil cases were filed in Nevada; more than 27,000 of those were filed in Clark County.

In Clark County, most civil cases take three years and six months to reach a jury trial. With the new judges, the courts are expected to catch up with growth and let most cases be resolved in less than two years.

Justice Hardesty thanked Clark County Commission Chairman Rory Reid for his leadership in "facilitating improvement to the courts."

The Judicial Business Plan includes the recommendation of a Legislative Interim Study Committee on Chancery Courts to expand the Business Courts. The plan would expedite access to the courts for the resolution of business lawsuits that can hamper business

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operations or even prompt bankruptcies and closures. Access to Business Courts in other states has prompted businesses to relocate there.

“Nevada’s Business Courts have been very successful in resolving business disputes expeditiously, but the workloads of those courts have increased to the point where additional judges are necessary to keep pace,” said Art Ritchie, Chief Judge-elect of the Eighth Judicial District Court. Clark County currently has two district judges assigned as Business Court judges.

Under the proposed plan, the fee increases would provide a fund that would offset the costs of new judgeships and facilities. The Nevada Constitution specifies that the state pays for a judge’s salary and benefits, but the counties are responsible for providing court facilities, support staff and equipment.

State Bar of Nevada President Bruce Beesley said some lawyers may express “some initial unhappiness with the increases, but in a short period of time they will appreciate the addition of new judges.”

“There is a critical need for new judges in Clark County,” Mr. Beesley said. “It is an unfortunate fact of life that everything costs more and more and as we grow we need more judges.”

New judges would be added in Clark County, but the total has not yet been determined. That issue must be addressed by the Legislature at its 2009 session. Increasing filing fees and adding new judges requires legislative action. “The legislature has been consistently clear to me that agreements between the courts and the counties are critical to legislative approval,” said Judge Ritchie.

While Clark County will benefit from the fee increases for more judges, they will also apply statewide. Washoe County could use their funds for an additional judge or for facilities needs. Some judicial districts can utilize the funds for capital improvements rather than an increase in judicial positions at this time.

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