

CLARK COUNTY COURTS
CLARK COUNTY, NEVADA

In the matter of
Inquiry into Competence
of Defendant and Procedure
Following Finding of Incompetence
and Competency Court

FILED
Oct 31 4 54 PM '07
CLERK OF THE COURT

Administrative Order No. 07-7

WHEREAS NRS 3.220 declares that “[t]he district judges shall possess equal coextensive and concurrent jurisdiction and power” and that “[t]hey each shall exercise and perform powers, duties and functions of the court and of judges thereof and of judges at chambers,” and

WHEREAS the Eighth Judicial District Court has the authority “to administrate its own procedures and to manage its own affairs, meaning that the judiciary may make rules and carry out other incidental powers when ‘reasonable and necessary’ for the administration of justice,” as held by the Nevada Supreme Court in *Halverson v. Hardcastle*, 123 Nev. Adv. Op. No. 29, 163 P.3d 428 (2007); and

WHEREAS NRS 3.026(1) requires the Chief Judge to ensure that “[t]he procedures which govern the consideration and disposition of cases and other proceedings within the jurisdiction of the district court are applied as uniformly as practicable”; and

WHEREAS NRS 3.026(2) further requires the Chief Judge to ensure that “[c]ases and other proceedings within the jurisdiction of the district court are considered and decided in a timely manner,” and

WHEREAS EDCR 1.30(b)(5) allows the Chief Judge to “[m]ake regular and special assignments of all judges,” and

WHEREAS EDCR 1.30(b)(15) authorizes the Chief Judge to “[r]eassign cases from a department to another department as convenience or necessity requires,” and

WHEREAS EDCR 1.30(b)(18) requires the Chief Judge to “assure that court duties are timely and orderly performed,” and

WHEREAS EDCR 1.60(a) declares that the Chief Judge “shall have the authority to assign and reassign all cases pending in the district,” and

WHEREAS prior to the assignment of competency procedures to one judicial department, the competency procedures were, inefficient, inconsistent, and not completed in a timely manner; and

WHEREAS, on November 16, 2005, the District Court Criminal Judges agreed to send all competency matters to one judicial department, at that time Department V, as it was necessary to facilitate the administration of justice; and

WHEREAS, on September 19, 2007, the District Court Criminal Judges re-confirmed that all matters relating to competency would be referred to one judicial department, at that time Department V, as it was necessary to continue the facilitation of the administration of justice; and

WHEREAS the authority of the Judges to reassign competency cases to Judge Glass in District Court Department V has been called into question; therefore

IT IS HEREBY ORDERED that the Competency Court established on November 16, 2005 shall continue; and

IT IS HEREBY ORDERED that all competency matters in the Eighth Judicial District Court and the Justice Court Las Vegas Township shall continue to be heard by one judicial department, at this time District Court Department V, as it is necessary to facilitate the administration of justice; and


IT IS FURTHER ORDERED that at any time during the proceedings when competency is called into question, the court shall order the Specialty Courts Division of the Clark County Courts to appoint the required psychiatrist or psychologists to complete

the reports and coordinate the return of the reports to the judicial department assigned all competency matters; and

IT IS FURTHER ORDERED that any challenges to the competency process, whether made in Justice Court or District Court, shall be transferred to District Court Department V for consideration and ruling.


IT IS FURTHER ORDERED that this order is to become effective on November 1st, 2007.

10/31/07
Date



KATHY HARDCASTLE, Chief District Court Judge

10/31/07
Date



DOUG SMITH, Chief Justice of the Peace