



**“A court of appeals is absolutely necessary if Nevada is to continue providing its residents with the timely justice they deserve.”**

# Young Lawyers

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## IN 150 YEARS WE WILL CELEBRATE THE SESQUICENTENNIAL OF NEVADA'S COURT OF APPEALS

It is November 4, 2164. A lawyer is walking to her electric car after attending a sesquicentennial event celebrating the 150th anniversary of Tesla's decision to locate its gigafactory in Reno. As she steps into her car, a digital notification flashes on the upper lens of her sunglasses: the Nevada Court of Appeals has just affirmed the judgment awarded to her client six months ago at trial. She quickly activates her holographic wrist watch and a 3D version of the opinion appears a few inches above her wrist. The Court of Appeals agreed with every argument in her brief.

Elated, she verbally instructs her Tesla's dashboard to forward the Court of Appeals notification to her client and her assistant, save the opinion in the client's digital file, set a reminder for her to contact opposing counsel tomorrow morning and to connect by video with the client so she can pass along the great news.

Future possibilities in the legal practice are exciting. In the next 150 years, technology will shape our industry in ways we can't yet imagine. While reading the opening paragraph and dreaming about what the future may hold, you may have noticed a more low-tech prediction: the resolution of an appeal in six months. This prediction can come true — and in far fewer than 150 years. However, the only way for it to happen is for Nevada's voters to approve the Nevada Court of Appeals on November 4, 2014.

### Nevada's Desperate Need for a Court of Appeals

Nevada is one of only ten states without a court of appeals. This means that the Nevada Supreme Court handles all appeals and writs. In fiscal year 2013, there were 1,919 cases pending, 2,500 new cases were filed and 2,200 cases were unresolved.

Currently, 56 percent of all appeals take longer than six months just to be heard, while 29 percent take longer than one

year. Why? Because the Nevada Supreme Court currently hears every case appealed from lower courts, including driver's license revocation appeals and prisoner food complaints.

With this current model, Nevada Supreme Court Justices have the highest per-justice caseload of any state Supreme Court in the country. The annual number of appeals per justice currently averages 357. This means each justice would have to review, research, brief and dispose one appeal every day, seven days a week, for 357 days a year, in order to just break even.

Even with the hardworking and dedicated justices currently on the bench, this workload is impossible. A court of appeals is absolutely necessary if Nevada is to continue providing its residents with the timely justice they deserve.

### The Makeup of the Court of Appeals

The Court of Appeals Proposal in Question One on November's ballot is the result of years of planning by leaders in our judicial and legislative branches. The Nevada Court of Appeals will consist of three judges with statewide jurisdiction. The three judges will initially be appointed for a two-year term by the governor, from a pool of candidates vetted and recommended by the Judicial Selection Commission. Thereafter, each judge must be elected and will serve six-year terms.

The court will sit in the Regional Justice Center and conduct hearings in both Carson City and Las Vegas. New infrastructure will not be necessary; the court will use existing infrastructure in Carson City (the Nevada Supreme Court Building) and in Las Vegas (the Regional Justice Center).

Critically, there will be no need for additional staffing expenses outside of the costs for the three judges and their immediate staff. The Court of Appeals will use the existing Nevada Supreme Court Clerk for clerical administration, and existing central legal staff for internal research assistance.

All appeals will be filed with the Nevada Supreme Court Clerk, just as they are today. There will be no need to test new systems, train attorneys or spend money on additional administration. Each appeal will be reviewed by the Supreme Court and will either be “pushed down” to the Court of Appeals (approximately 700 appeals per year) or “pushed up” to the Supreme Court, if it meets certain requirements. As such, each appeal will be docketed with the court that will most effectively and efficiently consider and resolve the case.

## The Cost of the Court of Appeals

In the past, voters have rejected ballot measures for a court of appeals largely due to concerns regarding cost to the taxpayers. This concern has been addressed. As stated above, the Court of Appeals will not require new infrastructure, a new court clerk or a new central legal staff. Combining resources, as described above, will save taxpayers millions in infrastructure costs and hundreds of thousands in salary and benefit costs.

The Court of Appeals will only cost approximately \$1,497,000 in its first fiscal year; this estimate includes the salaries of the three judges, two law clerks (per judge) and one judicial assistant (per judge). Considering the impact the Court of Appeals will have on the efficient resolution of appeals, this price tag is an absolute bargain.

The good financial news does not stop there. Our Nevada Supreme Court is truly budget savvy and cost conscious. In Fiscal Year 2009, the Supreme Court reverted nearly \$2,500,000 to Nevada’s general fund. In Fiscal Year 2010, the court reverted \$872,571 to the general fund. In Fiscal Year 2011, the court reverted \$1,287,378 to the general fund. Through deft management, our Supreme Court has returned enough money to Nevada fund a court of appeals for approximately three years.

## Why We Need a Court of Appeals

### *Justice in a Timely Manner:*

Nearly every Nevada resident is touched in some way by the appellate process. Some are touched tangentially; others are touched personally. Justice James Hardesty frequently cites child custody cases involving three-, four- and five-year-olds. As things stand today, those appeals are not resolved and those children remain in legal limbo until they are seven, eight or nine years old. We can do better — with a court of appeals.

### *Nevada Supreme Court Guidance on Important Legal Issues:*

Attorneys in Nevada are well aware that many areas of state law lack Nevada Supreme Court guidance. On one hand, this provides attorneys with the flexibility to craft creative arguments. On the other, it can make

advising a client very difficult, because a definitive answer does not necessarily exist. With a court of appeals, the Supreme Court will have the time to focus on important legal issues and to provide more guidance than is available today. This will provide attorneys, and by extension their clients, with the information necessary to make critical and cost-effective decisions.

### *An Efficient Legal System is Essential to Nevada’s Continued Success:*

Tesla’s recent announcement, along with the rumors that additional technology-based companies may be investing in Nevada, is a huge turning point for our state. New businesses mean better jobs. Better jobs mean more opportunities for our families. More opportunities for our families mean a better community. If we want to continue attracting the best, in an effort to improve our communities, we absolutely need an efficient legal system.

In closing, on behalf of all attorneys in Nevada who understand the critical importance of a court of appeals, we extend a sincere thank you to our judicial and legislative leaders, who have worked so hard to bring this proposal to the voters. In 150 years, Nevada residents will still be thanking you. ■