



NEVADA'S VETERANS SPECIALTY COURTS

BY ROBERT HORNE, STATE BAR OF NEVADA

November 11 is Veterans Day. On this occasion, consider how Nevada's judiciary reaches out to vets in need of legal assistance. In order to help those veterans dealing with substance abuse problems and mental health issues, the state of Nevada established a veterans' specialty court program in 2009. Since then, the court has helped numerous veterans readjust to civilian life.

The veterans court is one of 42 specialty courts in Nevada that help break the cycle of drug and/or alcohol addiction that can influence adult criminal activity, juvenile delinquent behavior, or parental abuse and/or neglect of children. Nevada Revised Statute 176.0613 establishes the courts, according to nvcourts.gov.

Veterans courts are available in the Second Judicial District Court in Washoe County, the Eighth Judicial District

Court in Clark County, Henderson Municipal Court, Las Vegas Justice Court, Las Vegas

Municipal Court and North Las Vegas Justice Court. In the Eighth Judicial District, the court has 35-40 participants at any given time. There are 90 veterans in the Henderson program, and about 30 in Las Vegas Municipal Court.

"The program is necessary because veterans have unique difficulties in reintegrating to civilian life, and typically suffer from similar hardships that are more effectively addressed with treatment rather than incarceration," said Eighth Judicial District Court Judge Adrianna Escobar. "Providing this service allows veterans to become productive members of society, when traditional methods of criminal punishment have less success. Treatment versus incarceration also saves Nevada taxpayers money. It is much less expensive to treat and supervise a veteran in the community than it is to incarcerate him or her."

In June, the Judicial Council of the State of Nevada approved \$3 million in funding for 34 specialty courts, and the Eighth Judicial District Court's veterans court will receive some funds from that approval.

Each court recommends veterans to the program in different ways. In the Eighth Judicial District, they can be self-referred, their attorneys may refer them, or other judges and other jurisdictions may refer them. The program requires a specialty court application be submitted prior to evaluating them for acceptance into the program, Escobar said.

In the Henderson program, signs are posted on each courtroom door as well as in the Henderson Detention Center to inform veterans to please notify their public defender or attorney if they are a veteran.

"When defendants are booked into the Henderson Detention Center, they are also asked if they are a veteran so HDC can flag them and make the court aware that this person may be a possible candidate for Veterans Treatment Court," Henderson Municipal Court Judge Mark Stevens said. "During the defendant's initial arraignment they are given the option to be referred to the VTC; if the defendant is interested, their case is set for the next VTC date."

In Las Vegas, the referral process is similar to Henderson's. They are self-identified through a different court

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or through a screening process at the Las Vegas-Clark County Detention Center. A veteran's participation in the program is voluntary.

"Offenders who are transferred to the Las Vegas Municipal Veterans Treatment Court docket are alleged to have committed misdemeanor crimes, including driving under the influence of alcohol or drugs, battery constituting domestic violence and other similar offenses," Las Vegas Municipal Court Judge Martin Hastings said. "Upon appearance at the Veterans Treatment Court, I, in cooperation with the city attorney and public defender, determine whether the defendant is eligible to participate in the program."

For attorneys who are representing veterans court clients for the first time, the judges recommend that attorneys understand veterans have special issues and that the veterans court is first and foremost a treatment court.

In the Las Vegas Municipal Court, Hastings stressed that attorneys have patience with their clients.

"Understand veterans are often homeless, suffer from post-traumatic stress disorder, possibly have a traumatic brain injury, substance abuse problems and mental health issues," he said, "along with the alleged criminal conduct that brought them before the court. Veterans, especially combat veterans, are not very trusting of 'civilians,' so patience is necessary. Also, the attorney needs to know and inform the client that they will need to be in court weekly to be drug or alcohol tested weekly."

In the Eighth Judicial District Court, Escobar said attorneys and their clients must understand the expectations and processes of the veterans court before agreeing to participate in the program.

"Understand that Veterans Court is a treatment court, and it is generally a non-adversarial process," she said. "The entire treatment team—judge, prosecutor and defense attorneys—are tasked with working together to meet the treatment needs of the veteran while ensuring community safety and personal accountability. The veteran will be expected to attend regular court hearings and engage in treatment for the issues and problems that brought them to the court's attention. Also, understand that community safety is an important aspect for consideration, and some veterans may not be accepted into the program if they present a danger to others or the community."

In Henderson, if an attorney is not familiar with the veterans court, the court will explain the process and what will be required of their client if accepted into the program, according to Stevens.

"Briefings are held with the Veterans Treatment Court team every week prior to the court hearings," he said. "During this time each veteran that is on calendar that day is discussed, and private attorneys are invited in at the end of briefing to discuss their individual client as well. Once the client has been accepted, it is not required for the attorney to appear at any status checks, and the VTC public defender typically takes over their case and handles any issues or concerns throughout the course of the program. The private attorney is welcome to appear at any court dates, if that is preferred by the client and attorney." **NL**

BECAUSE BAD THINGS CAN HAPPEN TO GOOD LAWYERS.

The image shows a man in a white shirt and tie sitting at a desk in a dimly lit office at night, looking at a laptop. In the background, there are bookshelves and a plant. The State Bar of Nevada logo is in the top right corner of the image.

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