

QUESTION NO. 2

Amendment to the *Nevada Constitution*

Senate Joint Resolution No. 9 of the 74th Session

CONDENSATION (Ballot Question)

Shall the *Nevada Constitution* be amended to allow for the establishment of an intermediate appellate court, that would have jurisdiction over appeals of certain civil and criminal cases arising from the district courts?

Yes ☐ No ☐

EXPLANATION

The proposed amendment to the *Nevada Constitution* would authorize the Legislature to establish an intermediate appellate court, known as the Nevada Court of Appeals, that would have jurisdiction to hear certain appeals arising from civil and criminal cases from the district courts. If the Legislature establishes the intermediate appellate court, the Nevada Supreme Court would be responsible for establishing the specific jurisdiction of the Court of Appeals and for providing review of its decisions.

Currently, language in Article 6 of the *Nevada Constitution* provides for the court system in Nevada, comprised of a Supreme Court, district courts, justices of the peace, and municipal courts. The Supreme Court is the only court in Nevada with jurisdiction to hear cases that are appealed from decisions rendered by the district courts. In addition, the Supreme Court has original jurisdiction over certain types of cases and administers the functions of the State Bar of Nevada and the judiciary.

The proposed amendment does not create the Court of Appeals, but rather authorizes the Legislature to establish the Court.

A “Yes” vote would authorize the Legislature to establish an intermediate appellate court.

A “No” vote would retain the existing court system.

ARGUMENTS FOR PASSAGE

Increasing population and caseloads throughout Nevada’s court system support the establishment of an intermediate Court of Appeals. For several decades, Nevada was the fastest growing state in the nation and the number of cases in the court system increased at a similar rate. Although the pace of Nevada’s population growth has slowed, the State is still growing and the workload

of its court system continues to grow. The number of judges in the district courts has increased in recent years in an effort to maintain the public's timely access to justice.

Nevada's Supreme Court is the highest court in the State. It is one of the busiest courts in the nation and has already implemented technological and procedural improvements to accommodate caseload growth. It hears all appeals of civil and criminal cases originating in the district courts. However, the American Bar Association recommends that when the volume of appeals becomes so great that the Supreme Court cannot decide these cases at a desirable pace, an intermediate appellate court should be created. Nevada has reached that point.

The new Court of Appeals will improve efficiency, minimize delay, maintain quality in the judicial process, ensure timeliness of decisions, provide the Supreme Court with the ability to focus on precedent-setting cases, and increase the number of written opinions that establish the State's common law. Currently, Nevada is one of only 11 states and the District of Columbia that do not have an intermediate appellate court.

Completion of the Regional Justice Center in Las Vegas would allow the Court of Appeals to share facilities and other existing resources with the Supreme Court. Therefore, the costs associated with establishing the Court of Appeals may be reduced since no new facilities may be necessary.

ARGUMENTS AGAINST PASSAGE

Establishment of the new Nevada Court of Appeals would simply shift the increasing caseload from the Supreme Court to the Court of Appeals and would add another step to the process of litigation. Another level in the judicial system is not desirable, as it would potentially increase costs for litigants and add time to an already lengthy legal process.

Establishment of the intermediate appellate court would require the State to allocate funds and resources to the court system that might otherwise be used for more essential purposes.

FISCAL NOTE

Financial Impact – Cannot Be Determined

If this proposal to amend the *Nevada Constitution* is approved by voters, the Nevada Legislature would be authorized to establish an intermediate appellate court within this State. Approval of this proposal by the voters would have no direct or immediate financial impact upon the State and local governments or individual taxpayers, as the proposal authorizes, but does not require, the Legislature to establish an intermediate appellate court.

If this proposal is approved by the voters and the Legislature chooses to establish an intermediate appellate court, there would be a financial impact upon the State and local governments. The provisions of the constitutional amendment specify the minimum number of judges that must

make up the appellate court, but allows the Legislature to add additional appellate judges to the proposed court. The creation of an appellate court would require professional and administrative staff, in addition to other one-time and ongoing costs related to the operation of the appellate court. The Legislature would be responsible for setting the salaries of the judges and professional and administrative staff, as well as establishing the one-time and ongoing costs related to the operation of the court. Because it is not possible to determine the decisions the Legislature may make with respect to the establishment and operation of an intermediate appellate court, if the Legislature chooses to establish one, the specific financial impact upon the State and local government or individual taxpayers cannot be determined at this time.

If this question is approved by voters and the Legislature considers legislation that would establish an intermediate appellate court, a fiscal note would be prepared based on the proposed legislation and made available at that time for consideration by the Legislature.