

State of the Judiciary 1976  
Chief Justice Elmer M. "Al" Gunderson, Nevada Supreme Court  
Report to the State Bar Association  
May 1976 (Law Day), in Winnemucca, Nevada

### Introductory Comments

This is the Second State of the Judiciary Address. I gave the first on Law Day last year at the National College of the State Judiciary in Reno.

Since then, we have made notable progress in some areas of the administration of justice, and have maintained the status quo in others.

Nevada stands on the threshold of a new era in judicial administration. Those with a sense of history must certainly know that we have the opportunity at this time to observe, and be a part of, an historical time in Nevada.

What I said last year is worth repeating this year:

It is essential that we make society know that its judges – admittedly mortal, limited and imperfect beings as are all persons- are striving sincerely to cope with the all but overwhelming problems of the current day world.

It is vital that we make our circumstances and purposes known.

It is time to try to state publicly where our courts have come from, where they are now, and where they must try to go.<sup>1</sup>

This is no easy task. There is a lot to say, and little time here today to say it. Therefore, I will state in few words what rightfully could be the subject of learned treatises, legislative committee studies, or heated debates.

I do not mean to diminish the importance or urgency of any particular area if I give it only fleeting reference. My intention today is to outline the state of the judiciary of Nevada.

### Capacity for Self-Evaluation

Last year I spoke of the lack of capacity for self-evaluation that existed in the courts. I said that "[n]ot the least of our problems is lack of the wherewithal to analyze and assess our position accurately .... "<sup>2</sup>

The problem is still with us.

We have made efforts to take a look at where we are, but we do not yet have the system to gather and analyze useful and necessary statistics on a continuing basis. We have succeeded in

gathering a certain amount of information which we consider valid and meaningful - but the process has been painfully difficult because we lack capacity for a coordinated effort.

The Legislative Commission's Subcommittee on Funding of the Courts of the State, chaired by Senator Margie Foote, I believe now sees that the lack of a coherent ability to gather statistics on a routine basis, from all courts of the state, so impairs knowledge of the courts as to make meaningful court-oriented legislation, if not impossible, certainly infinitely more difficult.<sup>3</sup> Assemblyman Barengo's committee also is working conscientiously to comprehend our needs.<sup>4</sup> I believe, therefore, that at its next session the total Legislature may be receptive to funding a court administrator's office so that, among other things, needed data can be gathered about the courts.

### Public Information

Closely related to the problems of our capacity for self-evaluation is our role in providing information to the public.

Through the Court Planning and Coordinating Office, established with a small federal grant in 1974, the Supreme Court has been fulfilling a public information function for the judiciary by preparing news releases that deal with educational programs and the status of the courts.<sup>5</sup> The office does not provide case synopses to explain decisions of the court in common language for the press and public, as the United States Supreme Court does; nor does the office explain the court's position when misunderstandings concerning the import of decisions arise. Both activities are advocated by the Conference of Chief Justices;<sup>6</sup> however, our limited staff simply cannot now undertake such efforts.

Our public information effort also includes answering several inquiries each week from other courts in the country, from universities and from organizations such as the American Bar Association, the American Judicature Society and the National Center for State Courts. They generally request information about court rules, statistics or procedures. Although we make every effort to supply answers, all too often we cannot, simply for lack of time and resources.

### Judicial Education

Since my last address to you, we have developed an outstanding program of judicial education in Nevada. Funding for judicial education was made available for the first time by the passage of AB 451 of the last legislative session and with the aid of the Nevada Crime Commission.

During the past year, faced with decisions like *Gordon v. Justice Court*<sup>7</sup> in California and *North v. Russell*<sup>8</sup> in the United States Supreme Court – cases which threaten the very existence of a non-legally trained judiciary – we launched a particularly aggressive judicial education program to get as many of our non-attorney judges as possible to the National College of the State Judiciary.<sup>9</sup>

In one brief year Nevada has become a leader in the country in judicial education. As of today thirty-eight of Nevada's justices of the peace and municipal judges have graduated from the two week resident sessions for special court judges at the National College of the State Judiciary.

This represents 56 percent of the limited jurisdiction judiciary of Nevada. By the end of this calendar year, we hope to have close to 100 percent of our judges of limited jurisdiction courts as certificated graduates of resident programs at the National College.<sup>10</sup>

However, to make this great stride in one year, we had to go to the National College of the State Judiciary and ask for aid in preparing a program specially tailored to non-attorney judges. The college graciously responded to our request.

The special program for non-attorney judges started last July when I suggested to Dean Ernst John Watts of the National College the concept for an intensive training session specially structured to meet mounting constitutional objections to the use of judges who lack formal legal training. At a subsequent meeting of myself, Chief Justice Erikstad of North Dakota, Chief Justice Dunn of South Dakota, Chief Justice Guthrie of Wyoming, as well as judicial representatives from Idaho and Montana, the concept and purpose of the session was endorsed.

The program covered fundamental legal concepts and procedures followed in deciding criminal cases, and also defined and prescribed principal judicial functions. In addition, the judges attended and observed oral arguments at the supreme court on specially selected cases. Nevada's courts were well represented at that first two-week resident program designed exclusively for non-lawyer judges. Twenty-five of our sixty-one non-lawyer justice and municipal court judges attended the program with judges from eleven other states. The attendance at this one program alone saw fifteen of Nevada's seventeen counties and 41% of our non-attorney judiciary represented. Response to this program has been so great that a second and better program has been scheduled for this fall. We will be making a concerted effort to get all those judges who were unable to attend the first program through the program in the fall.<sup>11</sup>

Once substantially all of our lay judges have been to the basic program, our efforts will be directed at a program of "maintenance and renewal." This program will schedule new judges to attend the basic program, and will provide for continuing renewal of the education of all judges, using graduate and specialty courses in evidence, traffic law, court management, search and seizure, sentencing misdemeanants, alcohol and drugs, and other sessions. Naturally, we expect that the National College will continue assisting us with our semi-annual seminars.

Continuing renewal of education is, of course, essential, because the law is changing all the time and is changing quite rapidly. Attendance by eleven district judges at the resident sessions at the National College of the State Judiciary (with three more judges scheduled), and seventeen at the Tri-State Judicial Conference last June, rounds out the fine record of judicial education that we enjoy here in Nevada. A national leader in judicial education now, we expect to be the national leader by year's end.<sup>12</sup>

#### Improvements in Judicial Education

In a program as outstanding as that, you might ask, what could possibly be improved? Well, there is a particular need that is not being fulfilled - and I hasten to add that it is a very important need.

Several years ago I undertook a project to create a manual to be used by the justice and municipal court judges of the state. With the help of one of my law clerks,<sup>13</sup> we prepared a Judicial Orientation Manual for Nevada judges which was published by the National College of the State Judiciary.<sup>14</sup>

Now, this manual did not cover, in the first instance, all the material that it could have, and it is now somewhat out of date. The Legislature has long recognized the need to have an adequate manual for the orientation and guidance of its members and we believe - as indicated by the response we received from the legislative committees we have addressed - that the Legislature is beginning to appreciate the need for a similar manual for the orientation and guidance of the judiciary. Essentially, as I believe a number of thoughtful legislators now see, there is really very little point in their attempting to formulate good legislation if adequate procedures are not provided to make the judges of the state aware of their obligations in regard to such legislation - both through an adequate and regularly updated manual or benchbook, and through regularly conducted seminars.

I believe that thoughtful, moderate and concerned legislators have come to question the justification for expending some 3.4 million dollars per biennium on the Legislative Counsel Bureau<sup>15</sup> to support some sixty part-time legislators who meet in session about one hundred days per biennium and then deny the judiciary the necessary wherewithal for a similar but substantially smaller support function.

The same small research staff that would be working on the benchbook or manual for the judiciary could also perform such equally important functions as reducing the research load on the Legislative Counsel Bureau by cooperating in studies of the judiciary and aiding in the time-consuming preparation of legislation. In addition, the research staff might ultimately alleviate problems by providing justice and municipal court judges with assistance in broad legal research areas. A small central research staff, working with our law library and law librarian, and using technological innovations such as telecopiers, might be able to reduce costs to the small counties by reducing requirements for basic law libraries.

In any event, every judicial error which is prevented through the use of an updated benchbook, or by other support services, represents a substantial net savings to the taxpayers of Nevada.

#### Other Educational Programs

In addition to judicial education, the Supreme Court of Nevada has been instrumental in planning and coordinating several other educational programs during the last year.<sup>16</sup>

#### Court Planning

In December, 1975, the supreme court submitted an application for federal funds to be used for judicial planning.<sup>17</sup> Specific goals we hope to accomplish with the Judicial Planning Unit, when the application is approved, include the implementation of a judicial council,<sup>18</sup> adoption of a Code of Judicial Conduct,<sup>19</sup> preparation of rules under which a Commission on Judicial Discipline will operate,<sup>20</sup> implementation of a Judicial Information and Reporting System,<sup>21</sup>

investigation of the feasibility and need for a citizens advisory committee,<sup>22</sup> development of a contingency plan for use in the event that the concept of a lay judiciary is declared unconstitutional in whole or in part,<sup>23</sup> development of a Comprehensive Judicial Plan,<sup>24</sup> and study of the use of audio visual systems for the purpose of facilitating appellate review of cases.<sup>25</sup>

In addition to these specific short range plans, it is anticipated that the Judicial Planning Unit will formulate long range plans, such as developing uniform accounting and reporting methods for the courts,<sup>26</sup> developing a judicial system personnel program,<sup>27</sup> and establishing standards for judicial facilities.<sup>28</sup> Of course, the unit would continually review and update the Comprehensive Judicial Plan.

### State of the Supreme Court

I should now like to address the state of the supreme court. Final statistics for 1975 show that the supreme court successfully coped with an increase of nearly 28 percent in new case filings while it increased case dispositions more than 68 percent.

The 1975 filings included 553 separate matters, up 119 from 1974's 434. But 1975 dispositions increased still more dramatically, from 377 in 1974 to 634 in 1975.

The favorable filing-to-disposition ratio resulted in more than a 23 percent reduction in the supreme court's total case inventory, from 334 pending matters at the beginning of 1975 to 256 last December 31.

I should point out that the 256 cases remaining at the end of the year were not "backlog" but work in process. As you know, when an appeal is docketed, it cannot be heard immediately.

At the end of the first quarter of 1976, statistics show that the court's workload is still increasing at a high rate this year.

Between January 1 and March 31, our case disposition rate was four times greater than during the 1965-66 biennium, and well over twice the disposition rate in 1972, only four years ago. Through March 31 of 1976, 164 cases were filed-nearly a 19 percent additional increase above the filing rate for 1975. But during the first three months of this year, we determined 183 cases - more than 11 percent above the number filed- leaving only 240 pending March 31.

We project that total case filings may exceed 650 cases this year, but I feel that we will more than hold our own, even though there are several very demanding and time-consuming matters currently before the court.<sup>29</sup>

Comparing statistics for average time from first docket entry to final decision for March of 1970 and March of 1975, I reported to you last year in my State of the Judiciary address that the 1975 figures revealed that the supreme court was disposing of nearly twice as many cases in only a few days more time than in 1970.

This year, using March and December of 1970, and comparing the average case profile with figures for the most recent March and December (December 1975 and March 1976), the supreme court is now deciding more than twice as many cases, and, on the average, 91 days sooner (or in 59 percent of the time), than in 1970.

The most startling revelation of our statistical comparison is that, with the exception of extraordinary writs (which, based on few cases, and taking an error factor into account, are quite close for both years), we are disposing of cases in every category faster now than we did in 1970.

The average number of days to process a case in the supreme court from filing to disposition is as follows:

	1970	Today	Difference	
All Cases	222	131	91	faster
All Appeals	241	151	90	faster
Pre-trial Habeas	186	10	176	faster
Post-conviction Relief	197	107	90	faster
Criminal Appeals	216	131	85	faster
Extraordinary Writs	34	53	19	slower

I have purposely omitted, up to this point, civil appeals. Last year, I had to report to you that our progress in expediting criminal appeals impelled us to give less priority to significant civil matters than we liked to do. As you can tell by the figures just recited, we have given still more emphasis to expediting criminal matters; yet we are able today to process a civil case, on the average, five days faster than in 1970.

	1970	Today
Civil Appeals	266	261

Another number illustrates the progress we have made in expediting criminal appeals. In 1970, the last criminal appeal filed during the court year was filed on December 24, 1970 and was set for oral argument some 321 days later on November 10, 1971. The last criminal appeal in 1975 was filed on December 30, 1975, and was set for oral argument April 16, 1976 - 108 days later.

Presently we are setting civil appeals some 14 months ahead. But we are offering attorneys expedited hearing dates after their briefs are filed, and, significantly, we have never failed to grant a motion for an expedited hearing in a civil case after briefs are finished.<sup>30</sup> The result is that we are hearing civil cases as fast as attorneys are willing to complete their own work and ask for a hearing.

An inevitable result of this increased efficiency in processing appeals is a savings to the taxpayer. Between 1965 and 1974, the cost of processing an appeal, in 1975 dollars, fluctuated between \$1,200 and almost \$1,700. In 1975, we have reduced this average cost per case to just over \$1,000.<sup>31</sup> Additionally, the correction of "long delays [which] give rise to public anxiety and concern and even anger"<sup>32</sup> aids in bolstering public confidence in the judicial system. It is

that confidence alone which is the basis of the position of the courts in the governmental structure.

Most importantly, however, quicker disposition of cases enables us to deliver justice to more criminal defendants and civil litigants.<sup>33</sup> And delivering equal justice under the law to all people is an especially appropriate achievement in this 200th Anniversary of the signing of the Declaration of Independence.

On Law Day, 1975 - a year ago today - we discussed two very important and essential concepts in judicial administration: the ABA Code of Judicial Conduct, and judicial councils.

### Code of Judicial Conduct

Last year we agreed to study the ABA Code of Judicial Conduct as a method of updating our judicial ethics code, and making it more uniformly comparable to those of the rest of the states of the nation.

As a result, a committee consisting of myself, Judges Daines, Fleckenstein, Kelly, Minor, Hayes, Manoukian, Smart and Torvinen, and John De Graff as reporter, was selected to study the code. After three meetings, it has nearly completed its review of the proposed code. We expect to have at least one more meeting soon to finish up final details and completely review our work. Then we expect to have the first draft of the proposed Nevada Code of Judicial Conduct ready for distribution to the rest of the judiciary for their input and reactions.<sup>34</sup>

### Judicial Council

The second concept we discussed was that of a judicial council. The need for a unifying organization like a judicial council which can examine the problems of the judiciary and make recommendations for change has never been greater.<sup>35</sup> I will speak in a few moments about full state funding and unitary budgeting in the courts, the impact of which justifies the creation and funding of a judicial council.

Written nearly 50 years ago, but valid today, are the words of Judge Charles Paul concerning the vital role of the judicial council in government:

The council tends to prevent ill-advised ... reforms and piecemeal ... proposals which have too often been presented, and sometimes adopted, by the legislature. In the place of unscientific action, or no action at all, the judicial council [should] act upon full information and [should] secure action from the legislature or from the judges on needed reforms of sound character.<sup>36</sup>

### Full State Funding, Unitary Budgeting

During the preceding year, there has been an effort in the Legislature, by way of the Legislative Commission's Subcommittee on Funding of the Courts of the State, to understand and come to grips with the problems of financing the courts.<sup>37</sup>

If I may be permitted to indulge in some speculation, it looks as though the Legislature might very well conclude in this session that the most feasible way to relieve the increasing fiscal pressures on the cities and counties, with the resulting conflicts between the judiciary and local government, is to provide for full state funding for all courts in the state and concomitantly, to provide for unitary budgeting.<sup>38</sup>

Unitary budgeting, of course, would mean that each court would prepare its own preliminary budget to be submitted to a central office - probably the State Court Administrator's office. The court administrator, through a budget officer, would then combine the individual budgets into one budget for the entire court system and would present that package to the Legislature.

Now, one should realize there could be disputes about such a budget, but I see numerous advantages to full state funding and unitary budgeting. Specifically, a court system obtaining funding from a single appropriating body promotes planning in judicial administration, permits a more equitable distribution of judicial services within a state, facilitates uniformity in job classification of judicial employees and provides a mechanism for administering the system.

Therefore, if the Interim Legislative Committee recommends it, I will support the concept of full state funding and unitary budgeting for the courts.

But, and I must emphasize this, I will support it only if the Legislature provides the supreme court with the wherewithal to do the job right. While we have not examined our needs in minute detail, we know that we must have a court administrator, a budget officer who is knowledgeable in preparing government budgets, possibly a management analyst, and of course, clerical staff, if full state funding and unitary budgeting is to work.

In addition to this staff, however, the monumental task of preparing that first budget - promulgating forms and procedures, and recommending statutory changes to the Legislature to conform our law to the new concept - underscores the need for a judicial council that I alluded to a few moments ago.

If we are going to undertake such a basic change as going from individual budgets to one budget for all the courts in the state, we are going to need the counsel of a knowledgeable group of mature, reflective citizens, with adequate support staff, to help chart our direction and to assist in formulating and explaining our purposes.

If the Legislature would have us remodel the house of justice in Nevada - and surely it is time to do so - they must allow us to have architects who understand our needs, and the tools and materials to do the job properly.

#### Legislative Liaison

Since the last legislative session, I feel that our courts and the Legislature have come to understand each other more sympathetically. I sense from the various legislative subcommittees that have been meeting during the interim - particularly the committees chaired by Senator Foote



and Assemblyman Barengo - that a greater spirit of cooperation and understanding is developing between the Legislature and the courts. I welcome this.

I commend the legislators who are sitting on these committees, the Legislative Counsel, Frank Daykin, and the staff at the Legislative Counsel Bureau – Janet Wilson, Jerry Lopez, Mike Medema and the others who have pursued their inquiries in such a diligent, professional way - for their efforts in perceiving the problems that vex the judiciary, and for their efforts in seeking realistic solutions to these problems.

We look forward to a productive legislative session in 1977.

### Concluding Remarks

Our expectations of the law have expanded, as has the complexity of our society. Not only do we expect the law to encompass every aspect of our interactions with one another, across the globe and into the vastness of space, but we expect the courts to make the protections of the law a reality. Judge Shirley Hufstедler, in a highly visionary address, spoke of the ever-enlarging role of the courts in our present world-society:

We want courts to sustain personal liberty, to end our racial tensions, to outlaw war, and to sweep the contaminants from the globe. We ask courts to shield us from public wrong and private temptation, to penalize us for our transgressions and to restrain those who would transgress against us, to adjust our private differences, to resuscitate our moribund businesses, to protect us prenatally, to marry us, to divorce us, and, if not to bury us, at least to see to it that our funeral expenses are paid. These services, and many more, are supposed to be quickly performed in temples of justice by a small priestly caste with the help of a few devout retainers and an occasional vestal virgin.<sup>39</sup>

Now that we have assessed the burdens of the present, let us survey the pressures of the future. In my concluding remarks, I would like to address myself to the technological innovations, population growth, demographic dynamics, increased governmental action and growing aspirations of all citizens which combine to create the greatest challenge which our judicial system has ever known. This challenge demands that we all set to work to enable the judiciary to fulfill its constitutional role in this democracy.

Science has brought each of us vast and marked improvements in our lives. We benefit from medical advances, which permit more of us to live longer and without disease, from increased crop production, and from increased speed and ease of communications. Yet, these same advances have brought increased tensions to our global community. Will the human race survive the pressures of its growth? Will we survive free from war and hunger?<sup>40</sup> Or will we destroy ourselves either through hostility or through mistake? The courts have a role to play in the determination of whether or not the human race will endure. New fields of law are now being tested in our courts. The end of this surely will bring more innovations in science and new demands upon the courts in man's effort to reach a more satisfying existence on the earth.

Science is also somewhat responsible for a crisis in our nation, which is created in part by sheer growth in numbers, and in part by a trend of Americans to forsake rural areas and cluster in cities. These forces, which concentrate more and more people together in smaller and smaller locations, create collisions within our society and pass to the judiciary the burden of dispensing impartial justice to more and more people with each passing day. When the legal foundations of our nation were laid in the Eighteenth Century, we numbered about 4 million, but by the end of this century, absent catastrophe, we will constitute a nation of 300 million.<sup>41</sup> Because this tremendous growth does not end in a population evenly distributed across this vast land, but rather one concentrated in a few metropolitan areas, litigation increases in almost geometric proportions. Living in a concentrated setting forces us to interact with one another more and more - and the more interaction which is forced upon us, the more collisions, both literal and figurative follow.<sup>42</sup> The burden is on the courts to ease the tensions brought about by this increased interaction - and that burden is tremendous.

Ever since the Industrial Revolution, the movement of history has indicated a growing role of government in regulating the everyday lives of its citizens. As a result we find ourselves in 1976 faced with a massive government, reaching into every aspect of the workings of the business sector and the private sector of our society. From a total expenditure of the Federal Government of about a half a billion dollars in 1900, we find that last year the total federal expenditure had increased seven-hundred fold, to nearly 325 billion dollars.<sup>43</sup> This massive expansion on the federal level is matched by growing demands for government services on the state level. In view of this tremendous growth of government and its functions, it can be no surprise that the business of the courts has also increased, for it is the role of the courts in this governmental structure to monitor the relationships between the government and its citizens.

Yet, recognizing the importance of meeting pressures brought about by a growing society, an equally pressing demand on the judiciary in the closing decades of this century will be that created by the growing aspirations of our citizens, eager to achieve full participation in this democracy. The dream of America can mean no less in this the 200th Anniversary of its foundation. Americans will not be contented by a judiciary which does not serve them.

Judicial reform, just to benefit those in the legal community, is not worth pursuing. Judicial reform is valuable only if it helps all Americans attain the ideals of America. In the words of Chief Justice Warren E. Burger, "[Judicial reform cannot be merely a tightening of] the 'nuts and bolts' of the existing ... judicial system,"but must be the result of a" searching look at some of the basic aspects and underlying assumptions of our legal and judicial institutions .... "<sup>44</sup> This far-reaching judicial reform, as envisioned by the Chief Justice of the United States, and as necessitated by the increased complexity of our society, demands that each of us work and work hard to meet the burdens placed on the courts. Not only must we meet the burdens created by innovations of science, increase in population, trends in demographics, and the burgeoning of government, but most importantly, we must deliver the promise of America.

## NOTES

1 E. M. Gunderson, First State of the Judiciary Address, (May 1, 1975).

2 Id.

3 Legislative Counsel Bureau, Funding Nevada's Courts, Bull. No. 77-4, at 4 (1976).

4 Legislative Counsel Bureau, Training, Qualifications, Workloads and Leave Policies of the Judiciary and District Attorneys, Bull. No. 77-3, at 2, 3 (1976).

5 The Court Planning and Coordinating Office has been and is funded primarily by U.S. Dept. of Justice, Law Enforcement Assistance Administration grants awarded through the Nevada Commission on Crime, Delinquency and Corrections. These include: a) Grant No. 74-A-041, awarded September 25, 1974. From July 11, 1974, for one year. Federal: \$17,154; state: \$1,962. Title: Judicial Training. b) Grant No. 73-A-084, awarded December 12, 1974. From January 1, 1975, for six months. Federal: \$6,593; state: \$4,022. Title: Court Planning and Coordinating Office. c) Grant No. 75-A-030, awarded June 12, 1975. From July 1, 1975, for one year. Federal: \$35,565; state: \$4,315. Title: Court Planning and Coordinating Office. d) Grant No. 75-A-031, awarded June 12, 1976. From July 1, 1976, for one year. Federal: \$40,000; state: \$35,565. Title: Court Planning and Coordinating Office. e) Grant No. 76-A-005, awarded June 10, 1976. From July 1, 1976, for one year. Federal: \$29,593; state: \$3,986. Title: Court Planning and Coordinating Office. f) Grant No. 76-D-002, awarded June 10, 1976. From July 1, 1976, for one year. Federal: \$17,573; state: \$2,657. Title: Court Planning and Coordinating Office.

6 Resolution of the Conference of Chief Justices (1974).

7 12 Cal.3d 323, 525 P.2d 72, 115 Cal. Rptr. 632 (1974).

8 U.S., 96 S.Ct. 2709 (1976).

9 NCSJ is an activity of the Judicial Administration Division of the American Bar Association, with facilities located on the University of Nevada-Reno campus.

10 As of December 31, 1976, Nevada had 68 judges serving in the courts of limited jurisdiction. Thirty-nine of these 68 (57%) had attended at least one two-week resident session at the National College of the State Judiciary (six of those 39 had also attended resident sessions at the American Academy of Judicial Education). Sixty-one of the 68 judges are not attorneys. Twenty-nine of these 61 judges (48%) had attended a special two-week resident session at the National College that was designed specifically for non-attorney judges. Eight judges, all non-attorneys, left office during 1976. Seven of these eight had attended at least one two-week resident session at the National College. Thus, of all 76 persons who served as judges during 1976 in the courts of limited jurisdiction, 46 (61%) had attended at least one resident session at the National College. Of all 69 non-attorney judges who served during 1976, 44 (64%) had attended at least one resident session at the National College (thirty-three of the 44 attended the special session for non-attorney judges; 11 attended only the regular resident session; and seven attended both). This indicates that judicial education is a continuing process, and that if all of the state judges are to possess complete educational qualifications, concerted efforts must be maintained.

11 As of January 3, 1977, several judges had already discussed with the Court Planning and Coordinating Officer the possibility of attending the third resident session for non-lawyer judges, scheduled for March 20-April 1, 1977, at the National College of the State Judiciary.

12 At the close of 1976 Nevada clearly led the nation in judicial education by at least one criterion - percentage of non-attorney judges who had attended a national college of judicial education (see note 10 for statistics). According to Felix Stumpf, Academic Director of the National College of the State Judiciary, some states, notably Texas, have more elaborate in-state training programs for non-attorney judges than the semi-annual training seminars conducted by the Nevada Judges Association with the assistance of NCSJ and the Nevada Supreme Court Planning and Coordinating Office. But no state approaches Nevada's record for participation in national schools by non-attorney judges, Stumpf said. When limited jurisdiction, non-attorney

judge statistics are combined with those for general jurisdiction, attorney judges, Nevada appears to rank at or near the top of the 50 states in completion of efforts to educate its judiciary.

13 William P. Curran, now a deputy district attorney for Clark County, Nevada.

14 Gunderson & Curran, Nevada Judicial Orientation Manual (1974).

15 Appropriation for biennium ending June 30, 1977; see biennial budget adopted by 1975 Legislature. See Funding Nevada's Courts, *supra* note 3, at 13-16, for comparison of revenues produced by Nevada's court system with expenditures for court operations.

16 Such programs include the Tri-State Judicial Conference for Nevada, Utah and New Mexico, held at Lake Tahoe in June 1975; the New Attorneys and Law Clerks Seminars held in Reno and Las Vegas in 1975 and repeated in 1976; semi-annual seminars for the Nevada Judges Association, judges of the state's courts of limited jurisdiction; an educational program on Nevada law for Nevada students attending the University of Pacific's McGeorge School of Law in Sacramento; coordination of a summer employment program for law students which has provided legal intern assistants for many public agencies and an educational experience for the students as well; and other, lesser activities.

17 The State Judicial Planning Unit has been funded primarily through a U.S. Dept. of Justice, Law Enforcement Assistance Administration grant awarded through the Nevada Commission on Crime, Delinquency and Corrections. This is Discretionary Grant No. 76-DF-09-0027, awarded June 21, 1976. From June 27, 1976, for one year. Federal: \$89,635; state: \$9,959. Title: Judicial Planning Unit. Provides funding for a judicial planner, assistant planner, legal assistant and secretary.

18 Plans for a judicial council have evolved into a plan for a Judicial Planning Commission which will operate in conformity with, and will be funded pursuant to, the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1976. The commission is composed of E. M. Gunderson, J., chairman; Keith Hayes, D.J., 8th Judicial District; Noel Manoukian, D.J., 9th Judicial District; Edward Lunsford, J.P. and municipal judge, Elko Township and City of Elko; Clifford Segerblom, J.P. and municipal judge, Nelson Township and Boulder City; Richard Minor, J.P., Reno Township; Robert List, Attorney General of Nevada; Morgan Harris, Public Defender, Clark County; John De Graff, Supreme Court Judicial Planner; Irwin Kishner of Las Vegas, an attorney not primarily engaged in criminal practice.

19 A preliminary draft of a Code of Judicial Conduct is being prepared by a committee consisting of representatives from the supreme court and trial courts of general and limited jurisdiction. The committee expects to circulate the preliminary draft to the judiciary and to the news media in January, 1977. Adoption of the code through supreme court rule is anticipated to occur during 1977.

20 The supreme court has rule-making responsibility for the Commission on Judicial Discipline and proposed rules are expected to be reviewed by the court during January, 1977. The members of the commission are: J. Charles Thompson, D.J., Eighth Judicial District; Stanley Smart, D.J., Third Judicial District; Roy Torvinen, D.J., Second Judicial District (standing alternate); William Beko, D.J., Fifth Judicial District (standing alternate); Dr. Eleanore Bushnell; Ms. Rene Diamond; Mr. Jack McCloskey; Roscoe P. Eardley, Esq. and John Peter Lee, Esq.

21 Completion of design of the Judicial Information and Reporting System is scheduled for April 1, 1977, by the Judicial Planning Unit's assistant planner. Operational funding is contingent upon legislative approval during 1977.

22 A special citizens advisory committee has been deemed inadvisable. Citizen input into judicial planning will be sought through appointment of laymen to task forces operating under the Judicial Planning Commission.

23 See *North v. Russell*, U.S. \_\_\_, 96 S.Ct. 2709 (1976) and notes IO and 11, *supra*.

24 Development of a comprehensive plan will be the responsibility of the Judicial Planning Commission.

25 This project was given low priority during 1976.

26 The need for uniform accounting and reporting methods is recognized by the Legislative Commission's Subcommittee on Funding of the Courts of the State. That committee's report, *Funding Nevada's Courts*, *supra* note 3, observes at 4: "(I)t is still as difficult to obtain reliable statistics on the courts as it was nearly a decade ago. Methods of recordkeeping vary so markedly from court to court that comparable statistics cannot be developed. Most Nevada courts simply lack the manpower, skills and equipment necessary to collect and analyze statistical data .... The subcommittee recognizes the need for a central office to develop and supervise a uniform system of recordkeeping and accounting for all the courts ... See note 21, *supra*. A traffic court specialist, financed through the Office of Traffic Safety, joined the Judicial Planning Unit at the end of 1976. The traffic court specialist is expected to provide some assistance in developing and implementing financial and statistical reporting from limited jurisdiction courts in Nevada.

27 A draft of a personnel manual has been completed by the Judicial Planning Unit. Review by the Supreme Court is anticipated during 1977.

28 The first step in this project, a review and inventory of existing judicial facilities, is scheduled for 1977.

29 In 1976 filings increased to 806,250 (45%) more than during 1975. Dispositions increased to 803,169 (27%) more than during 1975. The impact of increased workload on the court is best shown by biennial comparisons. During the 1973-74 biennium there were 767 cases filed with the supreme court; in the 1975-76 biennium filings increased by 77 percent to 1360. During 1973-74 the court disposed of 758 cases; in the 1975-76 biennium dispositions increased by 90 per cent to 1,437. See Appendix.

30 Over 20 civil hearings were advanced on the calendar during 1976, pursuant to motions made by counsel after briefs were filed, and the court advanced many more on its own motion.

31 The average cost per case during 1976 was \$880. See Appendix.

32 Burger, "The Image of Justice," *Judicature* 200 (1971).

33 See Appendix.

34 See note 19, *supra*.

35 See note 18, *supra*.

36 Paul, "The Growth of the Judicial Council Movement," *IO Minn. L. Rev.* 85, 98 (1926).

37 See generally, *Funding Nevada's Courts*, *supra* note 3.

38 An amendment to the Nevada Constitution approved by the voters in November, 1976, permits the Nevada Legislature to approve unitary budgeting for the state's courts. See also note 37, *supra*.

39 Hufstедler, "New Blocks for Old Pyramids: Reshaping the Judicial System," *44 So. Cal. L. Rev.* 901 (1971).

40 *Id.*

41 See Hauser, "The Population of the United States, Retrospect and Prospect," in *The Population Dilemma* 85, 89-98 (P. M. Hauser, ed., 1969), cited in Hufstедler, *supra* note 39, at 902.

42 Hufstедler, *supra* note 39, at 903-905.

43 Speech by Judge A. Leon Higginbotham, Jr. United States District Court, Philadelphia, Pa., to the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice (1976).

44 Burger, 1976 Annual Report on the State of the Judiciary, address to the American Bar Association (Philadelphia, Pa.; February 16, 1976), 96 S.Ct., preface at 8.