

Exec Summ June 3, 2010

EXECUTIVE SUMMARY

Prepared by Stephanie Heying and Sheila MacDonald
Administrative Office of the Courts

COMMISSION ON PRESERVATION, ACCESS, AND SEALING OF COURT RECORDS

Thursday, June 3, 2010

9:00 a.m. to 3:00 p.m.

Carson City Las Vegas

Nevada Supreme Court Regional Justice Center
201 South Carson Street 200 Lewis Avenue, 17th Floor
Supreme Court Courtroom Supreme Court Courtroom
Carson City, Nevada Las Vegas, Nevada

MEMBERS PRESENT:

Justice James W. Hardesty, Chair, Nevada Supreme Court
Bernie Anderson, Nevada State Assemblyman
Connie Bloom, Court Support Operations, Eighth Judicial District
Katie Gallagher, Records Manager, Las Vegas Justice Court
A.D. Hopkins, Special Projects Editor, Las Vegas Review-Journal
Ed Irvin, Attorney General's Office
Kathy Ivey, Court Administrator, Pahrump Justice Court
Marin Lopez, Deputy Clerk, Second Judicial District
Jeri Mark, State Records Manager, Nevada State Library and Archives
Dillian Prieto, Esq., Staff Attorney, Eighth Judicial District
Teresa Prince, Supervisor Evidence and Exhibits, Second Judicial District
Ann Sly, Vault Technician, Eighth Judicial District
Barry Smith, Nevada Press Association
Joe Tommasino, Esq., Staff Attorney, Clark County Courts
Hon. Valorie Vega, District Judge, Eighth Judicial District

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Bobbie Williams, Chief Deputy District Court Clerk, Ninth Judicial District
Cathy Woods, Reno Justice Court, on behalf of Steve Tuttle

Nathan Tod Young, Esq., Defense Bar

GUESTS:

Justice Michael Cherry, Nevada Supreme Court
Bonnie Cooper, Reno Justice Court

MEMBERS ABSENT:

Mary Cameron, Chairperson, Nevada Court Reporters Board
Howard Conyers, Court Administrator, Second Judicial District
Hon. Patrick Flanagan, District Judge, Second Judicial District
Hon. David Gamble, District Judge, Ninth Judicial District
Hon. Kathy Hardcastle, District Judge, Eighth Judicial District
John Jensen, Assistant Clerk of the Court, Family Court and Services Division
Heidi Shaw, Court Administrator, Sparks Municipal Court
Win Smith, Elko County Clerk, Fourth Judicial District
Bill Zihlmann, Court Office Supervisor, Henderson Municipal Court

STAFF:

Stephanie Heying, Court Services Analyst, Nevada Supreme Court AOC
Sheila MacDonald, Court Services Analyst, Nevada Supreme Court AOC

I. Call to order

A. Call of Roll and Determination of a Quorum

- . Does Nevada Revised Statutes declare this?
- . Does Court Rule declare this?

o Use and access of the Confidential sheet by judges in the deliberative process is unknown.

. Las Vegas Justice, Reno Justice, Pahrump Justice, and the Ninth Judicial District Courts all file the sheet in the file. The judge may or may not look at the sheet.

. The Second and Eighth Judicial Districts do not keep the sheet in the file. Access by the judge is uncertain.

. Eighth Judicial District the sheet is maintained in the TPO office.

. There was a concern an adverse party could submit information without the victim's and counsel's knowledge, but that information may be available to the judge, which could suggest ex parte communications, which raises concerns.

. Subcommittee should discuss the varying policy issues of retention and expungement of protection order files.

o Need to review the current retention period (based on the public hearing comments two years is too short, but keeping the files indefinitely may be too long).

. Internet Access/VAWA Federal Act/Funding

o Find out how the AG's Office confirms courts are in compliance with Federal Act. (Confirmed, this is not a requirement for funding at this point, so no tracking is done)