



# Compromised Results? Requiring Nevada's Family Courts to Do More with Less

**Around late 2018, the Nevada Supreme Court authorized the National Center for Juvenile Justice (NCJJ), Research Division, to perform an assessment of the family courts in Nevada, specifically, the family divisions of the Second and Eighth Judicial District Courts.**

The family divisions had been in existence for approximately 25 years at that point, and the Supreme Court felt it appropriate to get a report card on how the divisions were doing. The research involved interviews with judicial officers and a broad range of family law, child

BY JUDGE DIXIE GROSSMAN, SECOND JUDICIAL DISTRICT COURT, FAMILY DIVISION; AND JUDGE CHARLES HOSKIN, EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION

welfare, and juvenile justice stakeholders, including private attorneys, public defenders, prosecutors, family division administration, clerks of court, and judicial support staff, in addition to the directors of several agencies who work in the courts daily. Even legislators were invited to participate. The information and technology systems of each district court were also analyzed.

The study lasted eight months and an Assessment Report was submitted in October 2019. The full report is almost 70 pages. The assessment noted numerous strengths and strong support for continued use of the family division operating model. The assessment also noted a generally high level of commitment to service of the community and families in court, despite stress and strain on the system.

According to a summary in the assessment, the Eighth Judicial District Court, Family Division is:

operating a coordinated family division model at a scale that places it in a league of its own based on the breadth of case types it oversees (about 23 different case types) and the size of the total population it serves. ... Many challenges exist, but NCJJ also documented a

parade of strengths that other jurisdictions could benefit from emulating.

The summary went on to state that the Eighth Judicial District:

is the first jurisdiction that NCJJ has encountered with the capacity to use its data system and information technology capacity to explore the inter-relationships of cases for families with multiple legal matters presented to the court over time. We view this strength as critical for operating Nevada's coordinated family division model in a large, rapidly growing jurisdiction.

In defining some of the challenges in the Eighth Judicial District, the summary noted "The [Eighth Judicial District Court] Family Division is exceptionally busy and operating at a lean staffing level when compared to other comparably sized jurisdictions ..." According to the summary, the Eighth Judicial District possessed approximately half the judges it should have, given the jurisdiction's size and resulting caseloads. The summary also recognized the need for additional courthouse space: "The pressures of an antiquated facility footprint designed for a jurisdiction half its current size is undeniable for Clark County."

Additionally, the summary noted:

the NCJJ team identified complementary strengths between the [Second and Eighth Judicial District Courts] that should be shared. The [Second Judicial District Court] Family Division is fortunate to have county support for creating case compliance specialist positions. In NCJJ's experience, this type of position is a feature of a high-functioning jurisdiction.

While there are numerous positives concerning the work of the family divisions, most glaring to judges is the confirmation that we have substantially more cases than we should be expected to effectively handle. The assessment noted that, between 1993 and 2018, Clark County's total population grew by 147 percent and Washoe County's grew by 67 percent. Comparing those districts to similarly-sized jurisdictions with a similar family division model, the assessment recommended that Washoe County have an additional 7.5 judicial officer positions, and Clark County have an additional 18.6 judicial officer positions to match the overall judicial officer rate in the Staten Island, New York Family Court.

These deficit estimates were made with the knowledge that additional judges were previously authorized by the Nevada Legislature to come on in 2021. Between July 2018 and July 1, 2022, Washoe County's population grew by approximately 9 percent (to an estimated 501,635) and Clark County's population grew by another 3.9 percent (to an estimated 2,338,127). This growth further exacerbated the deficit of judicial officers dedicated to our family courts. Using the 2022 populations, Washoe County would need approximately 9.5 more family court judicial officers and Clark County would need 20.8 more family court judicial officers just to meet our more-resourced sister jurisdictions.

In the Eighth Judicial District, we average approximately 20,000 new civil-domestic cases per

year, which are reviewed by 14 full civil-domestic judges and four half civil-domestic judges. That is 1,250 new cases per full civil-domestic judge, or more than 100 new cases each month. We also hear approximately 6,000 re-opened cases annually, which occupy about half of each calendar day. The average open and active case-load is approximately 500 cases.

Although each judge sets up their calendar differently, in the Eighth Judicial District, judges typically hear four or more cases per hour, which results in 12 to 15 hearings each morning, with evidentiary proceedings each afternoon. If each hearing only involved a motion and opposition, that would be 30-plus documents to review, just to prepare for one day. The judges need a separate out-of-court day just to try to prepare for the upcoming week. Some judges are forced to utilize their weekends to prepare. This schedule does not even account for all replies, errata, supplements, and last-minute filings that judges try to review, but sometimes do not have the time.

Additionally, the judges must either review or draft orders and decrees following the evidentiary proceedings and hearings. In 2023, the Eighth Judicial District Court, Family Division judges (handling civil-domestic cases) signed 64,675 orders and decrees. This averages to approximately 17 orders finalized each workday, and all must be carefully reviewed prior to execution. Those numbers not only include all the orders prepared by litigants, but also those prepared by the court.

The Second Judicial District had 11,370 new filings in fiscal year 2023 and an additional 1,823 reopened cases assigned to

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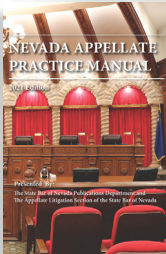
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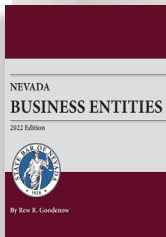
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# Compromised Results?

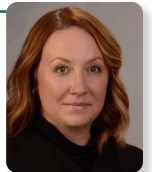
seven full-time family court judges and 3.5 court masters. In the Second Judicial District, a large portion of litigation is addressed on the papers, without holding a hearing. In addition to time spent in court proceedings, most judges also manage extensive submit lists, an average of 1,700 annually; and, like their counterparts in the Eighth Judicial District, Second Judicial District Court judges are responsible for issuing an extraordinary number of orders. On average, judges in the Second Judicial District Court, Family Division sign approximately 16,000 orders or more annually, most of which are drafted by the judicial officer.

During the last several years, the appellate courts have required evidentiary proceedings be held in more situations. Additionally, they are requiring substantially more findings be made within the orders after such proceedings. While the reasoning behind providing parties who can establish adequate cause to proceed to evidentiary proceedings is sound, the reality is that those hearings must be set further out in time and that judges must then spend more out-of-court time to prepare the resulting findings and orders. There are only so many slots where those hearings may be set and only so much time in a day to complete the substantial out-of-court work required to prepare for court and complete orders after proceedings. When you continually add more hearings and more out-of-court work, the only option is to set the hearings out. Ordinary course for evidentiary proceedings can exceed six to nine months. Realistically, most litigants in the family divisions need their issues resolved quicker than that. However, without additional resources, there is no easy answer to resolve the continuing needs of the litigants who appear in the family divisions.

Clearly, the judges serving in the family divisions are extremely busy and have done an incredible job of processing cases through to conclusion. It is always easy to criticize what we do not understand, and we all feel the pressure to move cases through the system. However, if we remember that every minute spent on one case is a minute not spent on another case, just as worthy of attention, perhaps some empathy and understanding will bring us all closer to working together to benefit the families we serve.

This article is not intended to complain about the workload. The family division judges agreed to process the cases assigned to them. This article is intended to provide some insight to practitioners who may not understand why it takes longer than expected to process cases. It is also intended as support of the recommendations of the National Center for Juvenile Justice for more judges assigned to the family divisions of the Eighth and Second Judicial Districts – a need that has only continued to grow since the 2019 report.

**JUDGE DIXIE GROSSMAN** came to the bench in 2013, serving as a juvenile court master until 2018, when she was appointed as a judge and seated in Department 2 of the Second Judicial District Court, Family Division, where she continues to serve.



**JUDGE CHARLES HOSKIN** is a Nevada native who began practicing law in 1991. He began sitting in Department E of the Eighth Judicial District Court, Family Division in 2009. Hoskin served as the presiding judge in the Family Division from 2014 through 2018. He would like to thank the National Center for Juvenile Justice and the Court Information Technology staff for assisting with the statistics necessary for this article.

