

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
TEMPORARY SUSPENSION OF THE
COLLECTION OF JURY DEMAND
FEES AS REQUIRED BY NRCP 38.

ADKT No. 405

FILED

JAN 16 2007

ORDER SUSPENDING APPLICATION OF NRCP 38
GOVERNING THE DEPOSIT OF JUROR FEES IN THE
EIGHTH JUDICIAL DISTRICT COURT

JANETTE M. BLOOM
CLERK OF SUPREME COURT
[Signature]
DEPUTY CLERK

On January 10, 2007, the Honorable Kathy A. Hardcastle, Chief Judge of the Eighth Judicial District Court, filed a petition with this court to suspend temporarily the collection of jury demand fees required by Nevada Rule of Civil Procedure 38(d). In support of the petition, Chief Judge Hardcastle relies upon a report by the court's finance department and her authority to supervise the management of the court pursuant to Eighth Judicial District Court Rule 1.30. Clark County Clerk Shirley Parraguirre, at this court's request, submitted a response to the petition.

Both the Eighth Judicial District Court's Finance Department's report and the County Clerk's response to Chief Judge Hardcastle's petition highlight the need to modernize and reconcile the Clerk Trust Account. The Clerk Trust Account, containing over \$34,000,000, including at least \$3,000,000 in jury demand fees, is presently maintained utilizing a system of handwritten transaction cards for each fee collected and refunded. This antiquated process makes accurate reconciliation of this account difficult if not impossible. The Finance Department's report points out that the mandatory pre-payment of jury demand fees unnecessarily compounds the reconciliation problems. NRCP 38(d) requires pre-payment of certain jury fees in every case in

which a jury is demanded; however, in the Eighth Judicial District, only about 2% to 3% of all civil cases ever go to trial and only a fraction of the trials are actual jury trials. Because so few cases are tried before a jury, most fees collected with a jury demand must eventually be refunded. On the other hand, in cases resulting in a jury trial, the pre-payment of juror fees does not eliminate collection efforts because the jury demand deposit covers but a fraction of the actual fees incurred. In order to increase the overall efficiency of the clerk's office's financial processes, the Finance Department therefore recommends eliminating the collection of jury demand fees.

Having reviewed Chief Judge Hardcastle's petition and the County Clerk's response, this court has determined that temporary suspension of the jury demand fee would assist the Eighth Judicial District Court's efforts to streamline its current business practices and automate the Clerk Trust Account. Accordingly,

IT IS HEREBY ORDERED that the following sentence of Nevada Rule of Civil Procedure 38(d) requiring payment of jury fees with a jury demand is suspended in the Eighth Judicial District Court:

"At the time a demand is filed as required by Rule 5(d), the party demanding the trial by jury shall deposit with the clerk an amount of money equal to the fees to be paid the trial jurors for their services for the first day of the trial."

The Eighth Judicial District Court must continue to require that a jury demand be filed in all civil cases where a jury is requested and that the Eighth Judicial District Court must bill for and collect all fees owed to the Eighth Judicial District Court by litigants arising out of civil jury trials at the conclusion of trial.

IT IS FURTHER ORDERED that the Eighth Judicial District Court shall, on or before May 15, 2007, file a report with the clerk of this court detailing the effects of the suspension of the jury demand fee. The report must also include, at a minimum, specifics concerning the Eighth Judicial District Court's progress in reconciling the Clerk Trust Account and the new procedures implemented for fee collection and refunds.

IT IS FURTHER ORDERED that suspension of the jury demand fee required by NRCP 38(d) is effective immediately and shall remain suspended until July 1, 2007.

DATED this 16th day of January, 2007.

Maupin C.J.
Maupin

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

cc: Hon. Kathy A. Hardcastle, Chief Judge,
Eighth Judicial District Court
Charles J. Short, Court Executive, Eighth Judicial District Court
Shirley Parraguirre, Clark County Clerk