

Second Judicial District Court

JAMES J. GUINAN
DISTRICT JUDGE

WASHOE COUNTY
STATE OF NEVADA

RENO, NEVADA 89504

January 30, 1975

Alex Coon, Clerk of Court
Second Judicial District Court
Washoe County Courthouse
Reno, Nevada

Dear Mr. Coon:

This is in response to your request for a written statement concerning the relationship between the Court Administrator and the Clerk of Court of the Second Judicial District Court.

Under Section 32 of Article 4 of the Nevada Constitution, and NRS 246.060, the County Clerk of Washoe County is the Clerk of Court for the Second Judicial District Court, and, under other statutes, certain duties and responsibilities are placed upon the Clerk of Court. It was not the intention of the District Judges in appointing a Court Administrator to make any changes in the constitutional and statutory position of the Clerk of Court, or in his statutory duties and responsibilities, nor was that the intention of the ordinance authorizing the position of Court Administrator or the understanding between the District Judges and the Board of County Commissioners.

By the nature of his position, the Clerk of Court is subject to the direction and supervision of the District Judges. Over the years, the distinction between the office of County Clerk and Clerk of Court has been lost because both offices are held by the same person, and because the District Judges have not insisted upon maintaining the distinction. Personnel have been used interchangeably between the two offices and funds have been comingled, and the offices have been operated as if they were one office.

It is the intention of the District Judges to exercise their administrative authority over, and responsibility for the operation of the office of the Clerk of Court in order to assure

Exhibit 1 (3pgs)

Alex Coon, Clerk of Court

January 30, 1975

the efficient administration of justice. In order to carry out this intention, it is necessary to separate all of the functions of the two offices. This separation would have been made whether or not a Court Administrator was employed. The District Judges, of course, have no interest in the office of County Clerk.

There are two basic methods by which judicial supervision of the office of the Clerk of Court and other administrative functions of the District Judges can be exercised. One is to assign one of the judges to administrative duties. This would deprive the Court of the judicial services of one of its judges. The other method is to employ a professional Court Administrator to exercise, under the direction of the District Judges, the authority of the District Judges in supervising the office of the Clerk of Court and carrying out the other administrative functions of the Court, such as functions relating to budgeting, purchasing, personnel administration, juror management, calendaring of cases, space projections, equipment needs, compilation of statistics, liaison with county and state officers, preparation and reporting on the progress of legislation affecting the courts, public information, and administrative supervision of the Juvenile Probation Department.

The Court Administrator will not assume any of the functions of the Clerk of Court, but, on the contrary, will assume such administrative functions of the District Judges as the judges decide to delegate to him. The Court Administrator will not direct the Clerk of Court in the performance of his duties, except as directed by the District Judges. Any difference of opinion between the Clerk of Court and the Court Administrator will be resolved by the District Judges.

The Court Administrator will not handle any funds which are the responsibility of the Clerk of Court. He will have no deputies. He will not be authorized to make any decisions which could result in liability on the part of the Clerk of Court. All decisions as to policy will be made by the District Judges.

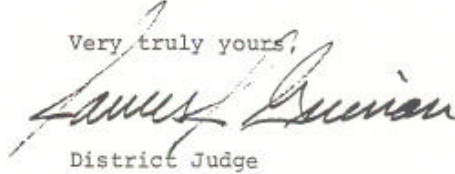
The Memorandum of Understanding between the Board of County Commissioners and the District Judges is inaccurate in its reference to assignment of certain employees to the supervision of the Court Administrator. The intention of the understanding was to recognize the power of the judiciary to control the employees

Alex Coon, Clerk of Court

January 30, 1975

who work in the judicial branch of government, and to give the Board of County Commissioners some assurances as to cooperation by the Courts with the Board. The Memorandum cannot and does not alter the constitutional and statutory position of the Clerk of Court.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James G. Quinn".

District Judge

JJG:lag