

Protection Order or Chaos?

**The TPO Processing Experience in the Las Vegas Justice Court and
Its Larger Implications for Nevada Law**

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I. ABSTRACT

Orders for protection represent a legislative attempt to incorporate distinct features from both civil law and criminal law. On the one hand, a private litigant can initiate judicial proceedings to seek redress against another private individual. On the other hand, criminal penalties, such as fines and incarceration, will attach if a protection order is violated. Unlike both civil and criminal proceedings, protection order actions involve a great deal of informality, with the end result being an order for protection that is often issued on an *ex parte* basis without the benefit of a full evidentiary hearing.

Many aspects of Nevada law in this area can best be described as “murky,” with virtually no critical or scholarly study available to assist Nevada’s courts. Moreover, statistical information about protection orders in Nevada is almost non-existent.

In Nevada, Orders for Protection Against Domestic Violence were the original type of protection order that was enacted by the Legislature. The defining feature of this protection order is that it applies to those individuals who have a “domestic” relationship such as husband and wife, parent and child, or boyfriend and girlfriend. Orders for Protection Against Domestic Violence receive the lion’s share of media coverage and analytical study in the United States.

Nevada law is not limited to Domestic Violence protection orders, however. Over time, the Nevada Legislature has enacted four additional protection-order constructs to address the following crimes: (1) “Stalking” and “harassment”; (2) “harassment in the workplace”; (3) crimes that are deemed “harmful to minors”; and (4) “sexual assault.” These additional protection-order types are available in Nevada’s Justice Courts and represent an evolution away from the traditional “domestic” approach to protection orders. The purposes of this project are to study this evolution and to focus on the non-domestic protection orders which were processed

by the Las Vegas Justice Court for a defined period of time; to gauge whether the Court is serving its protection-order customers effectively; and to shine a light on issues or practices that merit changes to statutes, rules, forms, or procedures. The project consists of three subject areas.

First, the centerpiece of the project is a highly analytical and careful review of all 2,040 protection-order cases that were initiated in Calendar Year 2008. For each file, the author exhaustively gathered the following information:

- (1) The number of particular types of protection-order requests;
- (2) The sex, ethnicity, and number of Adverse Parties in protection-order cases;
- (3) The most common relationships between Applicants and Adverse Parties;
- (4) The most common dispositions used by judges;
- (5) Information relating to motions, service attempts, and weapons;
- (6) The number of protection-order cases for each judicial department;
- (7) The time to disposition, which was measured in terms of “judicial days” and with a start date of when a protection-order application was filed and with an end date of when a protection-order request was granted or denied; and
- (8) Issues encountered in the processing of protection-order paperwork.

Second, a two-page Customer Service Survey of all Applicants who filed a protection-order action in a three-month period inquired about five aspects of the application process:

- (1) Identification of the specific protection order sought;
- (2) Demographic information about the applicant;
- (3) Assessment of court accessibility;
- (4) Assessment of the applicant’s understanding of the protection-order process; and
- (5) General comments.

Third, the author identified the ten Justice Courts which processed the most non-domestic protection orders in Nevada in Fiscal Year 2008. The author then sent to each court a fourteen-page survey with sixty-five questions in order to study how each court addressed certain controversial or unclear aspects of the protection order process.

The review of the 2008 protection order case files identified a series of issues that need to be clarified or corrected by the Court. The review also unearthed the following statistics about protection orders in the Las Vegas Justice Court in 2008:

- (1) Only 30% of the cases involved parties who had traditional “domestic” relationships;
- (2) 54% of Adverse Parties were identified as male, and 42% of Adverse Parties were identified as female;
- (3) Nearly half of all Adverse Parties were identified as white, while 18% were identified as African-American and 17% were identified as Hispanic;
- (4) Guns, knives, and cars were the most common weapons allegedly used against victims;
- (5) 82% of protection orders that were issued were Temporary Orders, and only 18% were Extended Orders;
- (6) 59% of the issued Temporary Orders were served on Adverse Parties, while 66% of the issued Extended Orders were served on Adverse Parties;
- (7) Motions to Dissolve were only filed in 11% of cases where a protection order had been issued;
- (8) Motions for an Order to Show Cause for Contempt were only filed in 3% of cases where a protection order had been issued;
- (9) The average time to disposition for orders processed without a court hearing is 4.96 days, or nearly one full judicial week; and
- (10) The average time to disposition for orders processed with a court hearing is 20.38 days, or approximately one full judicial month.

The Customer Service Survey revealed demographic information about protection-order *Applicants* during the survey period. In terms of court accessibility, the survey results were extremely favorable. For example:

- (1) 90% of respondents said they were treated with courtesy and respect by court staff;
- (2) 88% of respondents said they felt safe in the courthouse; and
- (3) 87% of respondents said that court staff paid attention to their needs.

The lowest result involved the Las Vegas Justice Court website. Only 52% of the respondents said that the website was a helpful source of information about protection orders.

In terms of the protection order process, the respondents agreed most often with the following propositions:

- (1) 73% understood the differences between the five types of protection orders;
- (2) 73% understood the difference between a Temporary and Extended Order; and
- (3) 72% understood the lengths of time for which protection orders remain in effect.

However, only 59% of the respondents said that they knew how to get a copy of their protection order if the Court granted the request, and only 48% said that they understood the difference between Justice Court jurisdiction and District Court jurisdiction for protection orders.

For general comments, respondents provided a variety of superlative responses about their appreciation for specific court staff who assisted them.

The survey to other Justice Courts showed a great deal of confusion about various recurring issues in Nevada law. These issues involved such problem areas as public access to protection-order case files and exhibits, protection orders issued on behalf of and against minors, and how to implement the Sexual Assault protection-order statutes which were enacted in 2009.

Based upon the author's review of the 2008 protection order files in the Las Vegas Justice Court, and based upon the results from both the Customer Service Survey and the Survey to Other Courts, the author arrived at a set of 28 specific recommendations for either improving the processing of protection orders in the Las Vegas Justice Court, or for clarifying the law relating to protection orders generally. Key among these 28 recommendations are the following:

- (1) Working toward an aspirational goal of processing protection-order requests within 1 judicial day by using a form of "TPO Triage" involving staff attorneys or designated judicial officers;
- (2) Implementing a process where Extended Orders are issued immediately in open court;
- (3) Restricting Applicants from naming more than one Adverse Party per protection-order case;
- (4) Offering protection-order information to the public in dramatic, effective ways;
- (5) Requiring Juvenile Court to adjudicate protection-order requests against minors;
- (6) Clarifying whether records of issued protection orders can be "sealed" or "expunged";
- (7) Mandating that all protection orders be reported to the Central Repository for Nevada Records of Criminal History;
- (8) Altering Nevada protection-order law to adequately address acts and threatened acts;
- (9) Examining protection-order lengths and penalties to ensure logic and consistency; and
- (10) Eliminating pointless statutory provisions governing Workplace Harassment.

The author is hopeful that this project will trigger discussions both locally and statewide about the appropriate scope and implementation of Nevada's important protection order statutes.

II. INTRODUCTION

“[D]uring the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man”

Thomas Hobbes, *Leviathan*, ch. XIII

The concept of a “protection order” or a “TPO”¹ is a curious one under the law. Unlike a criminal case, where the awesome power of the State is wielded against a private citizen, an action for a protection order allows one private citizen to invoke judicial authority directly against another private citizen.

The implications are staggering when one considers that a protection order allows individuals to trigger invisible force fields affecting the conduct, movement, speech, and legal rights of others.

Even more significant is the fact that Nevada law allows a person to obtain a protection order based upon only a brief *ex parte* application.

From these concepts, questions immediately present themselves. Are protection orders being utilized in oppressive or unexpected ways? Are the factual scenarios involved similar to what the Nevada Legislature envisioned them to be? Are courts utilizing protection order tools correctly? Are judges issuing *ex parte* orders that trample upon the rights of innocent people

¹ The term “TPO” literally means “temporary protection order.” However, the term is generally used in a broad sense to apply to both Temporary Orders (which are effective for up to 30 days) and Extended Orders (which are effective for up to 1 year).

The term should be distinguished from several other legal concepts in Nevada law. First, in the Justice Court Rules of Civil Procedure (JCRCP), a “protective order” is an order that is commonly used in the context of civil discovery to protect a party from “annoyance, embarrassment, oppression, or undue burden or expense.” JCRCP 26(c).

Second, a “restraining order” and an “injunction” are addressed in Rule 65 of the Nevada Rules of Civil Procedure (NRCP), applicable only in District Court. See NRCP 65(a) (regulating preliminary injunctions); NRCP 65(b) (regulating temporary restraining orders); see also NRS 33.015 (“Whenever it appears that a defendant or other person is doing, about to do, threatening to do or procuring to be done some act against a victim of a crime or a witness in violation of any provision of NRS 199.230, 199.240, or 199.305, a court of competent jurisdiction may issue an injunction restraining the defendant or other person from the commission or continuance of that act.”).

before a hearing is held to determine the validity of specific allegations? Is this area of the law an insufficiently regulated “wild frontier”?

All of these questions form the basis for this research project, which is intended to shed some light on this rarely studied aspect of Nevada law.

However, the focus here is even more sharpened. Orders for protection against domestic violence are commonplace in Nevada and receive the majority of analytical scrutiny and media attention across the nation. What happens when the protection order construct is applied to individuals who are not in a typically “domestic” situation? Are the rights and remedies involved appropriate for such individuals?

The purpose of this project is to critically evaluate the processing of protection orders in the Las Vegas Justice Court, both from a customer service perspective and also from a perspective of legal accuracy. From this, larger issues will be explored as to the processing of protection orders generally in Nevada.

This project includes a herculean review of all TPO cases filed in the Las Vegas Justice Court in calendar year 2008, in order to compile the most precise statistics that ever have been attempted in Nevada, and in order to suggest an analytical template that can be adopted and adapted by other courts for statistical purposes.

The central TPO construct addressed in this project is the Order for Protection Against Stalking and Harassment. However, other non-domestic TPO types (Workplace Harassment, Harm to Minors, and Sexual Assault) are addressed to a lesser degree with respect to specific issues.

Next, this project analyzes a completed survey of all TPO applicants for a 90-day period, with the results used to pinpoint specific deficiencies and needed reforms on a basic “customer service” level.

Additionally, this project includes a survey of court personnel about specific issues relating to the processing of TPO cases, with emphases on how staff subjectively perceive the TPO process, and whether improvements need to be made in specific areas.²

Finally, this project enumerates a series of potential recommendations and legislative changes that need to be made, or at least considered, in order to clarify, harmonize, and simplify the law relating to limited jurisdiction TPO processing in Nevada.³

III. Literature Review

A. Protection Orders Generally

In *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement*, a publication from the National Institute of Justice, the authors cited six findings about the effectiveness of TPO’s to combat domestic violence:

- (1) Many victims seek civil protection orders to prevent future battering, choosing this course either instead of or in addition to filing a criminal complaint or seeking some form of legal separation;
- (2) With thousands of victims petitioning for protection orders, judges have a unique opportunity to intervene in domestic violence cases;
- (3) Protection orders, when properly drafted and enforced, were considered effective in eliminating or reducing abuse by most of the judges, victim advocates, and victims interviewed;

² The survey was directed to the ten Nevada justice courts which had more than 95 non-domestic-violence TPO’s filed in Fiscal Year 2008. These courts are in Las Vegas, Reno, Henderson, Carson City, Sparks, New River, Pahrump, North Las Vegas, Canal, and East Fork. This small sample allowed for responses to be pursued from every court; however, East Fork Justice Court did not respond to the survey. Nevertheless, the survey still generated narrative responses relating to significant and recurring issues in the processing of TPO cases.

³ A separate discussion of the legislative history of limited jurisdiction protection orders is included at Appendix R for reference purposes.

(4) The utility of protection orders may depend on whether they provide the requested relief in specific detail;

(5) The utility of civil protection orders also is determined largely by whether they are consistently enforced; and

(6) Despite the widespread belief that the effectiveness of civil protection orders depends largely on their enforceability, few courts that were studied had developed guidelines or procedures for punishing violators.⁴

These findings are equally applicable to protection orders generally. Other similarities relate to the advantages of protection orders over other types of remedies. First, protection orders can provide a means for law enforcement agencies to monitor repeat offenders and intervene effectively.⁵ Second, protection orders provide a means to stop conduct which, although serious in its long-term potential for harm, is of unclear or borderline criminality.⁶ Third, protection orders protect the integrity of the judicial process by helping to prevent the opportunity for retaliation, intimidation, or undue influence on complaining witnesses.⁷

The authors set forth the legal and procedural bases for civil protection orders by focusing on a variety of factors:

- (1) Who is eligible to petition for a TPO;
- (2) The behavior that triggers the need for a TPO; and
- (3) The types of relief that can be provided in a TPO.

Charts representing the application of these factors in all 50 states are included, as of the date of the publication.

⁴ Peter Finn and Sarah Colson, *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement* (March 1990), at pp. 1-2.

⁵ *Id.* at p.2.

⁶ *Id.* at pp.2-3 Such conduct may include acts that are not criminal at all (such as making phone calls), acts that may constitute a misdemeanor crime but which may not justify the time needed for a full trial or which may not present sufficient evidence for charging or conviction, and acts for which the victim cannot serve as a strong prosecution witness in response (because, for example, of the age, illness, or mental condition of the victim). *Id.* at p.3.

⁷ *Id.*

Although many TPO's are granted *ex parte* without direct communication between the Applicant and the reviewing judge, the authors alluded to several advantages of facilitating such communication: (1) The judge can determine by questioning the Applicant as to what dangers may exist and what provisions in the order are necessary to ensure safety; (2) the judge can inform the Applicant of the importance of appearing for an eventual evidentiary hearing on a protection order; and (3) the judge can assess the Applicant's credibility and thus safeguard the due process rights of the Adverse Party.⁸

The authors also argued that “[b]ecause judges exercise considerable authority with police departments and advocate groups, they are in a unique position to serve as leaders in encouraging the two to develop a collaborative approach to TPO’s.”⁹

In *Court Processing and the Effects of Restraining Orders for Domestic Violence Victims*, a 1993 report prepared by the Urban Institute, the authors described additional advantages of the TPO remedy:

(1) Unlike criminal hearings, which can take a great deal of time to schedule, civil hearings for TPO's can be scheduled very quickly and can provide legal protection during the high-risk period before a judge rules on the merits of a criminal complaint;

(2) Because incidents between private citizens often occur in the home or in the absence of witnesses, an evidentiary standard of “preponderance of the evidence” for TPO's allows for relief that may be more difficult to get in a criminal case;

(3) From the court's perspective, a case that can be handled as a civil, rather than a criminal matter, saves time and resources, both of which are precious commodities in an overburdened court system; and

(4) TPO's may be preferable to an Applicant instead of criminal penalties because of a concern that incarceration of the Adverse Party could interfere with alimony or child care payments, or because the Applicant would be too scared to testify in a criminal court.¹⁰

⁸ *Id.* at p.28. Some judges also use in-person contact with the Applicant to see if the Applicant has any visible injuries. *Id.*

⁹ *Id.* at p.63.

¹⁰ Adele Harrell, Barbara Smith, and Lisa Newmark, *Court Processing and the Effects of Restraining Orders for Domestic Violence Victims* (May 1993), at p.1.

The authors then studied various factors that affect the success of a TPO in providing relief. For example, victims cited the following reasons for not returning to court to get an Extended Order after initially obtaining a Temporary Order: (1) The order was no longer needed; (2) other interventions (such as counseling) solved the problem; (3) the Adverse Party pressured the Applicant into not pursuing further relief; (4) the Temporary Order was not effective, so the Applicant viewed the Extended Order as being potentially ineffective; (5) the Applicant was unable to have the Temporary Order served; (6) the protection order process was not convenient; and (7) the Applicant was not provided enough information about the protection order process and did not know how to proceed.¹¹ The latter two factors should be of special concern to judges; for example, court hours, court locations, and the imposition of fees can all be barriers to access for TPO's.¹²

The authors also commented that over-reliance on standardized TPO forms can be problematic if specific needed conditions are omitted.¹³

In 1997, the National Center for State Courts published a research report entitled *Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence*. With respect to domestic violence, this report arrived at the following conclusions:

- (1) Civil protection orders are valuable for helping victims regain a sense of well-being;
- (2) In the vast majority of cases, civil protection orders deter repeated incidents of physical and psychological abuse;
- (3) The study participants experienced severe abuse;
- (4) The majority of abusive partners had a criminal record;

¹¹ Id. at p.31.

¹² Id. at p.32.

¹³ See id. at p.78 (advocating that judges “personalize” the conditions of a TPO in order to reduce ambiguity); id. (stating that a significant percentage of applicants indicated that “there was something [they] needed in the order that [they] did not receive”).

- (5) The criminal record of the Adverse Party was associated with improvements in well-being and in curbing abusive conduct;
- (6) Temporary protection orders can be useful even if the victim does not follow through to obtain a permanent order;
- (7) The court process can influence the victim's active participation in deterring future violence in her life;
- (8) The full potential for comprehensive relief in protection orders has not been achieved;
- (9) Victims do not use the contempt process to enforce orders;
- (10) The potential for linking victims to services through the court process has not been achieved; and
- (11) Law enforcement agencies can do more to assist prosecutors in developing cases for prosecution, to arrest perpetrators, and to help victims access the civil protection order process.¹⁴

The report also described a universe of victim support services, such as medical assistance, police protection, private legal services, moral support and guidance from friends and relatives, assistance from private community organizations, government assistance, counseling services, and support groups.¹⁵ Courts should consider the inter-relationship of all of these services as they relate to victim assistance.

B. Stalking Generally

In 1989, an obsessed fan shot and killed actress Rebecca Schaeffer outside her Los Angeles apartment.¹⁶ Soon after, five Orange County women were slain, in unrelated incidents, at the hands of their intimate partners.¹⁷ All of these killings had two things in common: (1) The

¹⁴ Susan L. Keilitz, Paula L. Hannaford, and Hillery S. Efke, *Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence* (1997), at pp. IX-XV.

¹⁵ *Id.* at p. 55.

¹⁶ Robert A. Guy, Jr., *The Nature and Constitutionality of Stalking Laws*, 46 Vand. L. Rev. 991, 991(1993).

¹⁷ *Id.*

killers had stalked their victims incessantly; and (2) the justice system had been unable to intervene to prevent harm to the victims.¹⁸

In response, the California Legislature created the nation's first stalking law.¹⁹ Other states quickly followed suit, and now every state in the country has its own stalking law.²⁰

In 1993, the National Criminal Justice Association published a report which included a proposed model anti-stalking code that could be used and considered by the various states.²¹

The model code encouraged legislators to make stalking a felony offense; to establish penalties for stalking that reflect and are commensurate with the seriousness of the crime; and to provide criminal justice officials with the authority and legal tools to arrest, prosecute, and sentence stalkers.²² Moreover, the report proposed the following definition of "stalking" for courts to adopt:

¹⁸

Id.

¹⁹

Id. Then, as now, California requires a "credible threat" as part of the stalking offense. See Cal. Penal Code § 646.9(a) ("Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking. . . ."). Moreover, unlike Nevada law, California law explicitly refers to "following" as a form of stalking.

²⁰

See U.S. Department of Justice, *Stalking and Domestic Violence: The Third Annual Report to Congress under the Violence Against Women Act* (July 1998), at p.5 ("Unprecedented interest in stalking over the past decade has produced media accounts of stalking victims [and] passage of antistalking laws in all 50 states and the District of Columbia. . . .").

Stalking is also prohibited by federal law. 18 U.S.C. § 2261A. See Belinda Wiggins, Note, *Stalking Humans: Is There a Need for Federalization of Anti-Stalking Laws in Order to Prevent Recidivism in Stalking?*, 50 Syracuse L. Rev. 1067, 1078 (2000) (stating that the intent of Congress was "to allow the federal government to assist states only in those limited circumstances in which the federal government typically has control, such as crimes occurring in more than one state's jurisdiction"); id. at 1091 (arguing that a more expansive federal scheme of legislation could supplement current state anti-stalking laws in three ways: (1) Victims could obtain relief that they could not obtain at the state level; (2) federal judges are able to impose stricter sentences which are more likely to deter the offender from acting again and prevent him or her from harming others, and can require that he or she undergo mandatory psychological counseling; and (3) defendants who are sentenced in federal court serve a larger portion of their sentences).

²¹

National Criminal Justice Association, *Project to Develop a Model Anti-Stalking Code for States* (October 1993).

²²

Id. at p.43.

Section 1. For purposes of this code:

- (a) “Course of conduct” means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threat or threats implied by conduct or a combination thereof directed at or toward a person;
- (b) “Repeatedly” means on two or more occasions;
- (c) “Immediate family” means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who within the prior six months regularly resided in the household.

Section 2. Any person who:

- (a) purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to himself or herself or a member of his or her immediate family or to fear the death of himself or herself or a member of his or her immediate family; and
- (b) has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to himself or herself or a member of his or her immediate family or will be placed in reasonable fear of the death of himself or herself or a member of his or her immediate family; and
- (c) whose acts induce fear in the specific person of bodily injury to himself or herself or a member of his or her immediate family or induce fear in the specific person of the death of himself or herself or a member of his or her immediate family;

is guilty of stalking.²³

The above language is somewhat cumbersome, and, in fact, states have adopted different and myriad approaches to address stalking.²⁴

C. The Nature and Effect of Stalking

An estimated 3.4 million Americans identified themselves as victims of stalking during a one-year span, with about half of the victims experiencing at least one unwanted contact per week from a stalker, and 11% having been stalked for five or more years, according to a report

²³ Id. at pp.43-44.

²⁴ See generally U.S. Department of Justice, *Stalking and Domestic Violence: The Third Annual Report to Congress under the Violence Against Women Act* (July 1998) (setting forth various charts to compare: (1) How state stalking laws vary by crime level seriousness; and (2) state stalking laws’ agreement with the Model Code on specific elements); see also U.S. Department of Justice, *Strengthening Antistalking Statutes* (January 2002), at pp. 1-5 (noting that the types of statutory variations relate to the following: (1) Prohibited behavior; (2) whether an explicit threat is required; (3) the reactions of the victim; (4) the intentions of the stalker; (5) whether aggravating circumstances exist; and (6) whether special bail restrictions can be placed upon stalkers).

by the Justice Department’s Bureau of Justice Statistics.²⁵ The most commonly reported types of stalking were unwanted phone calls (66%)²⁶, unsolicited letters or e-mail (31%), or having rumors spread about the victim (36%).²⁷ More than one-third of the victims reported being following or spied upon, while others said they were tracked by electronic monitoring, listening devices, or video cameras.²⁸

Women were far more likely than men to be stalking victims, and people who were divorced or separated were more vulnerable than other marital categories.²⁹ People aged 18-24 were more likely to be stalked than older people.³⁰

Victims reported suffering a range of emotions because of the stalking, such as not knowing what would happen next (46%), fearing the stalking would continue indefinitely (29%), and fearing death (9%).³¹

Nationally, stalking victims generally fall within one of four general categories:

(1) The most well-known stalking cases involve celebrities or public figures. Fans who believe that they share a kind of intimacy with a celebrity sometimes become obsessive and often will go to great lengths to make contact with that celebrity.

(2) Other victims of stalking are private citizens chosen purely at the will of the stalker.

²⁵ *Unprecedented U.S. Survey Tracks Scope of Stalking*, Las Vegas Sun (Jan. 13, 2009). The cited report covered a 12-month period in 2005-06. *Id.*

²⁶ Nevada law contains a specific criminal offense relating to unwanted phone calls. *See* NRS 201.255(1) (“Any person who willfully makes a telephone call and addresses any obscene language, representation or suggestion to or about any person receiving such call or addresses to such other person any threat to inflict injury to the person or property of the person addressed or any member of the person’s family is guilty of a misdemeanor.”); NRS 201.255(2) (“Every person who makes a telephone call with intent to annoy another is, whether or not conversation ensues from making the telephone call, guilty of a misdemeanor.”); NRS 201.255(3) (“Any violation of subsections 1 and 2 is committed at the place at which the telephone call or calls were made and at the place where the telephone call or calls were received, and may be prosecuted at either place.”).

²⁷ *Unprecedented U.S. Survey Tracks Scope of Stalking*, Las Vegas Sun (Jan. 13, 2009). The act of spreading “rumors” does not appear, by itself, to be sufficient for stalking to occur in Nevada, and such an act has a First Amendment component that appears to defy easy criminalization.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

These stalkers are usually described as love obsessive and have had no prior relationship with the victim.

(3) Another group of victims includes those individuals who have had a professional relationship with their stalkers. For example, employers have been stalked by disgruntled employees, and doctors or therapists are sometimes stalked by former patients. These stalkers often feel a special connection to the professionals and subsequently feel “cheated” when the professional relationship has ended.

(4) Stalking most frequently occurs in connection with domestic violence. The common scenario involves a scorned lover or estranged spouse who follows or harasses a former partner.³²

Many law review articles have addressed whether specific stalking laws can survive constitutional scrutiny.³³ The two most common constitutional issues raised involve “overbreadth” and “vagueness.”

With respect to the overbreadth doctrine, the Nevada Supreme Court has stated the following:

A law is overbroad and void on its face if it “sweeps within its ambit other activities that in ordinary circumstances constitute an exercise of” protected First Amendment rights. When a law regulates arguably expressive conduct, such as erotic dancing, “the scope of the [law] does not render it unconstitutional unless its overbreadth is not only ‘real, but substantial as well, judged in relation to the [law’s] plainly legitimate sweep.” Even if a law at its margins proscribes protected expression, an overbreadth challenge will fail if the “remainder of the statute . . . covers a whole range of easily identifiable and constitutionally proscribable . . . conduct.”³⁴

³² Brenda K. Harmon, *Illinois’ Newly Amended Stalking Law: Are All the Problems Solved?*, 19 S.Ill.U.L.J. 165, 168-69 (1994). See *Lewis Asks: “Do We Wait until My Daughter Is Dead?”*, Las Vegas Sun (March 12, 1999) (describing how comedian Jerry Lewis testified before the Nevada Legislature about nine years of terror that he suffered at the hands of a chronic schizophrenic who was convicted of stalking him in 1995).

³³ See, e.g., B. Benjamin Haas, Comment, *The Formation and Viability of Anti-Stalking Laws*, 39 Vill.L.Rev. 1387 (1994); Robert A. Guy, Jr., Note, *The Nature and Constitutionality of Stalking Laws*, 46 Vand. L. Rev. 991 (May 1993); Silvija A. Strikis, Note, *Stopping Stalking*, 81 Geo.L.J. 2771 (August 1993); see also Robert P. Faulkner and Douglas H. Hsiao, Article, *And Where You Go I’ll Follow: The Constitutionality of Antistalking Laws and Proposed Model Legislation*, 31 Harv. J. on Legis. 1, 61-62 (1993) (concluding that “[t]he constitutional flaws in existing antistalking statutes are primarily a result of the hasty and highly politicized manner in which these laws were enacted rather than from any inherent constitutional protection for true stalking behavior”).

³⁴ *City of Las Vegas v. Eighth Judicial Dist. Court*, 122 Nev. 1041, 1051-52, 146 P.3d 240, 247 (2006).

In *State v. Colosimo*, 122 Nev. 950, 142 P.3d 352 (2006), the Court emphasized that “the First Amendment

The Nevada Legislature has attempted to address overbreadth concerns by exempting from the scope of the stalking law “acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

- (1) Picketing which occurs during a strike, work stoppage or any other labor dispute.
- (2) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.
- (3) The activities of a person that are carried out in the normal course of his or her lawful employment.
- (4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.³⁵

With respect to the “vagueness” doctrine, the Nevada Supreme Court has set forth the following standards:

A statute is void for vagueness and therefore repugnant to the Due Process Clause of the Fourteenth Amendment if it fails to sufficiently define a criminal offense such that a person of ordinary intelligence would be unable to understand what conduct the statute prohibits. In addition, a statute is unconstitutionally vague if it encourages arbitrary and discriminatory enforcement because it lacks specific standards. However, "a statute will be deemed to have given sufficient warning as to proscribed conduct when the words utilized have a well settled and ordinarily understood meaning when viewed in the context of the entire statute." Although "there may be marginal cases in which it is difficult to determine the side of the line on which a particular fact situation falls," such a limitation is not sufficient to determine that a criminal statute is unconstitutional.³⁶

needs breathing space and that statutes attempting to restrict or burden the exercise of First Amendment rights must be narrowly drawn and represent a considered legislative judgment that a particular mode of expression has to give way to other compelling needs of society.” *Id.* at 955, 142 P.3d at 355-56. The Court also noted that the United States Supreme Court has permitted overbreadth attacks where “rights of association were ensnared in statutes which, by their broad sweep, might result in burdening innocent associations.” *Id.* at 955, 142 P.3d at 356. However, the scrutiny applied to such statutes lessens when the behavior prohibited is less pure speech and more expressive conduct, especially if that conduct “falls within the scope of otherwise valid criminal laws that reflect legitimate state interests in maintaining comprehensive controls over harmful, constitutionally unprotected conduct.” *Id.*

³⁵

³⁶

NRS 200.575(6)(g).
Nelson v. State, 123 Nev. 534, 540-41, 170 P.3d 517, 522 (2007). See *Berry v. State*, 125 Nev. Adv. Op. No. 26, 212 P.3d 1085, 1098 (July 30, 2009) (concluding that NRS 201.210, Nevada’s open and gross lewdness statute, is not unconstitutionally vague because “[e]ach of the terms set forth in the statute— ‘open,’ ‘gross,’ and ‘lewdness’--all have generally accepted meanings that impart sufficient notice on the average person of what conduct the statute proscribes.”).

Nevada’s stalking statute, NRS 200.575, utilizes terms that are reasonably precise such as “without lawful authority,” “willfully,” “maliciously,” and “course of conduct.”³⁷

Moreover, the statute includes both a subjective component and an objective component for defining if the offense has occurred.³⁸

Therefore, NRS 200.575 is likely to withstand an attack on vagueness grounds.³⁹

IV. METHODOLOGY

In order to understand the methodology used for this project, a brief overview of Nevada law is necessary.

A. The Nevada Court System

Under the Nevada Constitution, the judicial power of the State of Nevada is vested in a court system comprising a Supreme Court, district courts, and justices of the peace.⁴⁰ The Constitution also allows the Nevada Legislature to establish, as part of that system, Municipal Courts in incorporated cities and towns.⁴¹

³⁷ NRS 200.575(1). But see Robert A. Guy, Jr., Note, *The Nature and Constitutionality of Stalking Laws*, 46 Vand. L. Rev. 991, 1015 (1993) (suggesting that when a statute involves a “course of conduct” requiring a series of acts over a period of time, and that statute sets no minimum time period, “[t]wo separate acts only minutes apart thus may constitute a course of conduct,” but that this level of uncertainty may be “a necessary evil to prohibit stalking behavior adequately”).

³⁸ NRS 200.575(1). The course of conduct at issue must cause a victim to “actually” feel terrorized, frightened, intimidated, or harassed,” and that reaction must be such that a reasonable person would also feel terrorized, frightened, intimidated or harassed. Id.

³⁹ Early iterations of NRS 200.575 proposed language that would have required the victim to feel “annoyed” or “alarmed.” Such terminology almost certainly would have been stricken on vagueness grounds. See City of Las Vegas v. Eighth Judicial Dist. Court, 118 Nev. 859, 865, 59 P.3d 477, 482 (2002) (concluding that NRS 207.260, which made it a misdemeanor for a person to “annoy” a minor, was vague based upon the fact that “the standard of conduct proscribed by NRS 207.260, namely, conduct which is ‘annoying,’ does not provide fair notice because the citizens of Nevada must guess when conduct that bothers, disturbs, irritates or harasses a minor rises to the level of criminal conduct.”). The Nevada Legislature later amended NRS 207.260 to mirror the stalking statute. See NRS 207.260 (prohibiting “unlawful contact with a child or person with a mental illness” and defining “unlawful contact” in terms of whether the course of conduct actually caused the victim to feel, and would also cause a reasonable victim to feel, terrorized, frightened, intimidated or harassed). Curiously, though, the Nevada Legislature did not incorporate an explicit TPO remedy for a person who is a victim of the crime of “unlawful contact with a child or person with mental illness.”

⁴⁰ *Nevada Constitution, Article 6, Section 1.*

⁴¹ Id. Municipal Courts have no jurisdiction over TPO actions and are not discussed in this project.

The District Court are courts of “general jurisdiction” where major civil and criminal cases are decided.⁴² Nevada’s District Court judges preside over felony and gross misdemeanor trials, civil cases with a value above \$10,000.00, family law matters, and juvenile issues involving crime, abuse, and neglect.⁴³ Appeals of District Court cases go to the Nevada Supreme Court.⁴⁴

The Nevada Constitution mandates that Nevada be divided into nine judicial districts.⁴⁵ Las Vegas is part of the Eighth Judicial District.

The Justice Courts are “limited jurisdiction” courts which use Justices of the Peace.⁴⁶

Justices of the peace preside over preliminary matters in felony and gross misdemeanor cases, civil cases up to \$10,000.00, and landlord-tenant disputes.⁴⁷ The Justice Courts also have original jurisdiction over misdemeanor crimes and traffic matters that occur in unincorporated townships.⁴⁸ Decisions of Justices of the Peace may be appealed to the District Courts.⁴⁹

The Nevada Supreme Court is the administrative head of the legal system, overseeing the lower courts and issuing rules governing court procedures, ethical requirements, and professional conduct of judges and attorneys. Additionally, the Nevada Supreme Court can create

⁴² Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2008)*, at p.4.

⁴³ Id. Article 6, Section 6, of the Nevada Constitution provides that “[t]he District Courts in the several Judicial Districts of this State have original jurisdiction in all cases excluded by law from the original jurisdiction of justices’ courts.”

⁴⁴ *Nevada Constitution, Article 6, Section 4.*

⁴⁵ *Nevada Constitution, Article 6, Section 5.*

⁴⁶ Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2008)*, at p.4. Several limited jurisdiction judges serve their communities as both justice of the peace and municipal court judge. Id.

Article 6, Section 8, of the Nevada Constitution declares that “[t]he Legislature shall determine the number of Justices of the Peace . . . and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided, or any combination of these.”

⁴⁷ NRS 4.370. This statute sets forth the jurisdictional blueprint for Justice Courts. NRS 4.370 is reprinted in its entirety at Appendix A.

⁴⁸ Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2008)*, at p.4; NRS 4.370.

⁴⁹ Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2008)*, at p.4. See Nevada Constitution, Article 6, Section 6 (declaring that District Courts have final appellate jurisdiction in cases arising in Justice Courts and such other inferior tribunals as may be established by law).

commissions and committees to study the judicial system and recommend changes and improvements. One such committee is the Committee to Standardize Protection Order Forms in Nevada, which is referenced at various times within this project by the shorthand of “AOC TPO Forms Committee.”

B. The Las Vegas Justice Court

By far, the Las Vegas Justice Court is the busiest Justice Court in the State. This extreme workload contributes to the delay in processing TPO filings, so a brief review of the specific workload is warranted.

The following statistics appear in the *Annual Report of the Nevada Judiciary (Fiscal Year 2009)* and are reprinted below.

As can be expected for the most populous Justice Court township, the Las Vegas Justice Court had the highest criminal caseload with nearly 63 percent of the Justice Court statewide total. Reno Justice Court was next with almost 9 percent.

Justice Court civil filings for fiscal year 2009 increased 8 percent statewide over last year. Las Vegas Justice Court had the highest percentage of civil cases statewide (68 percent). Reno Justice Court was the next highest (10 percent).

Disposition information for Justice Courts is provided in Table 11. Overall, total non-traffic dispositions increased 35 percent over last year. Criminal case dispositions increased 11 percent and civil case dispositions increased more than 42 percent. Most of the large increase in civil case dispositions can largely be attributed to the Las Vegas Justice Court, which reported a significant increase in dispositions due to an administrative review and closure of outstanding civil cases.

. . .

In Figure 7, nine courts have more than 2,000 non-traffic cases filed per judicial position. Las Vegas had the most at 14,967, an increase from the previous year (14,641). . . .

Next was Reno Justice Court with 4,786 cases filed per judicial position, a slight increase from last year (4,751).⁵⁰

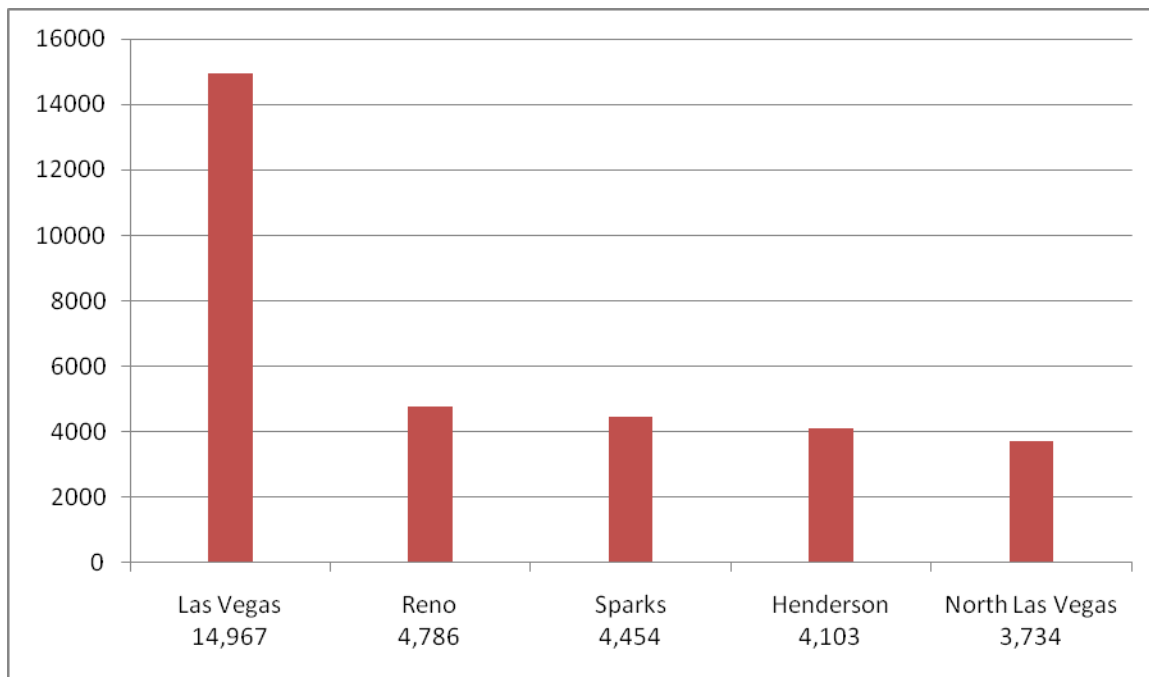
By way of comparison, the five busiest Justice Courts, in terms of non-traffic cases filed per judicial position, are set forth below:

⁵⁰ Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2009)*, at p.36.

**TABLE #1: NUMBER OF JUDICIAL POSITIONS
IN NEVADA’S BUSIEST JUSTICE COURTS IN FISCAL YEAR 2009⁵¹**

Justice Court	Number of Judicial Positions
Las Vegas	12 ⁵²
Reno	5
Sparks	2
Henderson	3
North Las Vegas	3

**ILLUSTRATION #1: NON-TRAFFIC⁵³ CASES FILED PER JUDICIAL POSITION IN
NEVADA’S BUSIEST JUSTICE COURTS IN FISCAL YEAR 2009⁵⁴**



⁵¹ Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2009)*, at p.38.

⁵² In January 2009, the Las Vegas Justice Court added two more justices of the peace to its bench. Therefore, the total number of justices of the peace in the Court is now twelve. In 2011, two new judicial departments will be created, bringing the total number of justices of the peace to fourteen. However, the review of the 2008 TPO files discussed in this project is based on Calendar Year 2008 when there were only ten justices of the peace.

⁵³ Traffic violations may be resolved by payment of fines without the involvement of a judge. Therefore, the Administrative Office of the Courts does not include traffic violations in the category of “cases filed per judicial position.”

⁵⁴ Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2009)*, at p.38.

This project focuses on calendar year 2008. The applicable statistics for that time period for the Las Vegas Justice Court are set forth below, along with a comparison to 2009 data:

TABLE #2: CIVIL CASELOAD PROCESSED BY THE LAS VEGAS JUSTICE COURT IN FISCAL YEARS 2008-2009⁵⁵

<i>Year</i>	<i>Civil Cases Filed</i>	<i>Civil Cases Filed</i>	<i>Civil Cases Filed</i>	<i>Civil Cases Filed</i>	<i>Civil Cases Filed</i>	<i>Re-Opened Cases</i>	<i>Total Civil Cases</i>	<i>Total Cases Disposed</i>
	<i>General Civil</i>	<i>Small Claims⁵⁶</i>	<i>Landlord-Tenant (formerly Summary Eviction)</i>	<i>Requests for Domestic Violence TPO's</i>	<i>Requests for Protection Orders (non-Domestic Violence)</i>			
2008	55,698	7,248	23,960	a ⁵⁷	2,516	3,799	93,221	58,384
2009	74,113	7,003	21,646	nj ⁵⁸	2,463	3,530	108,755	98,087

The 2,516 “non-Domestic Violence” TPO’s referenced above for Fiscal Year 2008 are measured by the number of adverse party defendants, as opposed to the number of TPO cases.

This project focuses on the 2,040 “non-Domestic Violence” TPO cases filed in the Las Vegas Justice Court in Calendar Year 2008.

C. TPO Jurisdiction in the Las Vegas Justice Court

Prior to 2009, Nevada law provided for four different types of protection orders.⁵⁹ These four types (in the order in which they were created) are as follows:

⁵⁵ Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2009)*, at Appendix Table A7; Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2008)*, at p.55.

⁵⁶ Small claims cases are those involving an amount in controversy of \$5,000.00 or less. NRS 73.010. These cases are handled informally for the benefit of proper person litigants.

⁵⁷ This designation indicates that “Municipal Court data [is] included in totals.” Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2008)*, at p.55. This appears to be a mistake because Municipal Courts do not issue Domestic Violence TPO’s, and, in any event, there are no “totals” listed in the particular column.

⁵⁸ This abbreviation stands for “not within court jurisdiction.”

⁵⁹ Effective May 11, 2009, Nevada law now also allows an Order for Protection Against Sexual Assault. NRS 200.378 through 200.3784, inclusive. This TPO is available for a person who reasonably believes that the crime of sexual assault “has been committed against him or her by another person,” without regard to the recency of the sexual assault. NRS 200.378(1). Although this specific TPO type was not in effect during the period of time focused on in this project, the Order for Protection Against Sexual Assault will be

- (1) Orders for Protection Against Domestic Violence⁶⁰
- (2) Orders for Protection Against Stalking and Harassment⁶¹
- (3) Orders for Protection Against Harassment in the Workplace⁶²
- (4) Orders for Protection Against Harm to Minors⁶³

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discussed in the context of ambiguities and issues relating to TPO's generally. Justice Courts (including the Las Vegas Justice Court) have exclusive jurisdiction to issue this new type of TPO. NRS 4.370(1)(r). NRS 33.017 through NRS 33.100, inclusive. The crime of "domestic violence" is defined in NRS 33.018:

NRS 33.018. Acts which constitute domestic violence.

1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
 - (1) Stalking.
 - (2) Arson.
 - (3) Trespassing.
 - (4) Larceny.
 - (5) Destruction of private property.
 - (6) Carrying a concealed weapon without a permit.
 - (7) Injuring or killing an animal.
- (f) A false imprisonment.
- (g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

The definition of "domestic violence" specifically includes reference to "stalking," "harassing," and "sexual assault." This creates a problem in that Family Court jurisdiction is defined based on the status of the parties (*ie.*, *domestic*) while Justice Court jurisdiction is defined based on the status of the specific act involved. When the status of the parties and the act overlap, the problem of dual jurisdiction arises.

The TPO statutes provide that all the TPO remedies do not prohibit other forms of relief. See NRS 200.591(1) (declaring that a Stalking TPO is "[i]n addition to any other remedy provided by law"). Thus, a person can request multiple TPO's at once. And, since the penalties for violating a TPO are often stronger in Justice Court, an applicant has an incentive to file for a TPO in Justice Court even though the case may involve "domestic" issues that would be more appropriately handled in Family Court. An example of this would be the ex-husband who is stalking his ex-wife but who has children in common with the ex-wife. Issues such as custody, support, and visitation are beyond the traditional role of a justice of the peace, and a justice of the peace has to be cautious about issuing a TPO that may contradict a prior District Court order.

61

NRS 200.571 through NRS 200.601, inclusive.

62

NRS 33.200 through NRS 33.360, inclusive.

The latter three TPO types are all within the exclusive jurisdiction of Justice Courts, including the Las Vegas Justice Court.⁶⁴ These TPO's and their handling in the Las Vegas Justice Court constitute the major focus of this project.⁶⁵

On the other hand, the Las Vegas Justice Court does not have jurisdiction to issue Orders for Protection Against Domestic Violence. This is because of the complex structure of NRS 4.370, the Justice Court jurisdictional statute. In pertinent part, NRS 4.370 states the following:

NRS 4.370. Jurisdiction.

1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

. . .

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

- (1) In a county whose population is more than 100,000 and less than 400,000;
- (2) In any township whose population is 100,000 or more located within a county whose population is more than 400,000; or
- (3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court. . . .

Somewhat paradoxically, NRS 4.370(1)(m) grants Domestic Violence TPO jurisdiction to the Justice Court, and it then strips the Justice Court of jurisdiction if certain conditions are present. One of those conditions is when the Justice Court is located “[i]n any township whose population is 100,000 or more located within a county whose population is more than

⁶³ NRS 33.400 through NRS 33.440, inclusive. The Nevada Revised Statutes refer to these TPO's as “Orders for Protection of Children.” However, all the TPO types contain provisions that can “protect” children, so the aforementioned label is not particularly useful or precise. Throughout this project, these TPO's will be referred to as “Orders for Protection Against Harm to Minors” since that is the underlying premise that triggers the need for such TPO's.

⁶⁴ NRS 4.370(1)(n); NRS 4.370(1)(q); NRS 4.370(1)(t).

⁶⁵ As of the date of this project, the Nevada Supreme Court has not issued any published opinions relating to these three TPO types.

400,000.”⁶⁶ Because the Las Vegas Justice Court falls within this description, the Court does not have jurisdiction to issue a Domestic Violence TPO. Instead, jurisdiction defaults to the Eighth Judicial District Court. More specifically, Domestic Violence TPO’s are heard in the Family Division of the Eighth Judicial District Court.⁶⁷

Thus, this project will not address the processing of Domestic Violence TPO’s in the Las Vegas Justice Court because such processing does not occur. However, jurisdictional issues between the Las Vegas Justice Court and the Family Division of the Eighth Judicial District Court continue to be a vexing problem for court staff and litigants.

1. Orders for Protection Against Stalking and Harassment

An Order for Protection against Stalking and Harassment is authorized by NRS Chapter 200. It is important to emphasize that this specific TPO type can restrain a person from committing either harassment or stalking.

a. The Substantive Offenses Involved

Under NRS 200.571, a person commits the crime of **harassment** if the following facts exist:

- (1) Without lawful authority, the person knowingly threatens:
 - (a) To cause bodily injury in the future to the person threatened or to any other person;
 - (b) To cause physical damage to the property of another person;
 - (c) To subject the person threatened or any other person to physical confinement or restraint; or
 - (d) To do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; **and**

⁶⁶ NRS 4.370(1)(m)(2).

⁶⁷ See NRS 3.0105(1) (establishing, in each judicial district that includes a county whose population is 100,000 or more, a family court as a division of the district court); NRS 3.223(2) (declaring that “[t]he family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence”). [*Emphasis added*].

(2) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.⁶⁸ [*Emphasis added*].

Under NRS 200.575, “[a] person who, without lawful authority, willfully or maliciously engages in a course of conduct⁶⁹ that would cause a reasonable person to feel terrorized, frightened, intimidated⁷⁰, harassed, or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed, or fearful for the immediate safety of a family or household member, commits the crime of stalking.”⁷¹

A “course of conduct” means “a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.”⁷²

⁶⁸ NRS 200.571(1). In general, a first offense of harassment is a misdemeanor, and a second or subsequent offense is a gross misdemeanor. NRS 200.571(2). The penalties provided by the harassment statute “do not preclude the victim from seeking any other legal remedy available.” NRS 200.571(3).

⁶⁹ The statutory reference to “engages in a course of conduct” leaves open the question of whether, and when, a person could be charged with “attempted stalking.” See NRS 193.330(1) (“An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime.”).

⁷⁰ Nevada law prohibits “coercion,” which is a separate offense relating to intimidation. See NRS 207.190(1)(c) (“It is unlawful for a person, with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing, to . . . [a]ttempt to intimidate the person by threats or force.”).

⁷¹ NRS 200.575(1). In general, a first offense of stalking is a misdemeanor, and a second or subsequent offense is a gross misdemeanor. Id. The statute also provides additional penalties if a person commits the crime of “aggravated stalking,” which occurs when a person “commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm.” NRS 200.575(2). Moreover, the statute provides an enhanced penalty when a person commits the crime of stalking “with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim.” NRS 200.575(3).

These additional penalties can also apply in the harassment context. See NRS 200.571(2) (declaring that the standard penalties for harassment apply “[e]xcept where the provisions of subsection 2 or 3 of NRS 200.575 are applicable”).

Also, like harassment penalties, stalking penalties “do not preclude the victim from seeking any other legal remedy available.” NRS 200.575(5). See NRS 200.575(4) (noting that “[e]xcept as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.”).

⁷² NRS 200.575(6)(a).

“Without lawful authority” includes acts which are initiated or continued without the victim’s consent.⁷³ The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction.⁷⁴

Stalking and harassment offenses are deemed to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred.⁷⁵

b. The Protection Order Process

Only four statutes regulate the protection order process for Orders for Protection Against Stalking and Harassment. These four statutes have served as the blueprint for the three subsequent TPO constructs created by the Legislature (*ie.*, Orders for Protection Against Harassment in the Workplace, Orders for Protection Against Harm to Minors, and Orders for Protection Against Sexual Assault).

The first statute regulating the protection order process for Orders for Protection Against Stalking and Harassment is NRS 200.591.

Subsection one declares that “[i]n addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order.”⁷⁶ Such an order may direct the person who is allegedly committing the crime to do the following:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named⁷⁷ by the court.

⁷³ NRS 200.575(6)(g).

⁷⁴ Id.

⁷⁵ NRS 200.581.

⁷⁶ NRS 200.591(1).

⁷⁷ This statute suggests that each of the listed locations must be specifically named. If an Applicant does not wish to disclose the exact locations, a protection order can still order an Adverse Party to stay away from the Applicant, without regard to geographical locations.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.⁷⁸

A Temporary Order may be granted with or without notice to the adverse party.⁷⁹

However, an Extended Order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.⁸⁰

If an Extended Order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question.⁸¹

Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order⁸², any person who intentionally violates:

Also, the statutory language is ambiguous in that it is not clear whether the locations listed above must be within the State of Nevada. Nevertheless, the Las Vegas Justices of the Peace regularly impose such a limitation in their protection orders.

⁷⁸ NRS 200.591(1)(a)-(c). If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a protection order or include similar requirements as a condition of the release or sentence of the defendant. NRS 200.591(2). The focus of this project is on TPO's that are issued upon the application of a victim, as opposed to TPO's that are issued as a condition of release or sentence. Nevertheless, enforcement and interpretation of TPO's pose the same issues in either context.

⁷⁹ NRS 200.591(3).

⁸⁰ Id. If the case proceeds to a hearing, the standard of proof which generally applies is presumably "the preponderance of the evidence" standard which applies in civil cases. However, the standard of proof for TPO cases is not explicit in Nevada law.

⁸¹ NRS 200.591(4). The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order. Id. It is not clear what standard of review applies to the appeal of a TPO. However, in Anvui, LLC v. G.L. Dragon, LLC, 123 Nev. 212, 163 P.3d 405 (2007), the Nevada Supreme Court ruled that its review of an order granting summary eviction under NRS 40.253(6) is "de novo" because those proceedings are analogous to an order granting summary judgment under NRCP 56. Id. at 215, 163 P.3d at 407. If the Nevada Supreme Court adopts a similar review standard for TPO's, a District Court on appeal will be required to determine whether the evidence properly before the Justice Court "demonstrate[s] that 'no genuine issue as to any material fact [remains] and that the moving party is entitled to a judgment as a matter of law.'" Id.

- (a) A Temporary Order is guilty of a gross misdemeanor.
- (b) An Extended Order is guilty of a category C felony and shall be punished as provided in NRS 193.130.⁸³

Any court order that is issued pursuant to NRS 200.591 must:

- (a) Be in writing;
- (b) Be personally served on the person to whom it is directed; and
- (c) Contain the warning that violation of the order:
 - (1) Subjects the person to immediate arrest.
 - (2) Is a gross misdemeanor if the order is a temporary order.
 - (3) Is a category C felony if the order is an extended order.⁸⁴

The second statute regulating the protection order process for Orders for Protection Against Stalking and Harassment is NRS 200.592.

Under that statute, “[t]he payment of all costs and official fees must be deferred for any person who petitions a court for a temporary or extended order pursuant to NRS 200.591.”⁸⁵

After any hearing and not later than final disposition of such an application or order, “the court

⁸² An example of a “more severe penalty” is found in NRS 193.166. Under NRS 193.166(1), a person who commits a crime that is punishable as a felony in violation of a TPO, with certain exceptions, “shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison . . . except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years.” The Legislature has enumerated various factors that a court must consider in fixing this additional penalty. See, e.g., NRS 193.166(2) (listing “the facts and circumstances of the crime,” “the criminal history of the person,” “the impact of the crime on any victim,” “any mitigating factors presented by the person,” and “any other relevant information”).

Despite the existence of this statute, the Nevada Supreme Court has never ruled upon the double jeopardy implications of convictions for underlying crimes and convictions for related TPO violations (for example, a battery committed in violation of a TPO).

⁸³ NRS 200.591(5). See NRS 193.140 (mandating that every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty); see also NRS 193.130(2)(c) (providing that a category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, and in addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute).

⁸⁴ NRS 200.591(6).

⁸⁵ NRS 200.592(1).

shall assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.”⁸⁶

Moreover, a person who obtains an order pursuant to NRS 200.591 must not be charged any fee to have the order served in Nevada.⁸⁷

The third statute regulating the protection order process for Orders for Protection Against Stalking and Harassment is NRS 200.594. This statute addresses duration of orders as well as dissolution and modification.

For example, a Temporary Order issued pursuant to NRS 200.591 expires within such time, not to exceed 30 days, as the court fixes.⁸⁸ If a petition for an Extended Order is filed within the period of a Temporary Order, the Temporary Order remains in effect until the hearing on the Extended Order is held.⁸⁹

On two days’ notice to the party who obtained the Temporary Order, the adverse party may appear and move its dissolution or modification, and in that event the court must proceed to hear and determine such motion “as expeditiously as the ends of justice require.”⁹⁰

⁸⁶ Id. NRS 200.592(2) further requires the clerk of court to provide a person who petitions the court for a temporary or extended order pursuant to NRS 200.591 and the adverse party, free of cost, with information about the following:

- (a) The availability of temporary and extended orders pursuant to NRS 200.591;
- (b) The procedure for filing an application for such an order; and
- (c) The right to proceed without legal counsel.

⁸⁷ NRS 200.592(3).

⁸⁸ NRS 200.594(1). The Las Vegas Court “fixes” the effectiveness of the TPO as beginning when an Adverse Party has been served. Other Justice Courts “fix” the effectiveness of the TPO as beginning when the judge signs the Order. The statute seems to tolerate either approach. Only in the context of Workplace TPO’s is one specific interpretation explicit. See NRS 33.270(5) (“A temporary order for protection against harassment in the workplace that is granted, with or without notice, must expire not later than 15 days after the date on which the order is issued. . . .”). [*Emphasis added*].

⁸⁹ NRS 200.594(1). The language in this statute does not mandate any time period in which an extended order hearing has to be set. Therefore, a judge can build a long bridge between a 30-day Temporary Order and a 1-year Extended Order simply by creating a buffer of expanded duration in the period between both orders. A clever judge relying on this loophole can have a TPO be in effect for an extremely long period of combined time. This approach is discussed in more detail later in this project.

⁹⁰ NRS 200.594(2).

As mentioned previously, an Extended Order expires within such time, not to exceed 1 year, as the court fixes.⁹¹

The final statute regulating the protection order process for Orders for Protection Against Stalking and Harassment is NRS 200.597. This statute deals with transmission of orders to law enforcement agencies.

For example, each court that issues an order pursuant to NRS 200.591 must transmit, as soon as practicable, a copy of the order to all law enforcement agencies within its jurisdiction.⁹² The copy must include a notation of the date on which the order was personally served upon the person to whom it is directed.⁹³

A peace officer, without a warrant, may arrest and take into custody a person when the peace officer has probable cause to believe that:

- (a) An order has been issued pursuant to NRS 200.591 to the person to be arrested;
- (b) The person to be arrested has been served with a copy of the order; and
- (c) The person to be arrested is acting in violation of the order.⁹⁴

2. Orders for Protection Against Workplace Harassment

Orders for Protection Against Harassment in the Workplace are addressed in NRS 33.200 through 33.360, inclusive. The Legislature incorporated most of the concepts from the Orders for Protection Against Stalking and Harassment but also made some specific adjustments and additions that are unique to the business context.

a. The Substantive Offense Involved

⁹¹ NRS 200.594(3). A Temporary Order may be converted by the court, upon notice to the adverse party and a hearing, into an Extended Order effective for no more than 1 year. Id.

⁹² NRS 200.597(1).

⁹³ Id.

⁹⁴ NRS 200.597(2). Under NRS 200.597(3), any law enforcement agency in Nevada may enforce a court order issued pursuant to NRS 200.591.

Harassment in the workplace occurs when all of the following conditions are present:

1. A person knowingly threatens to cause or commits an act that causes:
 - (a) Bodily injury to the person or another person;
 - (b) Damage to the property of another person; or
 - (c) Substantial harm to the physical or mental health or safety of a person;
2. The threat is made or the act is committed against an employer⁹⁵, an employee⁹⁶ of the employer while the employee performs the employee's duties of employment, or a person present at the workplace of the employer; and
3. The threat would cause a reasonable person to fear that the threat will be carried out or the act would cause a reasonable person to feel terrorized, frightened, intimidated or harassed.⁹⁷

b. The Protection Order Process

An employer or an authorized agent of an employer who reasonably believes that harassment in the workplace has occurred may file a verified application for a Temporary Order for protection against harassment in the workplace against the person who allegedly committed the harassment.⁹⁸ The verified application must include specific information about the workplace, as well as a detailed description of the events that allegedly constituted harassment in the workplace and the dates on which these events occurred.⁹⁹

The court may issue a Temporary Order for protection against harassment in the workplace if it appears to the satisfaction of the court from specific facts shown by a verified application filed pursuant to NRS 33.250 that harassment in the workplace has occurred.¹⁰⁰

A Temporary Order for protection against harassment in the workplace must not be issued without the giving of security by the employer in an amount determined by the court to be sufficient to pay for such costs and damages as may be incurred or suffered by the person who

⁹⁵ See NRS 33.220 (defining an "employer" as "a public or private employer in this state, including, without limitation, the State of Nevada, an agency of this state and a political subdivision of this state").

⁹⁶ See NRS 33.210 (defining an "employee" as "a person who is employed by an employer, including, without limitation, an independent contractor").

⁹⁷ NRS 33.240.

⁹⁸ NRS 33.250(1).

⁹⁹ NRS 33.250(2).

¹⁰⁰ NRS 33.270(1).

allegedly committed the harassment if the person who allegedly committed the harassment is found to have been wrongfully enjoined or restrained.¹⁰¹

Moreover, the court may require the employer or the person who allegedly committed the harassment, or both, to appear before the court before determining whether to issue the Temporary Order for protection against harassment in the workplace.¹⁰²

In general, a Temporary Order for protection against harassment in the workplace must not be issued without notice to the person who allegedly committed the harassment.¹⁰³

However, a court may issue a Temporary Order for protection against harassment in the workplace without written or oral notice to the person who allegedly committed the harassment or the person's attorney only under the following conditions:

- (a) A verified application is accompanied by an affidavit that contains specific facts which clearly show that immediate and irreparable injury, loss or damage will result to the employer, an employee of the employer while the employee performs the duties of the employee's employment or a person who is present at the workplace of the employer before the person who allegedly committed the harassment or the person's attorney can be heard in opposition; **and**
- (b) The employer and the employer's attorney, if any, set forth in the affidavit:
 - (1) The efforts, if any, that have been made to give notice to the person who allegedly committed the harassment; **and**
 - (2) The facts supporting waiver of notice requirements.¹⁰⁴

A Temporary Order for protection against harassment in the workplace that is granted, with or without notice, must expire not later than **15 days** after the date on which the order is **issued**, unless the order is extended.¹⁰⁵

¹⁰¹ NRS 33.270(2).

¹⁰² NRS 33.270(3).

¹⁰³ NRS 33.270(2).

¹⁰⁴ NRS 33.270(4).

¹⁰⁵ NRS 33.270(5). The Temporary Order for Protection Against Harassment in the Workplace is the only TPO in Nevada that cannot exceed 15 days. This specific TPO also cannot be construed as being effective for 15 days "from the date of service," which is the standard approach that is otherwise applicable in the Las Vegas Justice Court.

If a Temporary Order for protection against harassment in the workplace is granted, with or without notice, the employer or his authorized agent may apply for an Extended Order for protection against harassment in the workplace by filing a verified application for an Extended Order for protection against harassment in the workplace.¹⁰⁶ If such an application is filed, the Temporary Order remains in effect until the hearing on the application for an Extended Order is held.¹⁰⁷ Additional requirements apply to an application for an Extended Order.¹⁰⁸

At the hearing on an application for an Extended Order, the employer must present evidence sufficient to support the granting of the request.¹⁰⁹ At the hearing, the court may dissolve or modify the Temporary Order for protection against harassment in the workplace, or the court may grant an Extended Order for protection against harassment in the workplace.¹¹⁰

If granted, an Extended Order for protection against harassment in the workplace expires within such time, not to exceed 1 year, as the court fixes.¹¹¹

Upon two days' notice to an employer who obtained a Temporary Order for protection against harassment in the workplace without notice or on such shorter notice to the employer as the court may prescribe, the person who allegedly committed the harassment may appear and move the dissolution or modification of the Temporary Order for protection against harassment in the workplace.¹¹² Upon the filing of such a motion, the court must proceed to hear and

¹⁰⁶ NRS 33.270(6).

¹⁰⁷ Id.

¹⁰⁸ For example, “[t]he application must be heard as soon as reasonably possible and not later than 10 days after the date on which the application is filed with the court unless the court determines that there are compelling reasons to hold the hearing at a later date.” NRS 33.270(6)(c).

¹⁰⁹ NRS 33.270(7).

¹¹⁰ Id.

¹¹¹ NRS 33.270(8).

¹¹² NRS 33.270(9).

determine the motion as expeditiously as the ends of justice require.¹¹³ At the hearing, the court may dissolve, modify or extend the order.¹¹⁴

The court may award costs and reasonable attorney's fees to the prevailing party in an action for the issuance of an Order for Protection Against Harassment in the Workplace.¹¹⁵

If a court issues an Extended Order for protection against harassment in the workplace, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question.¹¹⁶

A Temporary or Extended Order for protection against harassment in the workplace may do any or all of the following:

- (a) Enjoin the person who allegedly committed the harassment from contacting the employer, an employee of the employer while the employee is performing the employee's duties of employment, and any person while the person is present at the workplace of the employer;
- (b) Order the person who allegedly committed the harassment to stay away from the workplace of the employer; and
- (c) Order such other relief as the court deems necessary to protect the employer, the workplace of the employer, the employees of the employer while performing their duties of employment and any other persons who are present at the workplace.¹¹⁷

However, a court may not issue a Temporary or Extended Order for protection against harassment in the workplace that is against more than one person.¹¹⁸

A Temporary or Extended Order for protection against harassment in the workplace is in addition to and not in lieu of any other available civil or criminal action.¹¹⁹ An employer is not barred from seeking an order because of other pending proceedings.¹²⁰

¹¹³

Id.

¹¹⁴

Id.

¹¹⁵

NRS 33.270(10).

¹¹⁶

NRS 33.270(11). The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order. Id.

¹¹⁷

NRS 33.280(1).

¹¹⁸

NRS 33.280(2). This restriction is not explicit in any of the other TPO types.

An employer or an authorized agent of an employer may register a Temporary or Extended Order for protection against harassment in the workplace issued by the court of another state by presenting a certified copy of the order to the clerk of the court in a judicial district in which the employer believes that enforcement may be necessary.¹²¹ A Temporary or Extended Order for protection against harassment in the workplace that is registered has the same effect and must be enforced in like manner as such an order issued by a Nevada court.¹²²

A person who intentionally violates a Temporary or Extended Order for protection against harassment in the workplace is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.¹²³

Finally, the Legislature has clarified that the provisions relating to Orders for Protection Against Harassment in the Workplace do not:

- (a) Modify the duty of an employer to provide a safe workplace for the employees of the employer and other persons present at the workplace of the employer;
- (b) Prohibit a person from engaging in any constitutionally protected exercise of free speech, including, without limitation, speech involving labor disputes concerning organized labor; or
- (c) Prohibit a person from engaging in any activity which is part of a labor dispute.¹²⁴

3. Orders for Protection Against Harm to Minors

Orders for Protection Against Harm to Minors are contained in NRS 33.400 through NRS 33.440, inclusive. The substantive offenses involved are similar to those referenced in NRS Chapter 432B.¹²⁵

¹¹⁹ NRS 33.290.

¹²⁰ Id.

¹²¹ NRS 33.310(1).

¹²² NRS 33.310(2).

¹²³ NRS 33.350.

¹²⁴ NRS 33.360.

¹²⁵ NRS Chapter 432B is entitled “Protection of Children from Abuse and Neglect.”

a. The Substantive Offenses Involved

In addition to any other remedy provided by law, the parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a Temporary or Extended Order against a person who is 18 years of age or older and who the parent or guardian reasonably believes has committed or is committing a crime involving:

- (a) Physical or mental injury to the child of a nonaccidental nature¹²⁶; or
- (b) Sexual abuse¹²⁷ or sexual exploitation¹²⁸ of the child.¹²⁹

b. The Protection Order Process

The entire TPO process for Orders for Protection Against Harm to Minors exactly mirrors that of the process set up by the Legislature for Orders for Protection Against Stalking and Harassment. Thus, the penalties, durations, and parameters for these TPO's are identical.¹³⁰

¹²⁶ Cf. NRS 432B.020(1)(a) (defining "abuse or neglect of a child" to include "physical or mental injury of a nonaccidental nature").

¹²⁷ Although the exact definition of "sexual abuse" does not appear in NRS Chapter 33, NRS 432B.100 includes the following definition:

NRS 432B.100. "Sexual abuse" defined.

"Sexual abuse" includes acts upon a child constituting:

1. Incest under NRS 201.180;
2. Lewdness with a child under NRS 201.230;
3. Sado-masochistic abuse under NRS 201.262;
4. Sexual assault under NRS 200.366;
5. Statutory sexual seduction under NRS 200.368;
6. Open or gross lewdness under NRS 201.210; and
7. Mutilation of the genitalia of a female child, aiding, abetting, encouraging or participating in the mutilation of the genitalia of a female child, or removal of a female child from this state for the purpose of mutilating the genitalia of the child under NRS 200.5083.

¹²⁸ Although the exact definition of "sexual exploitation" does not appear in NRS Chapter 33, NRS 432B.110 includes the following definition:

NRS 432B.110. "Sexual exploitation" defined.

"Sexual exploitation" includes forcing, allowing or encouraging a child:

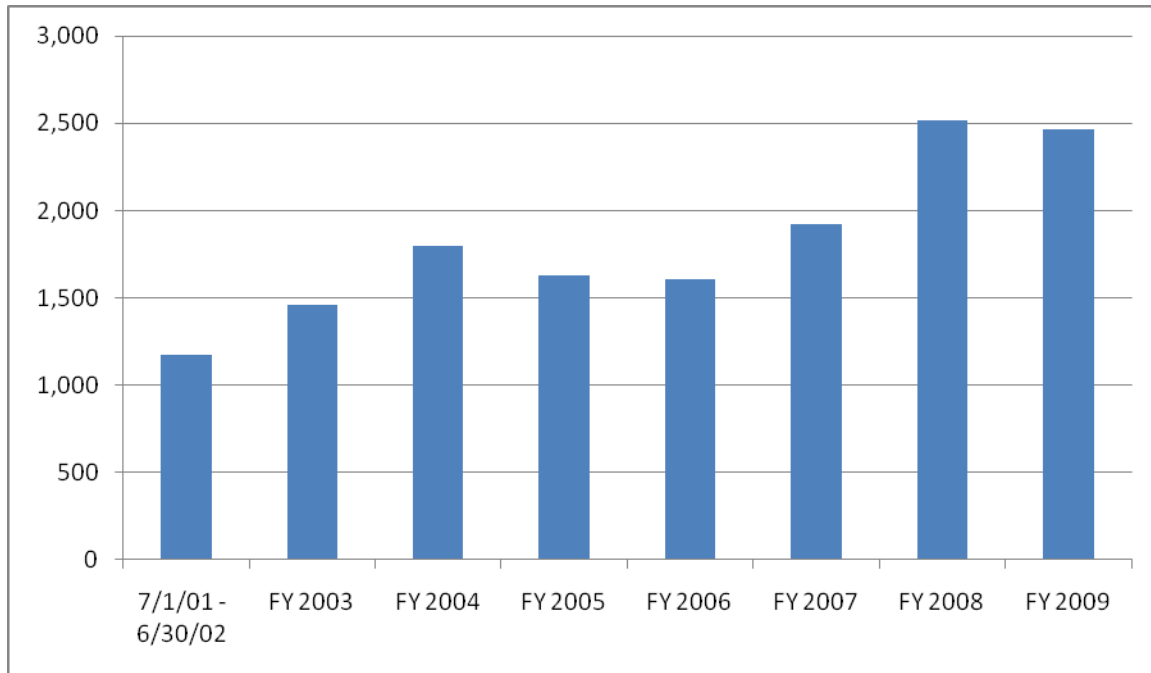
1. To solicit for or engage in prostitution;
2. To view a pornographic film or literature; and
3. To engage in:
 - (a) Filming, photographing or recording on videotape; or
 - (b) Posing, modeling, depiction or a live performance before an audience, which involves the exhibition of a child's genitals or any sexual conduct with a child, as defined in NRS 200.700.

¹²⁹ NRS 33.400(1). Under NRS 432B.020(1)(b), "abuse or neglect of a child" is defined to include both "sexual abuse" and "sexual exploitation" of a child.

D. Specific TPO Case Statistics for the Las Vegas Justice Court

According to statistics compiled by the Administrative Office of the Courts for most of this decade, the total number of non-domestic-violence TPO’s filed in the Las Vegas Justice Court has escalated dramatically and has, in fact, more than *doubled* since the first year of recorded statistics. The specific annual filings are as follows:¹³¹

**ILLUSTRATION #2: NON-DOMESTIC-VIOLENCE TPO REQUESTS¹³²
PER YEAR IN THE LAS VEGAS JUSTICE COURT**



Fiscal Year 2009:	2,463	Fiscal Year 2005:	1,626
Fiscal Year 2008:	2,516	Fiscal Year 2004:	1,800
Fiscal Year 2007:	1,922	Fiscal Year 2003:	1,462
Fiscal Year 2006:	1,609	July 1, 2001-June 30, 2002:	1,172

¹³⁰ The specific statutes from NRS Chapter 33 are included at Appendix A.

¹³¹ Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2009)*, at Appendix Table A7; Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2008)*, at p.55; Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2007)*, at p.47; Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2006)*, at p.67; Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2005)*, at p.43; Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2004)*, at p.53; Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2003)*, at p.41; Nevada Supreme Court, *Annual Report of the Nevada Judiciary (July 1, 2001- June 30, 2002)*, at p.55.

¹³² These figures are based upon the number of Adverse Parties, as opposed to the number of cases.

The sampling strategy employed in this project includes a review of all 2,040 non-domestic-violence TPO cases filed in the Las Vegas Justice Court in **Calendar** Year 2008. This snapshot of TPO filings essentially depicts a year in the life of the Las Vegas Justice Court TPO Department. By including all the TPO's filed in the calendar year, the approach avoids the difficulties inherent in generating a random sample.

Notably, the vast majority of TPO's filed in the Las Vegas Justice Court in 2008 were Stalking/Harassment TPO's, as evidenced by the following chart:

**TABLE #3: TPO CASE TYPES IN CALENDAR YEAR 2008
IN THE LAS VEGAS JUSTICE COURT**

TPO TYPE	NUMBER OF CASES IN CALENDAR YEAR 2008
Stalking/Harassment	1,947
Workplace	36
Harm to Minors	51
Other	6 ¹³³
TOTAL	2,040¹³⁴

Since approximately 95% of the 2008 TPO cases involved Stalking and Harassment, that specific TPO type is the major focus of this project. Nevertheless, this project still considers several distinct issues that relate to Workplace TPO's and Harm to Minors TPO's.

E. Review of 2008 TPO Files

Reliance on Calendar Year 2008 is significant because the number of Adverse Parties spiked dramatically from Fiscal Year 2007 to Fiscal Year 2008, with an approximate 31% increase.

¹³³ One file was "voided" due to unspecified clerical error; four were never created due to numbering errors; and, remarkably, only one of the existing TPO files could not be located for purposes of file review. Therefore, these six case numbers are not a part of the analysis used in this project.

¹³⁴ Some TPO cases involved more than one Adverse Party. Thus, multiple Adverse Parties were named in 2,040 TPO cases.

The review was intended to identify case trends, recurring problems, and other data to illuminate this murky area of the law.¹³⁵

More broadly, another focus of this review was to determine whether the TPO process is fulfilling the legislative intent to protect victims, or whether the process is being abused by vexatious litigants who are distorting the TPO process to serve their own selfish ends. If too many frivolous¹³⁶ applications are being filed, this could have a deleterious effect on the meritorious positions that are also being filed.¹³⁷

The instrument used to notate information about the 2008 TPO case files appears at Appendix B.

¹³⁵ TPO actions are “neither fish nor fowl.” On the one hand, they are listed as “civil actions” under the Justice Court jurisdictional statute. NRS 4.370. On the other hand, violation of a TPO is a crime and can be prosecuted as such. Thus, the most appropriate description of a TPO action is that it is “quasi-criminal.” See Laura Hunter Dietz, J.D., *I Am Jur 2d Actions* § 32 (stating that the term “quasi-criminal has been applied to some actions which, in addition to incorporating aspects of criminal procedure, also have a dominant and punitive element such as a sentence, penalty, or fine”).

¹³⁶ The author is equating a “frivolous” application with an application that does not comply with JCRCP 11(b). Under that rule, when a litigant presents a filing to the Court, the litigant is certifying that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,

- (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
- (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
- (3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

¹³⁷ See Damon Phillips, Article, *Civil Protection Orders: Issues in Obtainment, Enforcement, and Effectiveness*, 61 J. Mo. B. 29, 36-37 (2005) (claiming that if a court allows large numbers of frivolous petitions to be granted, the significance of orders obtained by legitimate victims will be “diluted” in two ways: (1) Symbolically, a TPO may be given less respect if it is widely believed that anyone can obtain one; and (2) functionally, the existence of too many granted protection orders may lead to problems with enforcement as limited resources are diverted away from protecting legitimate victims).

One commentator has attacked what he believes to be the unjustified liberalization of the protection order process by claiming that it requires courts to deal with “chronic malcontents, artful blame-shifters, professional victims, nonclinical paranoids, and knavish opportunists” who appear at court “unwashed and uncounseled, begging succor from the unavoidable woes of everyday life.” *Id.* at 36.

For each of the 2008 TPO files, the author notated the case number, department number¹³⁸, TPO type, and party names in order to distinguish one case from another.

Then, the author notated the sex and the ethnicity of each Adverse Party using information provided by the Applicant on a Confidential Information Sheet filed by the Applicant.

Next, the author notated the date that the Application was filed, as opposed to the date that the Application was signed or submitted to the Court. This allowed for an easily identifiable objective standard for determining when the TPO action had officially commenced, such that the time-to-disposition clock would begin to run.

Subsequently, the author reviewed all the information provided in the Application, including police reports, photographs, and other exhibits.¹³⁹ The author then made extensive handwritten notes in order to memorialize the factual circumstances and allegations for each case.¹⁴⁰ Any Adverse Party's alleged use of a weapon was also notated separately.

Then, the author documented how the individual judge responded to the Application, either by granting it without a hearing, denying it without a hearing, or setting it for hearing. In order to determine the end date for the time to disposition, the following standards were applied:

(1) If a judge granted a TPO without a hearing, the end date for the time to disposition was the date that the Temporary Order was filed.

¹³⁸ Each Justice of the Peace in the Las Vegas Justice Court is assigned to a specific judicial department. When a Justice of the Peace is ill or otherwise unavailable, a Justice of the Peace Pro Tempore from an approved list will fill in for the Justice of the Peace. For most of 2008, Justices of the Peace Pro Tempore were able to rule on protection order applications and preside over protection order hearings. However, effective September 15, 2008, Justices of the Peace Pro Tempore are no longer authorized to review protection order applications, but they are still authorized to preside over protection order hearings.

Also, two of the judges who ruled upon Justice Court TPO applications in 2008 have since become District Court Judges.

¹³⁹ The author did not view audiotapes, videotapes, or CD's provided as exhibits since those items did not relate to any of the factors being studied in this project.

¹⁴⁰ The handwritten notes, along with the file review instruments, filled three large binders.

(2) If a judge denied a TPO without a hearing, the end date for the time to disposition was the date that an Order Denying TPO was filed.

(3) If a judge set a TPO request for hearing, and then denied the request at hearing, the end date for the time to disposition was the date that the judge made the ruling in open court.¹⁴¹

(4) If a judge set a TPO request for hearing, and then granted the request at hearing, the end date for the time to disposition was the date that the Temporary or Extended Order was filed.¹⁴²

The instruments that were used to tabulate the statistics about “time to disposition” are attached at Appendices C-L.

Notably, the numbers used for the time-to-disposition measurement are based on judicial days rather than calendar days. This means that weekend days and holidays are excluded from the calculations of time reflected in this project.

Also, the day of an act or event was not included in the calculation. For example, if a TPO Application was filed on Monday, and a granted Order was filed on Tuesday, the time to disposition would be one day.

In rare cases, a judge either filed a granted TPO or an Order Denying TPO on the same date that the Application was filed. In those cases, the time to disposition was counted as “0 days,” which means “the same day.”

Finally, in cases with multiple defendants, the author used the date of the first disposition. For example, if a judge issued an Order Denying TPO as to Defendant “A,” and then set the case

¹⁴¹ The reason for this distinction is that few judges actually prepared a formal, written Order Denying TPO after a hearing, either because the Applicant had attended the hearing and already knew the outcome, or because the Applicant had failed to attend the hearing and the denial of the TPO request was assumed to be an implicit outcome.

¹⁴² If an Adverse Party was not served with a Notice of Hearing, some judges refused to issue an Extended Order after a hearing where the Adverse Party did not appear. In such cases, the judge would only issue a Temporary Order.

When both parties attended the hearing, and a determination was made that protection was needed, the judges usually, but not always, would grant an Extended Order for some lengthy date up to and including one year. Some cases involved Temporary Orders granted after a hearing, followed by a status check.

for hearing as to Defendant “B,” the time to disposition would be measured from the date of the filing of the Application until the date of the filing of the Order Denying TPO as to Defendant “A.”¹⁴³

Once the time to disposition had been established, individual cases were analyzed, and notations were made with respect to statutory violations, customer service issues, and processing errors or oddities that needed to be explored.

Further, the author notated the total number of appeals¹⁴⁴, motions to modify, and motions to dissolve.

One criteria from an original draft of the case information instrument was not useful and is not explored in this project. The author originally intended to study whether a granted protection order would have any effect on subsequent criminal acts by the Adverse Party. However, the Court does not have any consistent way to connect Adverse Parties to their subsequent criminal acts. This is because few Applicants know the social security number of their Adverse Parties, and that identifier would have been key to matching the offender to the offense. Also, the existence of a “subsequent” criminal act was dependent on too many variables: (1) Whether the crime was detected by police; (2) whether the crime was charged by the District Attorney; and (3) whether the crime was committed in Clark County.

Based on the inability for this author to connect subsequent criminal acts to Adverse Parties, the review of the 2008 TPO files merely included notations about the number of requests for “Orders to Show Cause” for alleged TPO violations. This is a different measurement than

¹⁴³ Similarly, a judge could utilize a “dual disposition” which simultaneously denies a TPO request as to one or more Adverse Parties, and grants a TPO request as to the remaining Adverse Parties. In this situation, the time to disposition could be the same as to each disposition.

¹⁴⁴ The author notes that TPO appeals are extremely uncommon. In Calendar Year 2008, only three appeals to District Court were filed. Two of those appeals were dismissed by the District Court, and one case involving an extremely vexatious litigant remains ongoing with a future District Court hearing date scheduled in August 2010.

the number of subsequent criminal acts, for an act committed in violation of a TPO can be criminal in itself or criminal only because it is in violation of a TPO.¹⁴⁵

Finally, although this project tabulates the specific outcomes in each individual TPO case filed in Calendar Year 2008, the intent of this project is not to consider whether a result in a specific case is “correct” or “incorrect.” Judges have a great deal of discretion in determining whether or not to issue a TPO, and the author merely intends to report what was decided as opposed to why a case was decided a certain way.

F. Customer Service Survey

The two-page survey that appears at Appendix O was used to solicit feedback from TPO Applicants as they submitted their applications to the Las Vegas Justice Court. The survey is divided into the following five sections:

- (1) Identification of the specific TPO sought;
- (2) Demographic information about the Applicant;
- (3) Assessment of court accessibility¹⁴⁶;
- (4) Assessment of the Applicant’s understanding of the protection order process;
- (5) General comments.

The survey took approximately 3-5 minutes to complete, and all answers were intended to remain confidential and anonymous.¹⁴⁷

The survey was included as a part of all TPO packets for a period of 90 days, from October 1, 2009, through December 31, 2009.¹⁴⁸

¹⁴⁵ For example, if the Adverse Party went to the Applicant’s place of employment in violation of a TPO, the mere act of going to that location is not a crime in itself. The act is only punishable because the judge had previously prohibited the Adverse Party from doing it.

¹⁴⁶ This section of the Survey was adapted from the National Center for State Courts “CourTools” Trial Court Performance Measures. The specific CourTool referenced was Measure One, “Access and Fairness.” A full explanation of this CourTool is available at the following internet link:

http://www.ncsconline.org/D_Research/CourTools/Images/courtools_measure1.pdf

¹⁴⁷ However, some of the Applicants included their name and case number on the top portion of their surveys.

¹⁴⁸ Also, immediately before the survey was distributed, a handwritten arrow was drawn on Page 1 of the

After the end of the survey period, all the responses were tabulated. The results of the survey are presented in detail in Appendix P.

G. Court Staff Survey

In Fiscal Year 2008, ten Justice Courts had 95 or more non-domestic-violence TPO's filed in their courts. These courts, in descending order of filings, are as follows, with 2009 data added for purposes of comparison:

TABLE #4: TOP TEN JUSTICE COURTS WITH THE MOST NON-DOMESTIC-VIOLENCE TPO'S FILED IN FISCAL YEARS 2008-2009¹⁴⁹

	Justice Court	Number of Non-Domestic-Violence TPO's Filed in Fiscal Year 2008	Number of Non-Domestic-Violence TPO's Filed in Fiscal Year 2009
1	Las Vegas	2,516	2,463 ¹⁵⁰
2	Reno	846	796
3	Henderson	376	440
4	Carson City	344	384
5	Sparks	281	212
6	New River	209	204
7	Pahrump	208	211
8	North Las Vegas	128	200
9	Canal	101	121
10	East Fork	95	63 ¹⁵¹

This project incorporates a fourteen-page survey with sixty-five (65) questions. The survey and responses are included at Appendix Q.

survey to highlight the fact that the survey continued on a back page and was two total pages in length. Survey respondents were more likely to complete the front of the survey than the back, however.
¹⁴⁹ Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2009)*, at Appendix Table A7. Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2008)*, at p.55.
¹⁵⁰ In Fiscal Year 2009, 8,433 requests for Domestic Violence Protection Orders were filed in the Family Division of the Eighth Judicial District Court. *Annual Report of the Nevada Judiciary (Fiscal Year 2009)*, at Appendix Table A4. This statistic illustrates that Domestic Violence TPO's are far more common than any of the other statutory TPO types in Clark County.
¹⁵¹ In Fiscal Year 2009, East Fork Justice Court fell to #13 on the list of Justice Courts with the most non-domestic-violence TPO's filed. Dayton Justice Court was #10 with 96 such TPO's filed in Fiscal Year 2009; Union Justice Court was #11 with 79 such TPO's filed in Fiscal Year 2009; and Boulder Justice Court was #12 with 68 such TPO's filed in Fiscal Year 2009.

East Fork Justice Court was the only court that did not respond to the author's survey.

The survey asked for copies of relevant procedures, administrative orders, or documentation used by those courts in the processing of TPO cases. More importantly, it asked for feedback on some of the most controversial issues that arise in TPO actions and for which one agreed-upon answer or approach was highly unlikely. Because the Nevada Supreme Court has not published any legal opinions about non-domestic-violence TPO's, the limited jurisdiction courts have been operating in a vacuum and creating ad hoc, reactive solutions to common TPO problems. The survey directed to those courts attempted to gauge the creativity and validity/legality¹⁵² of such solutions, and whether the law needs to be clarified in specific areas.

H. Current Limitations

In connection with the survey, this Project examines the current functioning of the Las Vegas Justice Court TPO Unit and whether there are any processes that can be re-engineered or re-imagined to improve efficiencies and reduce logjams.¹⁵³

At the outset of this project, certain assumptions about the current state of the Las Vegas Justice Court TPO Unit are self-evident.

First, the Court is using an outdated case management system (C-Track) for the processing of TPO's. This system was originally designed for criminal cases and cannot handle the subtle nuances relating to TPO processing.¹⁵⁴ Originally, the Court explored the possibility

¹⁵² For example, the survey was designed to reveal whether a specific court is complying with statutory time standards and other specific legal requirements.

¹⁵³ Effective on July 1, 2009, and continuing until at least June 30, 2010, the Las Vegas Justice Court has taken the dramatic step of implementing dedicated judicial departments. Specifically, Judge Melissa Saragosa (Department 4) and Judge Diana Sullivan (Department 12) are exclusively hearing all the Court's civil cases, summary eviction cases, and formal eviction cases. To alleviate the pressure on those two judges, the Chief Judge (Ann Zimmerman, Department 8) is hearing all the formal objections from referee decisions in small claims cases (pursuant to NRS 4.355). Moreover, the Chief Judge and the nine justices of the peace other than Judges Saragosa and Sullivan are processing all the Court's TPO cases. Throughout 2010, the author will continue to study whether efficiencies are being maintained by this new division of the Court's caseload.

¹⁵⁴ For example, the case management system lists the "plaintiff" as "the State of Nevada" in a TPO case because criminal cases in Nevada are prosecuted in that manner. This obviously alters the true nature of a TPO action which involves two private individuals.

of utilizing its civil case management system (CourtView) for the processing of TPO cases, much like other courts in Nevada have done. Now, however, the Court is planning to utilize a different case management system (Odyssey) for criminal cases and TPO's, and the processing capabilities will be very sophisticated.

Second, the Court is often issuing, and ruling upon, TPO's in a vacuum. None of the TPO types from the Las Vegas Justice Court are sent to any statewide repository so that other courts and law enforcement can be aware of them. Conversely, a judge in the Las Vegas Justice Court who is considering the issuance of a TPO cannot rely upon any electronic means to determine if the person has a non-domestic TPO in effect elsewhere in Nevada. This is a serious problem that needs to be addressed on a statewide level.

Third, court staff currently is not performing any regularized¹⁵⁵ criminal history searches for named adverse parties, even though such information might be a relevant variable in the calculus of whether to grant a TPO. Instead, the Court often relies on the Applicant's subjective perception of the Adverse Party's criminal history despite the fact that such conveyed perceptions may be incomplete, distorted, or fabricated entirely.

V. FINDINGS AND DATA ANALYSIS

Over the course of several months, the author painstakingly reviewed 2,034 of the 2,040 TPO files for Calendar Year 2008.¹⁵⁶ The majority of files were contained in banker's boxes that were stored offsite and retrieved as needed for inspection. The remaining files were stored onsite at the TPO Desk, either because they were related to other pending TPO cases from a

¹⁵⁵ Criminal history information is usually printed upon request of a judge, as opposed to being printed for inclusion in every single TPO case file.

¹⁵⁶ As stated above, of the remaining six files, one was "voided" due to unspecified clerical error; four were never created due to case numbering errors; and one of the existing TPO files could not be located for purposes of file review.

different year, or because the 2008 files themselves were still considered “active” for purposes of status checks or other pending hearings.

The papers within the individual TPO cases were stored in file folders with a left side and a right side. The right side contained the bulk of the filed documents, generally in reverse chronological order. The documents appearing on the left side did not appear to be housed there with any sort of pattern. The left side often contained sticky notes, attorney business cards, criminal history printouts, or random documents that were never placed within the sequence of documents on the right side of the file.

At a minimum, every TPO file contained the following documents:

- (1) An application for a TPO;
- (2) A confidential information sheet about the Adverse Party; and
- (3) The court minutes which contain information about filings and proceedings in the TPO case.

The remaining documents depended on the outcome of the case. If a judicial order was issued, that order appeared in the right side of the file. If a hearing was held, the “trial sheet” containing the disposition of the case would appear in the right side of the file.

Before considering the specific information contained in TPO applications, and the issues relating to TPO processing generally, it is useful to consider two introductory premises: (1) The five most common TPO dispositions that are found in the 2008 TPO Files; and (2) the seven most common relationships between Applicants and Adverse Parties in the 2008 TPO Files.

A. The Five Most Common Dispositions

1. The Order Denying

In this scenario, the reviewing judge determines that a protection order is not warranted, and issues a written Order denying the Applicant's request. The most common reasons for denials are based on both substantive and procedural reasons.

The complete list of reasons cited by judges in an Order denying a request for a Protection Order is set forth at Appendix N. A categorized list appears at Appendix M.

a. Substantive Denials

(1) “Not Stalking or Harassment”

The most common reason for denying a TPO request is that the conduct alleged does not constitute “stalking” or “harassment” as those terms are defined in Nevada law. This justification was used in support of nearly half (45%) of all substantive denials.

Where the conduct alleged is some crime other than stalking and harassment, the judges are not consistent. Some judges will issue a TPO on the theory that protection is needed regardless of the technical distinctions between crimes, or on the theory that certain crimes include a component of stalking or harassment within them. Other judges will deny the TPO outright because the conduct does not fall within the specific crimes for which the Legislature has authorized TPO relief.

(2) “Denied –File in Family Court”

Judges often encounter situations where the parties have some pre-existing “domestic” relationship such as husband and wife, and one of the parties comes to Justice Court seeking a TPO that could interfere with an existing Family Court order.¹⁵⁷ In that instance, the judge might use a stamp that says “Denied—File in Family Court” to indicate that Justice Court is not the preferred forum for the current dispute. This occurred in 13% of the 2008 TPO cases.

¹⁵⁷ For example, one TPO Applicant in 2008 requested as a condition that the Justice Court set a court date “to establish that I will have sole custody of our daughter until [the Adverse Party] gets on the straight and narrow.”

The use of the stamp described above is most problematic in “triangular” situations where an individual has a dating partner or spouse who has a conflict with the Adverse Party. For example, this could involve a husband’s current girlfriend or spouse having a conflict with the husband’s ex-wife, or the wife’s current boyfriend or spouse having a conflict with the wife’s ex-husband. In those situations, the current Applicant and the Adverse Party would not have a “domestic” relationship under Nevada law, so judges must be vigilant and not refer TPO cases to Family Court where the parties were never a “family” in the first instance.

(3) “Denied—This is a Landlord/Tenant Matter”

Some judges are reluctant to issue orders that will have the effect of prohibiting a person from going to the residence where he or she is currently living. In those situations, the judges will advise the Applicant that TPO proceedings cannot be used to make an end run around eviction processes, especially where *ex parte* TPO relief is being sought on expedited basis.

(4) “Denied—This is a Criminal Matter”

Judges need to consider whether this is actually a useful notation. Stalking, harassment, sexual assault, and acts harmful to minors all require unlawful conduct before a protection order can be issued.¹⁵⁸ Thus, the fact that an act is criminal should not be used to deny the TPO request.¹⁵⁹

(5) Denial for Lack of Jurisdiction

¹⁵⁸ See, e.g., NRS 33.400(1) (allowing the protection order remedy when a parent or guardian of a child reasonably believes that another person has committed or is committing “a crime” involving physical or mental injury to the child of a nonaccidental nature, or sexual abuse or sexual exploitation of the child); NRS 200.591(1) (allowing the protection order remedy for a person who reasonably believes that “the crime of stalking, aggravated stalking, or harassment” is being committed against him or her).

¹⁵⁹ As an example, one judge encountered a 2008 case where an Applicant’s adult male boyfriend touched her minor child inappropriately while the mother was at work or sleeping. The mother requested a TPO which was denied because it was a “criminal” matter. However, this is the exact type of fact pattern for which a Harm to Minors TPO was designed.

A handful of protection order requests were denied because the judge indicated that the relevant acts did not occur in the geographical jurisdiction of the Las Vegas Justice Court. Where threats are made from remote locations, judges should take an expansive view of their jurisdiction because of NRS 200.581, which provides that “[h]arassment, stalking or aggravated stalking shall be deemed to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred.” *[Emphasis added]*.

Still other TPO requests were denied because the judge determined that one township or another was the better “venue” for the TPO filing. The flaw in this reasoning is that a series of interactions between the parties can implicate multiple township jurisdictions at once. Therefore, even if both parties live in another township, judges of the Las Vegas Justice Court should not summarily reject the TPO request, as long as the Applicant is still able to establish a jurisdictional nexus to the Las Vegas township.¹⁶⁰

b. Denials Based on Some Perceived Deficiency in the Filing

(1) Incompleteness

In 17% of the 2008 TPO cases, judges denied a TPO request because the Application was deemed incomplete. For example, the Applicant may have alluded to an included police report or other exhibit that was not actually included as part of the filing. Alternatively, the Applicant may have omitted a procedural step in the TPO filing process, such as failing to include a Confidential Information Sheet, failing to post security or pay filing fees in a Workplace TPO case, failing to sign and date an Application, or failing to complete a certain section of the Application. Finally, the Applicant may have said something in the Application that triggered a

¹⁶⁰ As an example, the parties may be coworkers who are having conflicts at their job and who are employed in the Las Vegas judicial township, even though they live elsewhere.

query in the mind of the reviewing judge, such as the need to clarify the relationship of the parties.¹⁶¹

Where a TPO Application is incomplete, some judges will check the “denied” box on the Order Denying TPO form, and the case will be closed. A TPO Applicant who wishes to cure the incompleteness must file a subsequent TPO Application and start the process again.

Other judges will omit the checkbox for “denied” and simply say that the Applicant must do something, like provide requested information or take specific steps. However, it is here that the Court’s process needs to be repaired. Judges who take this approach need to tell the Applicant to do something by a specific date, or else the case will be closed. By failing to include this pivotal language, incomplete cases can remain open indefinitely, and their eventual closure for inactivity will not be based on any rational objective standard.

An example of language that can be utilized appears below:

This Application is incomplete because of [state the reason]. No later than [specific date], Applicant must [provide the requested information or take the requested step(s)], or else this TPO request will be denied.

This type of language would clearly tell the Applicant what needs to be done, but it would also trigger closure of the case at the appropriate time if the Applicant fails to act.

(2) “John Doe” Defendants

Applicants frequently will allege incidents of stalking and harassment, harm to minors, or workplace harassment by an individual whose name is unknown. In some cases, the name is only partially known, such as “Rudy” or “Paul.” In other cases, the name is not known, but some

¹⁶¹ One judge commonly uses language like this:

“Applicant must provide detailed account of actions of Adverse Party, including dates, times, places, what was said or threatened, etc.”

other identifying information is known, like the individual's home address or license plate number. Essentially, all of these fact patterns are just a different form of "incompleteness."

Some judges will deny a TPO for the simple reason that a process server cannot effectuate service on a person who is unknown.

Other judges will issue the TPO despite this enforcement obstacle and, occasionally, an Applicant will later discover the Adverse Party's true name and then simply ask the Court to issue an Amended TPO, without having to go through the entire Application process again.

2. The Withdrawn TPO Request

While a TPO Application is pending review before a justice of the peace, an Applicant will occasionally file a "Motion to Dissolve" and ask that the Application be withdrawn because it is no longer needed or desired. The assigned judge usually grants the Motion, and then the case is closed.

Reasons for withdrawn TPO requests include the following:

- (1) The Applicant changed his or her mind;
- (2) The Applicant does not wish to expend the time, energy, or stress relating to the TPO process;
- (3) The Applicant or the Adverse Party has moved or left the jurisdiction;
- (4) The parties have resolved their differences amicably;
- (5) The parties in a dysfunctional relationship have reconciled; or
- (6) The Applicant does not want to provoke rage in the Adverse Party by filing a TPO action.

Although withdrawn TPO requests are similar to "denied" TPO's, it is useful to distinguish the two categories because the withdrawn TPO request does not lead to a decision on the merits.

3. The Granted Temporary Order

In this scenario, the reviewing judge decides that temporary relief is warranted and that an order for protection, not exceeding 30 days, should be issued. The judge generally signs the TPO and indicates that the TPO becomes effective “30 days after service,” but if the TPO is not served within 30 days of the judge’s signature, the TPO will expire on its own terms, and a new TPO must be obtained if further relief is needed.

The Las Vegas Justice Court is one of the few courts in the state that times TPO effectiveness based on a floating service date. However, the Las Vegas Justices of the Peace are uniform in their approach so that Applicants can receive 30 full days of protection as long as the Temporary Order is served within a 30-day period.

4. Setting an Initial TPO Request for Hearing

a. The Notice Problem

When a judge is presented with a TPO Application, the judge may not be inclined to grant or deny the TPO on an *ex parte* basis. Therefore, the judge will set the matter for hearing and defer a decision until the hearing date.

This particular situation is the source of one major flaw in the TPO processing approach used by several judges.

In stalking cases, NRS 200.591(3) provides as follows:

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure;

and

(b) A hearing is held on the petition.¹⁶²

¹⁶² NRS 33.400(4) imposes the same requirement for “Harm to Minors” TPO’s. NRS 200.378(3) imposes the same requirement for Sexual Assault TPO’s. However, no such requirement applies to Workplace Harassment TPO’s.

When an initial TPO Application is set for hearing, the common result is that the Applicant will appear for hearing, and the Adverse Party will not. If the judge is inclined to grant the TPO, the judge can grant a Temporary Order for 30 days, and no issue is presented because the TPO could have been issued *ex parte* in the first instance. However, where the judge is inclined to grant the TPO at the hearing, a common outcome for some judges is that an Extended Order will be issued, regardless of whether the Adverse Party has been served with notice of hearing, in violation of NRS 200.591(3).

Thus, judges should heed the statutory requirements and only issue Extended Orders if those requirements have been satisfied.¹⁶³

b. The “Hybrid” Disposition

As the protection order process has evolved, some of the judges have developed a creative approach that is utilized when an initial request for a protection order is set for hearing. When these judges have both parties before them, the judges will deny the official request for a protection order, but the judges will still keep the case open to monitor the situation between the parties. A typical order from the judge will look like this:

- (1) Parties to stay away from each other and have no other problems.
- (2) Both parties advised of possible contempt-of-court sanctions.
- (3) If there are any further problems, a hearing will be set.
- (4) A status check is set for _____ (date).

This “hybrid” disposition is like a miniature protection order that is documented in the court minutes as opposed to being contained in a freestanding document.

¹⁶³ The notice of hearing for an initial TPO application is treated as if it were akin to service of process in a traditional civil case. Therefore, personal service would be required under JCRCP 4.

One of the judges who pioneered this approach defined its advantages in the following statement from a protection order case:

“[W]hat I’m going to do is my normal routine. And the benefit that you get, [Adverse Party], is that you do not have a protection order against you. The benefit, [Applicant], you and your daughters get is there is a no-contact order by [Adverse Party] to the daughters or you. You can’t go by the house, you can’t go to his work, you can’t go by their school. So each side gets a benefit. However, from today forward if there is a violation, [Adverse Party], let’s say you call him tomorrow, then, [Applicant], your choice is to go back to the clerk’s office and then I will sit down and listen to everything everybody has to say whether it takes 10 minutes or 3 hours.”¹⁶⁴

5. Setting an Extended TPO Request for Hearing

Where a judge has granted a Temporary Protection Order, an Applicant can file a request for an Extended Order within the period of the Temporary Protection Order, but no sooner than 3 weeks after the effective date of the Temporary Protection Order. The “three-week rule” is a deviation from the AOC Standardized TPO Forms and was implemented by the Las Vegas justices of the peace to ensure that requests for Extended Orders would only be made where they were still needed.¹⁶⁵

If the Temporary Order has not been served, the judges ordinarily will not grant an Extended Order at the time of the hearing.

If the Temporary Order has been served, and the judge has set a hearing for an Extended Order, notice of that hearing must be given to the Adverse Party, but the requirements for service have traditionally been less stringent than in other circumstances.¹⁶⁶

¹⁶⁴ *Transcript of Proceedings (November 26, 2008) in Protection Order Case #08-1730.* Transcripts of protection order proceedings are generally not present in court files. However, this transcript was present in the file.

¹⁶⁵ The justices of the peace are concerned about “stale” requests for protection orders coming on calendar. The purpose of the three-week rule is to avoid unnecessary hearings when tensions have dissipated, the parties have left the state, or the parties have reconciled.

¹⁶⁶ See JCRCP 5 (providing for service by mail for “every pleading subsequent to the original complaint . . . , every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper [that] shall be served upon each of the parties”).

B. The Most Common Relationships Between Applicants and Adverse Parties

Classification of relationships between Applicants and Adverse Parties is complicated by two factors.

First, many of the Applicants in the 2008 TPO Files did not identify their specific relationship with the Adverse Party. When asked about the relationship, these Applicants would list “none” or “no relationship” or leave the question blank entirely. It is possible that some Applicants interpreted “related” narrowly, to mean by blood. This would explain why no “relationship” was identified for some former boyfriend and girlfriends, coworkers, friends, or business associates. Although the parties did have a “relationship” in the sense of a defined connection, Applicants may have assumed that they were not “related” to the Adverse Parties if they were not connected by a familial relationship.

Second, relationships between individuals often do not fall within only one category. For example, an Applicant and an Adverse Party can be a dating couple who met at work and are currently living together. When asked to define the relationship with the Adverse Party, the Applicant may be tempted to list “dating” or “boyfriend/girlfriend” without alluding to other concurrent, overlapping relationships such as “co-worker” or “roommate.”

For the purpose of this project, the Author has attempted to divine one over-arching relationship that applies to each TPO case. Admittedly, this is not an exact science. Moreover, the case files do not suggest that a particular type of relationship between the parties was more or less likely to lead to a granted TPO. Nevertheless, the following data provides some context for understanding the types of fact patterns which are presented to the justices of the peace. The dominant relationships, by case, are itemized as follows:

TABLE #5: DOMINANT RELATIONSHIPS IN TPO CASES

Dominant Relationship in Case	Number of Cases	Percentage
Past/current boyfriend/girlfriend vs. Past/current girlfriend/boyfriend or the past/current girlfriend/boyfriend/spouse of that person	470	23%
Past/current wife/husband vs. Past/current husband/wife or the past/current girlfriend/boyfriend/spouse of that person	142	7%
Neighbors	260	13%
Acquaintances/Friends	200	10%
Employment (boss and employee; coworkers; etc.)	190	9%
Landlord-Tenant (not living together)	97	5%
Roommates (living together)	80	4%
Miscellaneous	333	16%
Not Listed or Unknown or Not Applicable ¹⁶⁷	268	13%
TOTAL	2,040	100% ¹⁶⁸

In line with the above chart, the relationships discussed below are based upon those situations where an Applicant did identify a relationship, or where the relationship of the parties was otherwise able to be determined.

¹⁶⁷ “Not applicable” refers to the one case file that cannot be located, the one TPO file that was “voided,” and the four TPO cases that were never created due to clerical error.

¹⁶⁸ Throughout this project, individual percentages are rounded to the nearest whole number, so the combined percentages do not always add up to 100%.

1. “The Battle of the –Exes”

By far, the review of the 2008 TPO files shows that cases involving ex-spouses, ex-boyfriends, and ex-girlfriends are the most common.¹⁶⁹ This combined category accounts for approximately 30% of all the 2008 TPO cases and generally includes several permutations:

- (1) The boyfriend stalked or harassed by his bitter ex-girlfriend;
- (2) The girlfriend stalked or harassed by her bitter ex-boyfriend¹⁷⁰;
- (3) The husband stalked or harassed by his bitter ex-wife;
- (4) The wife stalked or harassed by her bitter ex-husband; and
- (5) The current wife/girlfriend/husband/boyfriend being stalked by the prior wife/husband or the prior *or current*¹⁷¹ girlfriend/boyfriend.¹⁷²

Whereas the first four scenarios listed above involve only two people, the fifth scenario is “triangular” in that it involves a third person becoming entangled in a pre-existing relationship. One very common instance where this manifests itself is during child exchanges as part of a visitation schedule. A divorced couple with a child may have an agreement to exchange the child at a particular date and time every week, and one ex-spouse will be accompanied by a

¹⁶⁹ Repeated cases were filed where the Applicant would indicate that he or she was attacked after a Family Court hearing outside the courtroom, or that the Adverse Party in this relationship category was making threatening phone calls while the Applicant was filling out the Application.

¹⁷⁰ The paradigmatic fact pattern in this context involves the broken-hearted ex-boyfriend who wants to reconcile. However, an inverse, and far more disturbing, fact pattern involves the ex-boyfriend who threatens the Applicant because she refuses to have an abortion; in these fact scenarios, the ex-boyfriend often makes threats of violence against the Applicant’s unborn child.

¹⁷¹ The italicized phrase is meant to draw attention to the common fact pattern where infidelity pits two current significant others against each other, as in the example of an extramarital affair.

¹⁷² Interestingly, the scenario in this subsection is not considered “domestic” under Nevada law because the individuals listed here have no statutorily defined relationship with each other.

Also, few scenarios in the 2008 TPO files involved a current boyfriend/girlfriend/husband/wife stalking a prior boyfriend/girlfriend/husband/wife. Instead, the 2008 TPO Files contained several fact patterns where the current boyfriend/girlfriend/husband/wife would stalk or harass a third party suspected of being currently involved with the romantic partner of the boyfriend/girlfriend/husband/wife. Applicants in these situations would often say that they were being accused of “spending too much time” with the mate of the Adverse Party, as in an employment situation where working after hours was required.

current boyfriend or girlfriend who has a conflict with the other ex-spouse.¹⁷³ TPO requests in this situation usually include a plea for the reviewing judge to prohibit a third-party interloper from being present or involved with the child exchange, so that any unnecessary conflicts can be avoided.

2. Disputes Between Neighbors

Although not as common as the “-ex” situation described above, disputes between neighbors still precipitated a surprising number of TPO requests (approximately 13%) in 2008. These requests range from the benign to the frightening.

On one end of the spectrum are cases involving neighbors who have a dispute over barking dogs, loud music, invasive security cameras, overhanging tree branches, parked vehicles, or some other distinct problem that can be resolved by a TPO or, in some cases, voluntary mediation.

On the other end of the spectrum are cases involving one neighbor who is being victimized by a campaign of terror from the other neighbor. These types of cases in 2008 included shots fired at a neighbor’s car, damage to power and gas lines, thrown rocks, and false complaints made to police, Child Protective Services, the Las Vegas Metropolitan Police Department, Animal Control, or other state and federal agencies. One of the 2008 TPO cases involved an individual with such deep hatred for his neighbor that the individual actually walked over to the neighbor’s sidewalk and defecated on it in an incident that was caught on a security camera.¹⁷⁴

¹⁷³ In some of the 2008 TPO files, one ex-spouse was accompanied by the boyfriend or girlfriend who precipitated an affair that ended the marriage between the spouses, thus creating an automatic and inherent hostility.

¹⁷⁴ Pictures in that regard were submitted as part of the TPO filing. This same neighbor had also thrown animal feces, chicken bones, and trash onto his other neighbor’s yard on a consistent basis.

Notably, many neighbor cases involved one neighbor's conflict with the respective homeowner's association in the neighborhood. Construing administrative fines and notices of violation as a form of stalking and harassment, these neighbors petitioned the Court for protection orders as an unusual tactic to abate such regulation by the associations.¹⁷⁵

3. Disputes Between Acquaintances/Friends

In approximately 10% of the cases, the Applicant listed the Adverse Party as an "acquaintance" or "friend." Examples in this category include an existing friendship that has turned sour, or a conflict between a romantically obsessed person and the target of that obsession who does not share those feelings.

4. Disputes Between Coworkers

Employment disputes made up 9% of the total case types. Conflicts in this regard can arise in various permutations:

- (1) An employee who believes that he or she was wrongfully terminated and then seeks revenge or reprisal from the person(s) believed to be responsible for that termination;
- (2) A coworker who was formerly involved in a dating relationship with another coworker;
- (3) A coworker who is currently involved with the ex-spouse, ex-boyfriend, or ex-girlfriend of another coworker;
- (4) A coworker who simply has a personality conflict with another coworker; or
- (5) A coworker who is involved in a disciplinary situation or grievance with another coworker.

Several of the 2008 TPO files posed a trap for which judges needed to be wary. When an Applicant lists his or her place of employment and obtains a TPO against a coworker, the

¹⁷⁵ One particular Applicant resorted to ridiculous hyperbole and claimed that her homeowner's association was acting like "neighborhood terrorists exercising their own version of ethnic cleansing."

coworker should not be ordered to “stay away” from the common place of employment, or else the TPO could effectively terminate the Adverse Party’s employment.

Some judges are regularly cognizant of this potential problem and include language like the following:

* “Any problems that arise at work are to be handled by the Human Resources Department of _____.”

OR

* “This order is not intended to preclude either party from going to work. However, Adverse Party must stay away from Applicant before or after work on the property of _____.”¹⁷⁶

5. Landlord-Tenant Disputes

Approximately 5% of the 2008 TPO cases involved landlord-tenant disputes. Many of these cases involved tenants who were being stalked or harassed by overzealous landlords as part of the eviction process. These landlords took actions such as entering property without proper notice or consent, turning off utilities in violation of Nevada law, threatening tenants for exercising their legal rights, or demanding rent or other amounts due in a hostile manner.¹⁷⁷

Other TPO cases involved tenants who were bitter at being evicted and threatened to damage the property or to retaliate against the landlords.

Still other cases involved foreclosure situations where people became displaced from their property yet continued to return to their property in attempts to recover personal possessions that had been deemed “abandoned” by a reviewing court.

6. Disputes Between Roommates

¹⁷⁶ This type of clause is generally included in situations where the common employment is for a large business, such as a hotel/casino.

¹⁷⁷ Tenants in this situation often sought a TPO in lieu of, or in addition to, other statutory remedies. See, e.g., NRS 118A.390 (creating a procedure for expedited judicial relief for a tenant that is the victim of an “[u]nlawful removal or exclusion . . . or willful interruption of essential services”); id. (allowing the tenant to obtain an order for the restoration of premises or essential services, a judgment for damages, injunctive relief, or all of the above).

Roommate situations in 2008 accounted for 4% of all TPO filings. These situations tended to fall within one of three categories:

- (1) Conflicts between two individuals who had voluntarily entered into a lease or rental agreement with a third party;
- (2) Conflicts where a person, either as the sole owner or renter of a given dwelling, rented out a room in a house or apartment to another person but still lived in the same dwelling as that person; and
- (3) Conflicts where a homeowner or renter invited a person into the dwelling as a guest, but then the person refused to leave.¹⁷⁸

Each of these three situations is extremely traumatic for the specific Applicant involved. Unlike a typical landlord-tenant situation, where the landlord and tenant live in different places, a roommate who is being stalked or harassed by a fellow roommate literally has no place to hide. TPO Applicants in this situation commonly assert that they cannot leave their homes unattended for fear that a hostile roommate will vandalize, damage, or steal possessions or money from the common dwelling.

To make matters worse, an Adverse Party roommate generally has the legal right to remain colocated with the Applicant roommate unless the Adverse Party can be evicted for a specific reason. Hostility toward the Applicant may not always be grounds for eviction where rent is being paid and other requirements of the lease or rental agreement are not being violated.

7. Miscellaneous Categories of Relationships

In addition to the common scenarios discussed above, other specific types of relationships tended to recur with some frequency in 2008.¹⁷⁹

¹⁷⁸ Several of the 2008 TPO cases in this subcategory involved an Applicant who had provided refuge to a homeless person who became hostile after being asked to either leave or contribute financial support.

¹⁷⁹ These types of relationships included the following:

- (1) Conflicts between students, either at the high school or university level, or at the site of some specialized training such as cosmetology;
- (2) Conflicts between former business partners, or between businesses and disgruntled customers;
- (3) Conflicts between family members;

The 2008 TPO files also contained a handful of scenarios that were obviously abusive and/or frivolous:

- (1) The Applicant who listed a business as an Adverse Party and claimed that all of its employees were stalking and harassing her;
- (2) The Applicant who claimed that the Adverse Party was always following him but who failed to reveal that the Adverse Party was actually a peace officer investigating the Applicant for perceived criminal acts;
- (3) The Applicant who claimed that the Court needed to apply “the blood of Christ” to court paperwork because the Adverse Party was a Pagan devil worshipper who spent his time “casting spells” on the Applicant¹⁸⁰; and
- (4) The Applicant who made multiple TPO requests based upon the fact that she would go to a gas station mini market and encounter a specific employee who would give her “hard looks” and say things like “can’t you make your own coffee?” and “don’t you own a coffee pot?”

These fact patterns should be distinguished from those cases where the Adverse Party is obviously mentally ill or suffering from delusions caused by alcohol or drug abuse. The 2008 TPO files described the following scenarios where Applicants were being victimized by Adverse Parties with a tenuous grasp on reality:

-
- (4) Conflicts involving witnesses in criminal cases who were being stalked or harassed by the defendant in the related criminal case;
 - (5) Conflicts between buyers and sellers of personal property who have a dispute relating to the transaction;
 - (6) Students obsessed with their teachers, at both the high school and college levels; and
 - (7) Cases where a minor child ran away to the house of a friend, boyfriend, or girlfriend, and the child’s parent(s) requested a TPO against the family so that the family would be prohibited from harboring the child.

The seventh case type listed above is actually a creative approach to the TPO process. By ordering the family to “stay away” from the child, a judge can essentially create an imaginary barrier that prevents the runaway from entering the other family’s home.

¹⁸⁰ Oddly enough, one of the 2008 TPO files actually had the inverse fact pattern, where the Adverse Party was allegedly obsessed with making the Applicant be “born again” and converted to a specific religion. The Adverse Party told the Applicant that “friends don’t let friends go to hell.”

(1) In a case involving former friends, the Applicant said that the Adverse Party was aggressively accusing the Applicant in public of harassing the Adverse Party by channeling the Adverse Party's energy and living in the Adverse Party's body.¹⁸¹

(2) A case where the Adverse Party claimed that he had been implanted with a chip at birth and that his every movement was being tracked.

Surprisingly, none of the 2008 TPO files contained any irrational requests for protection orders against celebrities or public officials. The Court sometimes receives this type of request which is usually accompanied by a claim that the celebrity or public official impregnated the Applicant, or is spying on the Applicant, or has a vendetta against the Applicant.

8. Relationships That Are Not Defined or Otherwise Discernible

These cases constitute approximately 13% of all the 2008 TPO filings. Such cases are the most difficult for the reviewing justice of the peace because the fact patterns rarely provide sufficient context for why the Adverse Party is committing acts that necessitate a protection order. The justice of the peace may not know the true history between the parties unless the case is set for a hearing and the parties' relationship is explored in more detail.

C. Statistics about the Adverse Party

1. The "Confidential Information Sheet"

As part of the filing process for a TPO, Applicants are asked a series of questions about the Adverse Party. These questions are contained on a "Confidential Information Sheet"¹⁸² that is meant to perform three functions.

¹⁸¹ The Applicant referred to an e-mail in which the Adverse Party asked the Applicant to "please break the energy connection that you have initiated with me" because "[y]ou have been sending energy to my second Chakra through hugs for over a year" and "I am not interested in an energy-only relationship."

¹⁸² Implicit in the label "Confidential Information Sheet" is that this form is not considered a "public" document. A member of the media or other requester seeking to view this document would have to file a "Motion for Disclosure of Non-Public Information" and have the request ruled upon by a judge of the Las Vegas Justice Court. However, such a motion is generally not filed for the Confidential Information Sheet because the public understands and respects the sensitive nature of this document. In fact, the Confidential Information Sheet is one of the few court documents that is explicitly required to be treated as

First, the Las Vegas Justice Court uses information about the Applicant as a source of contact information for notices and orders. The Applicant provides his or her name, address, phone number, and any other name used. The Applicant also lists an additional contact person, for situations where the Court needs to provide information to the Applicant on an expedited basis.¹⁸³

Second, the reviewing judge relies upon information in the Confidential Information Sheet as part of the substantive decision for whether to grant or deny a TPO request. If the Applicant indicates on the form that the Applicant and the Adverse Party are currently living together, the reviewing judge will need to take that fact into account so that the TPO does not effectuate a “de facto” eviction by preventing the Adverse Party from accessing his or her residence. Also, if the Applicant indicates on the form that the Applicant and the Adverse Party are currently working in the same place of employment, the reviewing judge will need to consider whether the TPO would effectively terminate the Adverse Party’s employment by preventing the Adverse Party from going to work.

Third, the information provided by the Applicant is used to assist law enforcement officers with serving a protection order. The Confidential Information Sheet solicits questions

“confidential,” as a result of that designation appearing on the statewide standardized forms promulgated by the AOC TPO Forms Committee.

Although the Nevada Supreme Court has not yet ruled upon the question of whether certain court documents may be treated as presumptively confidential, treatment of the Confidential Information Sheet in this manner is consistent with the Nevada Rules on Sealing and Redacting Court Records (SRCR) which have been issued by the Nevada Supreme Court for traditional civil cases. See SRCR 3(4) (allowing sealing or redaction if “justified by identified compelling privacy or safety interests that outweigh the public interest in access to the court record”); SRCR 3(4)(d) (enumerating, as an example of a compelling privacy interest, that “the redaction includes only restricted personal information contained in the court record”). The applicability of the SRCR to TPO cases is currently unclear. See, e.g., SRCR 1(4) (“These rules apply to all court records in civil actions, regardless of the physical form of the court record, the method of recording the court record, or the method of storage of the court record. These rules do not apply to the sealing or redacting of court records under specific statutes, such as NRS Chapter 33 [which includes DV TPO’s, Workplace TPO’s, and Harm-to-Minors TPO’s]. . . .”).

¹⁸³ The Confidential Information Sheet further asks the Applicant to list his or her relationship to the Adverse Party. This information is also requested in the body of the Application.

about the Adverse Party’s social security number, date of birth, last known address, place of employment, work schedule, and vehicle. The form also asks the Applicant to provide distinguishing characteristics of the Adverse Party, such as hair color, eye color, height, weight, sex, and race; whether the Adverse Party has any scars, marks, or tattoos; and whether the Adverse Party speaks English or another specific language. Additionally, the form allows the Applicant to alert law enforcement to the fact that the Adverse Party may be dangerous or elusive.¹⁸⁴

2. Selection of Specific Traits

This project tabulates data from the Confidential Information Sheet relating to two characteristics of the Adverse Party: (1) Sex; and (2) Race. These two data elements are generally known by Applicants and can provide useful information to the Court.¹⁸⁵

A third data element, “Age of the Adverse Party,” was considered and rejected for one simple reason--few Applicants likely would be able to articulate a specific age, or date of birth, for the Adverse Party. This reason was confirmed throughout the file review process, as this data element was routinely left blank on the Confidential Information Sheet.

A fourth data element, “Race of the Applicant,” was rejected because neither the

¹⁸⁴ Specific questions in this regard include the following:

“Is the Adverse Party likely to react violently when served? **Yes or No**
Is the Adverse Party likely to avoid service? **Yes or No**
Does the Adverse Party have a Carrying Concealed Weapon (CCW) Permit? **Yes or No**
Does the Adverse Party have access to weapons? **Yes or No**
If yes, please describe type and location of weapon(s):

Does the Adverse Party's history include (please circle): assaults, assaults w/weapon, batteries, mental health problems, drug/alcohol abuse, outstanding/prior arrest warrants, safety issues? Explain.”

¹⁸⁵ Unlike “sex,” “race” of the Adverse Party calls for much more speculation on the part of the Applicant, so the ethnic descriptions discussed herein may not always be accurate representations of the true ethnicities of Adverse Parties. Nevertheless, the designations will at least show what ethnicity each Adverse Party was perceived to be by the Applicant.

Application nor the Confidential Information Sheet solicits this information from the Applicant, even though that information would be useful for statistical purposes. The Customer Service Survey used in this project attempts to gauge the racial composition of TPO Applicants and will be discussed separately.¹⁸⁶

3. Sex

In 2008, Applicants listed the sex of individual adverse parties as follows:

TABLE #6: NUMBER OF ADVERSE PARTIES BY SEX¹⁸⁷

	Number of Adverse Parties	Percentage of Total Adverse Parties
Male	1,331	54%
Female	1,029	42%
Not Listed	107	4%
TOTAL	2,467¹⁸⁸	100%

The author assumed that the number of males and females as Adverse Parties would be roughly equal, at 50% each. The data above only reflects a minor deviation from the expected result. The chart illustrates that a majority of Adverse Parties overall are men. However, the disparity between male and female Adverse Parties could be closer than the chart suggests because 4% of the Adverse Parties were simply left unidentified.

¹⁸⁶ Notably, at some point in 2008, the Las Vegas Justice Court began utilizing a Supplemental Information Sheet which asks the Applicant questions in addition to those asked on the Confidential Information Sheet. Race and sex of the Applicant are solicited on the Supplemental Information Sheet. However, the small total number of Supplemental Information Sheets for 2008 prevented the Applicant's race from being measured in this project as part of the file review process.

¹⁸⁷ An individual case may have more than one Adverse Party. The statistics presented herein are tied to individual Adverse Parties, as opposed to individual cases. The Court requires individual "Confidential Information Sheets" for individual people named as Adverse Parties, so information about each specific Adverse Party was obtainable for this analysis.

¹⁸⁸ This number represents the total number of Adverse Parties in Calendar Year 2008, as opposed to the 2,516 Adverse Parties cited in the *Annual Report of the Nevada Judiciary* for Fiscal Year 2008.

Front-counter employees should make a concerted effort to ensure that this portion of the Confidential Information Sheet is filled out by the Applicant, so reviewing judges can have this basic information about Adverse Parties at their disposal.¹⁸⁹

4. Ethnicity

In 2008, Applicants identified the following ethnicities for Adverse Parties in individual cases¹⁹⁰:

TABLE #7: ETHNICITIES OF ADVERSE PARTIES IN TPO CASES

Ethnicity	Number of Adverse Parties in 2008	Percentage of Total Ethnicities in 2008	Percentage of Ethnicities in Clark County Generally in 2009¹⁹¹
Caucasian¹⁹²	1,221	49%	55%
African American¹⁹³	455	18%	9%
Hispanic¹⁹⁴	420	17%	27%
Asian¹⁹⁵	106	4%	8%
Other¹⁹⁶	85	3%	1%
No Race Identified or “Unknown”	180	7%	N/A
TOTAL	2,467	<100%	100%

¹⁸⁹ Many of the TPO files from 2008 included exotic, nontraditional names where the sex of the Adverse Party was not immediately apparent. Other files listed names that are often shared by both men and women, thus creating an ambiguity where the Applicant did not identify the sex of the person.

¹⁹⁰ As with the statistics relating to “sex,” the statistics presented herein are tied to individual Adverse Parties, as opposed to individual cases.

¹⁹¹ This column contains statistics from the 2009 Clark County Demographics Brochure which is viewable at this link:
http://www.accessclarkcounty.com/depts/comprehensive_planning/demographics/Documents/DemographicsBrochure.pdf

¹⁹² The designation “White” is treated as “Caucasian” for purposes of this analysis.

¹⁹³ The designation “Black” is treated as “African American” for purposes of this analysis.

¹⁹⁴ The designations “Mexican,” “Latino,” and “Latina” are treated as “Hispanic” for purposes of this analysis.

¹⁹⁵ The designations “Chinese,” “Korean,” “Vietnamese,” and “Filipino” are treated as “Asian” for purposes of this analysis.

¹⁹⁶ The 85 adverse-party ethnicities were the following: Albanian (1); Arab/Arabic (5); Argentinean (3); “Biracial” (1); Columbian (2); Cuban (7); Ethiopian (1); German (1); Greek (3); Hawaiian (2); Hungarian (1); Indian (13); Indonesian (2); Iranian (2); Italian (6); Middle Eastern (7); “Mixed” (4); Native American (2); Nigerian (1); Persian (2); Polish (2); Puerto Rican (7); Romanian (1); Russian (2); and Samoan (7). One of the Applicants using the term “Mixed” also used the offensive phrase “Half Breed” to describe the Adverse Party’s ethnicity.

Curiously, 85 individuals with 25 separate ethnicities accounted for only 3% of all Adverse Parties. The overwhelming majority of ethnicities in the 2008 TPO cases is comprised of members of only four ethnic groups: (1) Caucasian; (2) African American; (3) Hispanic; and (4) Asian. The Court should be mindful of these ethnic groups when it prepares informational materials or offers other services, such as interpreters.¹⁹⁷

D. Cases Involving Weapons

The Court utilized 2,040 TPO case numbers in 2008. Six cases were removed from the analysis for various reasons.¹⁹⁸ Thus, 2,032 cases remained.

Of the 2,032 cases remaining, 171 of those cases, or 8% of the total, “involved” a weapon.¹⁹⁹ As used in this section, a weapon is deemed to be “involved” in either of the following situations:

- (1) The Adverse Party brandished a visible weapon and directed it toward the Applicant²⁰⁰; or
- (2) The Adverse Party actually battered the Applicant with the use of a weapon.²⁰¹

These criteria focus on an objective, rather than subjective, approach to whether a weapon is involved in a given case. Where the Applicant merely indicated that the Adverse Party threatened to kill or threatened to use a weapon, such cases do not “involve” a weapon for purposes of this discussion. Also, mere ownership of a weapon is not the same as “use.”

¹⁹⁷ Notably, the Court does not offer its TPO Information Packet in the Spanish language, despite the significant number of Applicants who are of Hispanic descent. This oversight needs to be corrected.

¹⁹⁸ The six cases include one TPO file that cannot be located, one TPO file that was “voided,” and four TPO cases that were never created due to clerical error.

¹⁹⁹ Some cases involved more than one type of weapon being involved. For example, one Applicant claimed to have been attacked by the Adverse Party with a bat, a gun, golf clubs, rocks, and knives.

²⁰⁰ This classification mirrors the statutory elements of assault. See NRS 200.471(1)(a) (defining “assault” as unlawfully attempting to use physical force against another person, or intentionally placing another person in reasonable apprehension of immediate bodily harm).

²⁰¹ This classification mirrors the statutory elements of battery. See NRS 200.481(1)(a) (defining “battery” as “any willful and unlawful use of force or violence upon the person of another”).

Similarly, the Adverse Party’s use of tools or objects to cause property damage (by throwing rocks through windows or slashing tires, for example) are not treated as “involving” a weapon because the focus here is on threatened, or inflicted, physical harm to Applicants or protected parties.

Of the 171 cases involving a weapon, the five most common weapons identified by Applicants were the following:

TABLE #8: WEAPONS ALLEGEDLY USED AGAINST APPLICANTS IN TPO CASES

Rank	Type of Weapon	Number of Cases
1	Gun	36
2	Knife	33
3	Car ²⁰²	18
4	Rock(s)	14
5 (tie)	Bat	6
5 (tie)	Firearm	6
5 (tie)	Telephone	6
5 (tie)	“Weapons” (unspecified)	6

The remaining weapons identified by Applicants covered a wide range of potentially deadly implements.²⁰³

²⁰² These scenarios involved the Adverse Party trying to “run over” a pedestrian Applicant or participating in a vehicle chase that resulted in an attempted or actual collision with the Applicant.

²⁰³ The types of miscellaneous weapons are as follows: Axe (4); “bag” (1) (the context of the narrative implied that the bag was the Adverse Party’s handbag or purse); bottle(s) (5); boxes (1); brass knuckles (1); brick (3); can of “Fix-A-Flat” (1); chain (1); crowbar (2); darts (1); drugs (1); fire (1); flame with lighter spray (1); flashlight (1); fork (1) (described as a “barbecue fork”); glass (1); golf club(s) (2); hammer (1); liquid plaster thrown at Applicant (1); mace (1); machete (2); objects (undefined) (2); pan (1); pen (3); pepper spray (2); pickaxe (1); pitbulls (2); pool ball (1); rod (2); scissors (1); screwdriver (1); shoe high-heel (1); “shooting” (an unidentified firearm) (3); shotgun (2); “stabbing” (by an undefined instrument) (3); stick (4); taser (1); truck (1); and van (2).

The Applicant in the specific case involving “drugs” claimed that the Adverse Party put unknown drugs in her food and drink, which resulted in her having a stroke and requiring hospitalization.

The Applicant in the specific case involving “flame with lighter spray” described this as the Adverse Party’s makeshift attempt at creating a blowtorch to use against the Applicant.

In one of the applicable cases involving “stabbing” by an undefined instrument, the Adverse Party allegedly cut the Applicant’s face and was subsequently charged with “Attempted Murder with a Deadly Weapon,” as alleged in the Applicant’s narrative.

E. Departmental Statistics

The author intended to ascertain whether each of the justices of the peace were assigned an approximately similar number of protection order cases in 2008, or whether the Court’s method of randomizing and assigning cases resulted in a lopsided distribution that needs to be adjusted. A review of the 2008 TPO Files reveals that the files were distributed to each judicial department as follows:

TABLE #9: NUMBER OF TPO CASES BY JUDICIAL DEPARTMENT IN 2008

Dept.	Number of Cases	Percentage of Total TPO Cases
1	233	11%
2	7	<1%
3	240	12%
4	234	11%
5	253	12%
6	205	10%
7	232	11%
8	224	11%
9	213	10%
10	193	9%
N/A	6	<1% ²⁰⁴
TOTAL	2,040	<100%

²⁰⁴ The six cases listed here include the one TPO file that cannot be located, the one TPO file that was “voided,” and the four TPO cases that were never created due to clerical error.

The fact that the distribution of cases is not exactly even is unsurprising. This is because the Las Vegas Justice Court currently has a policy of assigning to the same judge all TPO cases involving the same Applicant, or the same Adverse Party, within the last two years. The “one party, one judge” rule disrupts the true randomization of TPO case assignments.

Additionally, the justice of the peace in Department 2 was the Chief Judge in 2008. Under the Justice Court Rules of the Las Vegas Township (JCRLV), the Chief Judge did not have the traditional type of caseload that the other justices of the peace had.²⁰⁵ This explains why his caseload was so much smaller than that of his counterparts.²⁰⁶

Each one of the ten judges would have been assigned 10% of the TPO caseload if a perfect randomization had been achievable. Removing the justice of the peace in Department 2 from the applicable calculation, and removing the 6 cases in the “not applicable category,” the percentages for the remaining nine justices of the peace vary from a low of 9% to a high of 12%. These figures do not vary significantly from the hypothetical standard of 10%.

Moreover, the fact that the judges are all within approximately 3% of each other in terms of TPO caseload illustrates that the assignment of TPO cases was not unfairly lopsided in 2008.

F. Time to Disposition by Department

After reviewing the TPO files for Calendar Year 2008, the number of TPO’s granted and denied, by judicial department, is as follows:

²⁰⁵ See JCRLV 1(b)(1) (declaring that the Chief Judge must be responsible for the chief judge’s own administrative calendar “which shall include, without limitation, motions, status checks, special settings, and hearings on judicial disqualification motions”).

²⁰⁶ The criteria utilized by the Chief Judge in deciding to rule upon the seven specific TPO cases in 2008 is not clear. It is also not clear if those specific Applicants delivered their applications to chambers for a judicial ruling before such paperwork was filed with the Justice Court Customer Service Counter. Such a process would have avoided randomization entirely because the cases would have gone directly to the Chief Judge. Cf. JCRLV 1(b)(2) (allowing the Chief Judge to “[c]onsider and rule on any ex parte applications for orders in cases which have not been assigned”). The individual who was the Las Vegas Justice Court Chief Judge in 2008 is now a judge in the Eighth Judicial District Court.

TABLE #10: TPO'S GRANTED AND DENIED BY JUDICIAL DEPARTMENT IN 2008

Dept.	TPO Denied Without a Hearing (Total #)	Time to Disp. (Total Days)	TPO Granted Without a Hearing (Total #)	Time to Disp. (Total Days)	Extended Order Denied After Hearing (Total #)	Time to Disp. (Total Days)	Extended Order Granted After Hearing (Total #)	Time to Disp. (Total Days)
1	89	334	116	336	21	323	8	95
2	0	0	7	8	0	0	0	0
3	36	188	1	2	145	2424	60	1057
4	23	114	109	559	78	2523	24	736
5	79	277	159	700	13	251	4	66
6	118	748	84	584	7	117	0	0
7	57	390	116	1588	39	975	20	640
8	31	100	160	510	21	394	12	192
9	48	132	84	251	65	1026	19	299
10	28	69	48	149	85	2201	34	633
TOTAL	509	2352	884	4687	474	10234	181	3718

For each of the four disposition types listed above, the time to disposition was calculated by dividing the total number of judicial days by the total number of dispositions in each category.

Using this approach, the time to disposition by department is reflected in the following table:

TABLE #11: TIME TO DISPOSITION BY DEPARTMENT IN 2008

Dept.	TPO Denied Without a Hearing	TPO Granted Without a Hearing	Combined Disposition for Non-Hearings	Extended Order Denied After Hearing	Extended Order²⁰⁷ Granted After Hearing	Combined Disposition for Hearings
1	3.75 days	2.9 days	3.27 days	15.38 days	11.88 days	14.41 days
2	--	1.14 days	1.14 days ²⁰⁸	--	--	--
3	5.22 days	2 days	5.14 days	16.72 days	17.62 days	16.98 days
4	4.96 days	5.13 days	5.1 days	32.35 days	30.67 days	31.95 days
5	3.51 days	4.4 days	4.11 days	19.31 days	16.5 days	18.65 days
6	6.34 days	6.95 days	6.59 days	16.71 days	--	16.71 days
7	6.84 days	13.69 days	11.43 days	25 days	32 days	27.37 days
8	3.23 days	3.19 days	3.19 days	18.76 days	16 days	17.76 days
9	2.75 days	2.99 days	2.9 days	15.78 days	15.74 days	15.77 days
10	2.46 days	3.1 days	2.87 days	25.89 days	18.62 days	23.82 days
DEPT. AVERAGE			4.57 days	DEPT. AVERAGE		20.38 days

²⁰⁷ The author is using “Extended Order” as a convenient label for orders that occur after a hearing. However, the numbers reflected here refer to any type of Order issued after a hearing, whether it is Temporary or Extended.

²⁰⁸ This departmental statistic will be removed from this chart, and the average time to disposition across all judicial departments will be adjusted accordingly, because the small volume of cases heard in this department is completely different than the large volume of cases heard in the remaining departments.

1. Orders Processed Without Hearing

For Orders processed without a hearing, the average time to disposition is measured from the date that the Application was filed and to the date that either a Temporary Order, or an Order Denying TPO, was filed. The average time to disposition for either of these events is 4.57 days.

Looking at the figures for each of two judicial departments, the data from both the low and the high end of the spectrum deserve special mention.

In 2008, Justice Court Department 2 was presided over by the Chief Judge, who did not regularly rule upon protection orders due to his specialized calendar. However, in 2008, he granted one TPO without a hearing in eight days, and he granted six additional TPO's without a hearing in "zero days," meaning that the TPO was filed on the same day that the Application was filed. For these latter six TPO's, it is not clear if the processing was expedited for some emergency basis, or if the filings were delivered directly to the Chief Judge for handling. In any event, the Chief Judge only ruled upon seven TPO's out of 2,040, or 0.0034% of the 2008 TPO's. In order to compute the true average disposition time for orders processed without hearing, the author is removing Department 2 from the applicable calculation and computing the average based on the remaining nine departments. This revised figure shows that the average time to disposition for Orders processed without a hearing is more accurately represented as **4.96 days, or nearly one full judicial week.**

On the other end of the spectrum is Justice Court Department 7. The time to disposition in this department for 2008 is nearly twice as long as the next highest judicial department when a Temporary Order was granted without a hearing. It is not clear if the delay is attributable to the judge and the justices of the peace pro tempore who made each decision, the judicial executive assistant who prepared the Order for the judicial signature, or the TPO Desk employee who filed

the final Order. In any event, further study is needed to ensure that the time to disposition for a granted Temporary Order in that department can be reduced from the 2008 standard of more than two judicial weeks.

2. Dispositions After Hearing

As expected, the length of the time to disposition increases substantially when a case is set for hearing. Under this heading, three distinct scenarios need to be considered.

a. Continuances

Judges occasionally continue hearings because of scheduling conflicts between the parties or because either or both of the parties indicate a desire to obtain counsel.

Moreover, it is also common for a case to come on calendar with the Adverse Party not present because he or she was not served with notice of the hearing. In such a case, the Court routinely continues the matter so that the Adverse Party can be notified of the hearing.

Thus, continuances are often a necessary part of the hearing process, and the resulting time delay must be remembered when analyzing the time to disposition.

b. “Hybrid” Dispositions

Some judges prefer to maintain jurisdiction over a case without actually ruling on the underlying TPO application. In such instances, the judge might indicate that he is deferring a ruling on the application, but that he is instituting an informal “no-contact” order of some type which requires the parties to leave each other alone under the threat of contempt. In this project, a “no-contact” order is not treated as a disposition because it does not formally dispose of the underlying TPO Application. Therefore, the actual time to disposition in those types of cases can be quite lengthy because some judges will schedule regular status checks over a period of several months before finally granting or denying the underlying TPO request.

c. The “Deal with It Later” Disposition

In multiple TPO cases, the author detected a troubling trend where a TPO Application was set for hearing, the Applicant appeared before the judge, the judge concluded that protection was warranted, and then the judge told the Applicant that a TPO would be sent to the Applicant at some later time. The eventual filing date was often days, or in some cases, weeks later, which had an impact on the time-to-disposition rate for Extended Orders.

The “Deal with It Later” Disposition is very frustrating from a customer service perspective, especially when both the Applicant and the Adverse Party were present for the specific hearing. In that circumstance, the Adverse Party originally had to be served with the Notice of Hearing. The Adverse Party appeared before the judge and could have been served with a Protection Order during that hearing. Instead, the Adverse Party was able to leave the hearing empty-handed, knowing that a Protection Order would be forthcoming and having every incentive to evade service, and the Applicant left the hearing with no formal protection in effect. In fact, countless cases involved Applicants who learned that they were entitled to a TPO during the hearing but who were later unsuccessful in serving that later-granted TPO upon the Adverse Party who had previously been present at the hearing. Moreover, two cases which “slipped through the cracks” involved requests for protection orders that were granted at hearing, but the protection orders were never prepared at all because they were overlooked due to clerical error.

Thus, in the Recommendations section of this project, the author will be recommending a specific approach that can resolve this issue very easily.

G. Motions

1. Motions to Dissolve and Orders to Show Cause

For the 2,034 TPO cases that were actually created and analyzed in this project, 54 cases (3%) included a Motion to Dissolve that was granted, and 61 cases (3%) included a Motion to Dissolve that was denied. Thus, these 115 Motions only occurred in 6% of all TPO cases.

Also, 32 Motions for Order to Show Cause were filed in the 2,034 cases, This represents a miniscule 2% of all the TPO cases in 2008.

When the calculation is limited to the number of cases where protection orders were actually issued, the percentage of motions increases accordingly. The 884 Temporary Orders issued, added to the 181 Extended Orders issued, amounts to 1,065 total protection orders issued. Using 1,065 as the baseline, the adjusted percentage of Motions is as follows:

TABLE #12: MOTIONS COMPARED TO TOTAL PROTECTION ORDERS ISSUED

Motions to Dissolve (Granted)	54 / 1065 = 5%
Motions to Dissolve (Denied)	61 / 1065 = 6%
Motions for Orders to Show Cause	32 / 1065 = 3%

These figures are striking in that only 11% of all issued protection orders involved a Motion to Dissolve. Moreover, only 3% of all issued protection orders involved a Motion for an Order to Show Cause.

For Motions to Dissolve, one could argue that the small number of Motions to Dissolve is based on several factors:

- (1) Not all protection orders that are issued are actually served on the Adverse Party;
- (2) Some Adverse Parties decided to curb their behaviors voluntarily in lieu of challenging the protection order itself; and

(3) Some Adverse Parties may have believed that a Motion to Dissolve would have been too much trouble, or unlikely to be persuasive to the judge.

For Motions for Orders to Show Cause, it is not clear if the low percentage of such motions is due to the fact that most Adverse Parties were compliant with the TPO's (and no Motion for an Order to Show Cause was necessary), or whether many Applicants elected not to file such motions in order to avoid exacerbating relations with noncompliant Adverse Parties. In either event, judges and court staff should continue to encourage the use of the Motion for Order to Show Cause as a tool for judicial intervention for the enforcement of protection orders.

2. Motions to Modify

Motions to Modify were filed in 40 cases out of 2,034, or in approximately 2% of all TPO cases.²⁰⁹ Some of the Motions were used in lieu of, or in addition to, Motions to Dissolve the Protection Order.

Of the 40 cases where Motions to Modify were filed, 32 cases involved Motions to Modify that were filed by Applicants. Reasons for the modification request included the following:

- (1) The Court issued a TPO against an Adverse Party with an incorrect name, incomplete name, or "John Doe" designation, and the Applicant was later able to ascertain the correct name for the Adverse Party;
- (2) The Applicant gave birth to a child after a protection order was issued, and the Applicant wanted the child to be named as a protected party;
- (3) The Applicant wanted to include additional victims to be protected by the order;
- (4) The Applicant wanted to include additional Adverse Parties in the protection order;
- (5) The Applicant wanted to include additional locations for which the Adverse Party would have to stay away;
- (6) One Applicant asked that her automobile be specifically listed in the protection order so that the Adverse Party would not tamper with it or damage it;

²⁰⁹ One case involved two consecutive Motions to Modify which were denied by a judge in one Order.

(7) One Applicant requested that the Court clarify the “stay away” distance as “500 feet”;

(8) One Applicant asked the Court to remove a victim from the original protection order; and

(9) One case involved an error by the Court where the Applicant had requested that her home address not be included in the protection order, but the original version of the protection order inadvertently included that address.²¹⁰

The remaining 8 cases involved Motions to Modify that were filed by Adverse Parties.

Cited reasons for those modification requests included the following:

(1) In a case involving multiple Adverse Parties, one Adverse Party claimed that he was not involved in the incidents with the Applicant and that he should be removed as a named Adverse Party;

(2) In a case where an Adverse Party had been evicted and ordered to stay away from an apartment complex, the Adverse Party asked for a limited exception which would allow her to return to her old apartment and retrieve her possessions;

(3) An Adverse Party requested that the Applicant be required to support her allegations with information from objective third parties as opposed to family members;

(4) An Adverse Party claimed that she needed to regularly pick up children from a school which was listed as a prohibited location in a protection order; and

(5) An Adverse Party whose name was misspelled in a protection order included a Motion to Modify the name as part of a granted request to dissolve the protection order.

H. Issues Encountered in the Processing of Court Paperwork

1. General Instances of Clerical Error

In court, judges are assisted by courtroom clerks who are required to document the proceedings with clarity and accuracy by using “trial sheets” to document the proceedings.

However, a review of the 2008 TPO files showed repeated instances of clerical error. These errors included the following:

²¹⁰ The Court was able to issue a modified TPO before the original TPO was served upon the Adverse Party.

- (1) Misspelled party names;
- (2) Incorrectly notating, or failing to notate, which parties were present for hearings;
- (3) Incorrect designation of the proceeding before the judge²¹¹;
- (4) Failing to mark the outcome of a motion, or marking the outcome incorrectly; and
- (5) Failing to clarify the identities of non-parties who attended a scheduled hearing²¹².

The efficiency and accuracy of the courtroom clerk staff is beyond the scope of this project. However, it is clear that more care needs to be taken to ensure that those goals are met, especially because some of the listed errors can have an effect on the outcome of the case.

Clerical error for clerks who are updating the minutes is within the scope of this project.

Errors in this regard include the following:

- (1) Drawing a line through an incorrect entry on the court minutes and then writing by hand a subsequent correct entry beneath the prior one, despite the requirement that minutes are to be typed.
- (2) Failing to notate filed documents, or motions, on the court minutes.
- (3) Failing to notate proof of service on the court minutes.
- (4) Calculating the incorrect date for which a protection order will expire, and then listing that date on the minutes.
- (5) Listing the wrong department or judicial officer on the minutes.
- (6) Failing to notate related TPO cases involving the same parties.²¹³
- (7) Notating on the minutes an incorrect date of filing for the TPO application.

²¹¹ For example, clerks commonly noted that a hearing was to decide whether to “issue” a TPO instead of correctly noting that the hearing was to decide whether to “dissolve” a TPO.

²¹² For example, a clerk would use a notation like “Christina and Greg present for hearing.”

²¹³ Through most of 2008, the TPO Desk used a “sticky note” to alert the judge to the fact that one or more parties had a prior TPO case in the Las Vegas Justice Court. Later, that process evolved so that information on prior TPO cases became a part of the Court’s Supplemental Information form. During both periods of time, however, the TPO Desk often failed to notate related cases that were filed simultaneously (for example, where an Applicant requests a TPO against X in one case and then requests a TPO against Y in the subsequently numbered case). Although the reviewing judge will likely receive and consider both cases at the same time in this situation, both files still need to be notated with their interrelation for future reference.

The author's intent in this project is not to dwell upon incidents of mere clerical error but instead to focus on processing issues that are more systemic and substantive.

2. The TPO Application

a. General Comments

The standard TPO Application is seven pages in length. The heart of the Application appears on Page 2 in the Narrative section. The Applicant is asked to describe “[t]he acts [that] occurred as follows.” From there, twelve lines are set forth for the Applicant to describe why the protection order should be granted.²¹⁴

On one end of the spectrum of responses for the Narrative is the Applicant who speaks in one or two sentences in the vaguest of terms²¹⁵, or simply says “see attached police report,” or simply lists times and dates of telephone calls.

On the other end of the spectrum is the Applicant who will fill pages and pages with information. Applicants of this type who are members of the general public have a tendency to engage in a sort of “stream of consciousness” rambling that creates a catharsis of revelation in their hearts and minds; these Applicants appear to use the Narrative as if it were a trip to their psychologist and as if it were their opportunity to make sense of a stressful situation.²¹⁶ Other Applicants with a voluminous tendency are attorney Applicants who have a tendency to speak in legalese and will often attach pages and pages of supporting exhibits.

For any type of Applicant, the following rules of thumb should be used for guidance:

²¹⁴ A note before the lines tells the Applicant to “be specific as to who committed what act or acts, against whom, when, where, whether committed or threatened; indicate approximate date(s) and location(s).” Notably, the standardized form does not tell the Applicant to explain “why” an Adverse Party may be doing the acts alleged, and many judges are often forced to speculate about what triggered the specific series of events against the Applicant.

²¹⁵ Applicants often resort to dramatic characterizations, such as the Adverse Party being “a ticking time bomb” or “out of control like a freight train racing down a hill.”

²¹⁶ A handful of Applicants used the TPO Application as a sort of “last will and testament” where they would include comments like this: “If I am killed, I urge that an investigation be directed toward the Adverse Party.”

- (1) The Narrative should be legible. Writing that is tiny or sloppy or in incomprehensible cursive will mar the clarity of what the Applicant is trying to convey.
- (2) Writing on the backs of pages is strictly prohibited.
- (3) Attaching typed handwritten statements is helpful, unless the Applicant is using voluminous single-spaced type or the painful-to-follow use of all-capital letters.
- (4) Police reports, though not required, get right to the point for the reviewing judge and can be useful to fill in the gaps from the Applicant's own story. Police reports are almost always typed, so they are virtually never illegible.
- (5) Bare allegations of unspecified "threats" are not helpful. Copies of e-mails and written threats are especially powerful to provide context, but copies of every e-mail ever written between the parties can numb the mind of the person reviewing the Application.
- (6) Applicants often refer to text messages without providing the content of those messages. However, the preferred approach is to transcribe the text messages for the judge, or to have the Applicant e-mail the text messages to his or her computer so the messages can be printed like regular e-mails.
- (7) Photographs can be very effective to show bruising, property damage, or the scene of a criminal incident. Some Applicants take this a step further and provide video recordings from surveillance cameras
- (8) CD's of threatening voicemails allow the judge to hear the Adverse Party's tone of voice and the intensity of any threats made.
- (9) The Narrative should be written in chronological order (and not in reverse chronological order as a few Applicants will do). Presenting the series of events as a story with a clear beginning, middle, and end is essential.
- (10) The Applicant needs to identify the parties involved and to explain how they are related to the Applicant. Referring to people by name without establishing who they are can be very confusing and frustrating for the reviewing judge.
- (11) The Applicant needs to be as specific as possible without falling victim to "glittering generalities." Saying things like "he caused me mental harm" does not give the judge any context in which to understand the fact pattern.²¹⁷
- (12) Copies of protection orders from other courts, or even other states, provide a powerful illustration of why judicial relief has been deemed necessary in the past.

²¹⁷ Other vague references in the 2008 TPO files include phrases like "malicious malice."

Conversely, Applicants occasionally do three things for which the Court needs to focus its attention.

(1) Public Records Issues

First, Applicants should be cognizant of the fact that the TPO Application is a public document. However, they routinely include personal information under the assumption that such information will automatically be protected. The 2008 TPO files contain the following documents that may put the Applicant at risk for identity theft or further harassment:

- (1) Copies of the Applicant's Driver's License;
- (2) Copies of the Applicant's checks or bank statements; and
- (3) Information about the Applicant that belongs on the Confidential Information Sheet, including contact information.

The files also contain these same documents or information that could put the Adverse Party at risk. Although the Applicant usually provides such information in order to facilitate enforcement of the TPO, the Applicant should not have free rein to divulge the Adverse Party's home address, home telephone number, social security number, or other personal information.²¹⁸

A common area where this is problematic is in the submission of police reports. Such reports often include detailed information about the Adverse Party, including his social security number which is supposed to be treated as confidential by the Court.²¹⁹ However, the flow of

²¹⁸ Some Applicants take the extra step of including as an exhibit a map to the Adverse Party's home, often via an internet printout that details driving instructions from the Las Vegas Justice Court to the specific home.

²¹⁹ See NRS 239B.030(1) (declaring that "a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007"); NRS 239B.030(7)(b) (stating that "personal information" has the meaning ascribed to it in NRS 603A.040); NRS 603A.040 (defining "personal information" as "a natural person's first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted: (1) Social security number; (2) driver's license number or identification card number; (3) account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account); id. (noting that "personal information" does not include "the last four digits of a social security number or publicly available information that is lawfully made available to the general public").

such information remains largely unregulated and creates a serious risk of unauthorized disclosure.²²⁰

From the court staff perspective, many of the 2008 TPO files contained documents that were filed backwards and upside down within the main portion of the file. These documents usually involved notes or e-mails between the staff and judges.²²¹ Treating specific documents in this manner is not useful. If documents are intended to be confidential, they should be grouped together, either on the left side of the file, or in a separate enclosure such as a manila envelope.

(2) Translations

Second, Applicants who do not speak English will often attempt to obtain a translation that can be presented to the reviewing judge. The translation usually comes from a certified court interpreter that is employed by the Court. However, the translation is usually not accompanied by any statement under penalty of perjury; instead, the interpreter will include a brief statement that the translation is “true and correct to the best of my knowledge and understanding.” This language does not satisfy the complete requirements of Nevada law.²²²

²²⁰ A similar arises when a court employee prints out an Adverse Party’s criminal history information for the reviewing judge. On occasion, some of the individual printouts will be marked “confidential” and some will not. The Court needs to ensure that all criminal history paperwork is treated as confidential, either by labeling each individual page as such, or by safeguarding the entirety of the information in a separate folder or by other means.

²²¹ Judges occasionally receive “editorial commentary” from employees at the TPO Desk, or from their own Judicial Executive Assistants or law clerks, all of whom have reviewed the TPO file and wish to notate an issue for the judge’s attention. These issues could involve the Applicant’s credibility, the Adverse Party’s egregious behavior, or a suggested outcome for the judge’s ruling. All communications of this type need to be marked confidential, so that the Court does not convey the mistaken impression that the judge is solely relying upon other court employees for rulings in TPO cases.

²²² See NRS 50.054(2) (declaring that “[b]efore undertaking his duties, the interpreter shall **swear or affirm** that he or she will: (a) To the best of his or her ability, translate accurately to the witness, in the language of the witness, questions and statements addressed to the witness; (b) make a true interpretation of the statements of the witness in an understandable manner; and (c) repeat the statements of the witness in the English language to the best of his or her ability”); see also NRS 53.045 (“Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and

Similarly, although the interpreter’s translation usually accompanies the Narrative portion of the Application, the remaining pages of the Application are often translated without any notation whatsoever of who made the translation. This omission definitely undermines the integrity of the Application.

(3) Graphic Evidence

The Court often receives photographic evidence of injuries caused by the Adverse Party. Also, the Court occasionally receives graphic pictures that are being offered to support the need for protection.²²³ The images in all these pictures can be quite disturbing or embarrassing.

As discussed in the Recommendations section of this project, the Court should implement a protocol for TPO cases whereby such evidence is safeguarded and kept from public view as in a criminal case.

b. “Other Specific Locations Frequented”

The sixth page of the Application contains the following question:

10. Other specific locations frequented²²⁴ where protection is needed (i.e., sports, extra-curricular activities, church, employment, after-school activities, etc.)

The drafters of this language presumably intended that the Applicant would focus on the word “specific” and then provide specific street addresses that should be listed as locations for which the Adverse Party must stay away. Unfortunately, the generic references provided as examples suggest to the Applicant that the responses given can be generic as well.

For example, Applicants in the 2008 TPO cases often listed categories of locations (“stores,” “bars,” “strip clubs,” “parks,” “churches,” “restaurants,” “casinos,” etc.), or the

dated”); *id.* (setting forth the preferred declaration that “I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct”). [*Emphasis added*].

²²³ For example, pictures of male genitalia sent via text message are commonly cited by Applicants. In one TPO filing from 2008, the Adverse Party had superimposed pictures of female genitalia onto the male Applicant’s face in several pictures.

²²⁴ Use of the undefined word “frequented” is confusing in itself. The Applicant is given no guidance in how often a place must be visited before it can be deemed to be “frequent.”

Applicant listed locations that would not be objectively identifiable by a third party (“where I do my shopping,” “where I walk my dog,”²²⁵ “my place I volunteer at,” etc.). In some cases, the Applicant listed a location that would require the Adverse Party to see into the future to be able to comply (“future job sites,” “wherever my daughter will be performing in Las Vegas,” etc.), while other Applicants used location descriptions that were virtually boundless (“anywhere,” “any public area,” “any and all²²⁶ public assistance offices and hospitals where I receive treatment,” “all Supercross Events and motorcycle events in Nevada, *California, Utah, Arizona, and Colorado*,” “any and all areas *relating to* children’s entertainment in the Las Vegas and Henderson areas of Nevada,” “all parks where football and softball games are held,” etc.). [Emphasis added].

Occasionally, these types of generic locations are listed in a protection order, which raises the due process problem of the Adverse Party not knowing the scope of the restriction on his movement.²²⁷

c. Other Conditions

The seventh page of the Application includes a section where the Applicant can further request “the following other conditions” and then list them.

The inclusion of this portion of the Application is consistent with Nevada law, which allows a judge to order the Adverse Party in any TPO case to “[c]omply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to

²²⁵ Occasionally, Applicants may reference a specific park where dog walking occurs. More often, however, the Applicant will refer to “the streets near my house” or some similarly generic description.

²²⁶ The phrase “any and all” usually signifies that an Applicant is about to make an overbroad request relating to “other specific locations frequented.”

²²⁷ For example, one issued protection order told the Adverse Party to stay away from “any restaurant.”

protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.”²²⁸

The immense scope of the responses for “Other Conditions” shows that Applicants often have many faulty assumptions about what the Court can reasonably accomplish with a protection order. The responses below include specific examples of “other conditions” requested by the Applicant:

- (1) “Don’t use any of us on taxes in fraudulent ways.”
- (2) “Refrain from badmouthing me and my family.”
- (3) “Stay away from any online groups or websites that I may be a part of.”²²⁹
- (4) “That the Adverse Party cease and desist all actions that would have *any correlation with* me or my family and friends.”
- (5) “That the Adverse Party [roommate] be immediately removed from my residence.”²³⁰
- (6) “That there be no middle of the night odd behavior.”
- (7) “I want the Vice Principal to be my new school supervisor until the end of the year.”²³¹
- (8) “That he be prosecuted in Court [by the District Attorney’s Office].”²³²

²²⁸
²²⁹

See, e.g., NRS 200.591(1)(c) (setting forth the above language for Stalking TPO’s).

This request is especially problematic because of First Amendment concerns. Applicants frequently object to public disclosure of private facts (such as home addresses and phone numbers) and to hateful, and allegedly defamatory comments, that appear in chat room discussions or on Twitter, Facebook, MySpace, and other social networking websites. One Applicant objected to the fact that the Adverse Party had started a website entitled “[Applicant]isathief.com.” Unlike an e-mail sent directly to an Applicant, many of these web postings are analogous to anonymous postings on an electronic bulletin board.

Other troublesome situations involve an Adverse Party who either creates a fake “profile” in the Applicant’s name and then impersonates the Applicant, pretending to speak in his or her name online, or who applies for credit online in the Applicant’s name and then damages the Applicant’s credit rating because of the identity theft.

None of the 2008 TPO files reviewed for this project contained any explicit judicial orders regulating or prohibiting internet activity by Adverse Parties. However, as social networking becomes more pervasive, the Legislature will need to consider what internet restrictions, if any, can be incorporated into protection orders without trampling upon the First Amendment rights of Adverse Parties.

²³⁰
²³¹

This request was sometimes made in the form of a request to “strike” the Adverse Party from a lease. This Applicant wanted the Court to regulate the administration of a school where two coworkers had a conflict. The judge in the case did not take such an invasive approach.

- (9) “Require extra [police] patrol around my house.”²³³
- (10) “Someone else needs to be appointed to handle my landlord’s affairs.”
- (11) “That the casino security in Planet Hollywood keep their hands off of female customers.”
- (12) “That the Adverse Party [neighbor] pick up mail from the Post Office instead of in front of my house.”
- (13) “No accepting bankruptcy. No leaving the country or state.”²³⁴
- (14) “I don’t want to rent to them anymore.”²³⁵
- (15) “That I be allowed to break my lease so I can move away.”
- (16) “Never use my name, verbally or written.”
- (17) “That she not have access to *any* financial institutions.”
- (18) “To put her in jail because of so many people that she ruin.”
- (19) “Stop talking about me.”
- (20) “That I be paid for services rendered and [I] ask the court to subpoena records from [a specific tax service].”²³⁶
- (21) “I am requesting a motion of the court to file a criminal complaint.”
- (22) “I want the Court to prohibit the Adverse Party from all internet access.”²³⁷
- (23) “That myself and my [disabled] son are allowed to live and move about freely without any harassment or harm or persecution by any state, county, or vendors and nonprofit agencies affiliated with Nevada and employment not be blocked.”

²³² The Court has no involvement with the charging decisions of the District Attorney’s Office.

²³³ The Court has no ability to regulate how peace officers are deployed.

²³⁴ This case involved a business deal gone sour. The listed request is odd because it wants the Court to issue a “Stay Within” order as opposed to a “Stay Away” order.

²³⁵ The Court cannot arbitrarily order the rescission of an existing contract.

²³⁶ The judge in this case denied the request and reached the reasonable conclusion that such relief was beyond the scope of “protection” needed by the Applicant.

²³⁷ In addition to internet issues involving social networking websites, some Applicants objected to pictures of themselves or their family members being posted on certain websites. One Applicant in particular alleged that the Adverse Party had surreptitiously videotaped her in her bedroom and then posted naked pictures of her on a specific website. Other Adverse Parties threatened to post embarrassing videos of Applicants on such websites as YouTube.com.

(24) “That Defendant’s paycheck be garnished.”

(25) “I want a permanent protection order.”

On the other hand, Applicants also suggested creative solutions for judges to consider.

Examples of reasonable requests in the form of “other conditions” appear below:

(1) “All contact between the Applicant and the Adverse Party should be conducted through respective counsel.”

(2) “That a warrant search be done and drug testing be initiated as well as mental health evaluation for stability of Adverse Party.”²³⁸

(3) “That the Adverse Party does not interfere with Applicant’s attempts to pick up or drop off for any visitation with minor children.”

(4) “She has copies of my financial records that I want her to hand over.”

(5) “I request no further contact other than the mailing of my paycheck W-2 [and] income for the year of 2007-2008. . . .”

(6) “That the Adverse Party attend psychological counseling.”

(7) “That the Adverse Party not be given my home address.”

(8) “That the Adverse Party take an alternate route home from school.”

(9) “To stop throwing or depositing trash, chicken bones, dog feces, human feces, glass bottles, and any other items onto my property.”

(10) “Ask her not to have me killed.”

(11) “Adverse Party to be treated for dementia, if possible.”

(12) “If both parties are attending an event at [school], she is to keep her distance.”

(13) “No further extortion.”

(14) “No contact with clients in my [business] database.”

(15) “Report all firearms to Las Vegas Metropolitan Police Department and military commander.”

²³⁸ No judge actually ordered drug testing or mental health evaluations in 2008, although such conditions arguably would be valid under NRS 200.591(1)(c) .

- (16) “No recordings of phone conversations with my daughter.”
- (17) “Stop banging on [common] apartment wall.”
- (18) “Contact should be limited to issues regarding [our] children and legal matters only.”
- (19) “That the Adverse Party remove yard signs that say we are AIDS carriers.”
- (20) “Stop playing music at excessive levels that violate city noise ordinances.”
- (21) “That the Adverse Party (ex-spouse’s new girlfriend) take an anger management course and a parenting skills class.”
- (22) “That they come and get their items from my home on [a specific date], if possible, or set up a date that they be accompanied by a law enforcement officer.”
- (23) “If both parties are at a 12-step meeting, the Adverse Party has five minutes to leave.
- (24) “That the Adverse Party make other arrangements to visit his children [and] that my home will not be a pickup location.”
- (25) “Please forward a copy of TPO to [specific lieutenant] in Washoe County Sheriff’s Department.”
- (26) “That the handguns be removed from his possession.”²³⁹
- (27) “Adverse party to attend AA meetings and be regularly tested.”

²³⁹ This is a common requirement in Domestic Violence TPO cases. In pertinent part, NRS 33.031 states the following:

NRS 33.031. Extended order may prohibit possession of firearm by adverse party; factors for court to consider in determining whether to prohibit possession of firearm; exception; penalty.

1. A court may include in an extended order issued pursuant to NRS 33.030:
 - (a) A requirement that the adverse party surrender, sell or transfer any firearm in the adverse party’s possession or under the adverse party’s custody or control in the manner set forth in NRS 33.033; and
 - (b) A prohibition on the adverse party against possessing or having under the adverse party’s custody or control any firearm while the order is in effect.
2. In determining whether to include the provisions set forth in subsection 1 in an extended order, the court must consider, without limitation, whether the adverse party:
 - (a) Has a documented history of domestic violence;
 - (b) Has used or threatened to use a firearm to injure or harass the applicant, a minor child or any other person; and
 - (c) Has used a firearm in the commission or attempted commission of any crime.

Surprisingly, none of the reviewed 2008 TPO cases utilized a similar approach in the Las Vegas Justice Court. This remedy is a valid form of miscellaneous relief for Stalking TPO’s under NRS 200.591(1)(c).

(28) “That she pay for the damage to my townhome.”²⁴⁰

(29) “Don’t keep me under surveillance.”²⁴¹

(30) “No telephone spoofing.”²⁴²

(31) “I would like to move [the tenant’s] belongings to a storage unit so he doesn’t have to return to the property.”²⁴³

(32) “That the Adverse Party [landlord] protect my utilities from being turned off.”²⁴⁴

(33) “That the Adverse Party [disgruntled client] be directed to transfer his [specific investment] account to another firm of his choosing.”

(34) “Please don’t tell the Adverse Party the name of the school I work at or its location. He has never bothered me there.”²⁴⁵

(35) “Weekly access to rental property within 24-hours-notice per lease without the Adverse Party being present so I can maintain yard, pool, and A/C filters.”

(36) “That all contact be in writing.”

d. The “Reverse Halo” Effect

²⁴⁰ Theoretically, a judge could order the Adverse Party to pay monetary damages, or restitution, under threat of a contempt sanction, but TPO cases never involve the issuance of a money judgment because that remedy is generally not authorized by statute. It is arguably not a valid condition to “protect” the victim in a Stalking TPO case under NRS 200.591(1)(c).

²⁴¹ Surprisingly, no Applicant asked the Court to order surveillance of the Adverse Party via electronic monitoring in the form of an ankle bracelet or otherwise. Such a condition in a protection order would represent a creative approach to protecting victims.

²⁴² Caller ID spoofing is the practice of causing the telephone network to display a number on the recipient's caller ID display which is not that of the actual originating caller. A similar concept is e-mail spoofing, which can make it appear that a message originated from any e-mail address that the sender chooses.

²⁴³ In this Application by a landlord who was being threatened by a tenant, the judge denied the TPO request and instructed the landlord to “file a release of property application.” The judge apparently erred in this ruling because a “release of property” application is filed by a tenant against a landlord. See NRS 40.253(7) (“The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118.207 or 118A.460 for the inventory, moving and storage of personal property left on the premises.”); NRS 40.253(8)(b) (allowing the Court to “[o]rder the release of the tenant’s property upon the payment of the charges determined to be due or if no charges are determined to be due”).

²⁴⁴ See NRS 118A.390 (providing a statutory remedy for a tenant who is the victim of a “willful interruption of essential services”).

²⁴⁵ Unfortunately, the Applicant had listed the address and then marked the confidential box. Due to clerical error, the specific school address did appear in the order and was disclosed to the Adverse Party.

NRS 33.280(2) declares that a court may not issue a Temporary or Extended Order for Protection Against Harassment in the Workplace that is against more than one person. This restriction does not apply to any of other TPO types. However, this author believes that the Legislature should expand the restriction to all of the TPO types in order to increase accuracy, ease of processing, and reliability of results.

Out of the 2,040 TPO cases in 2008, the number of Adverse Parties per case is broken down as follows:

TABLE #13: NUMBER OF ADVERSE PARTIES IN INDIVIDUAL TPO CASES IN 2008

Number of Adverse Parties	Number of Cases	Total Number of Adverse Parties
0	6 ²⁴⁶	0
1	1,742	1,742
2	207	414
3	56	168
4	17	68
5	7	35
6	2	12
7	1	7
8	0	0
9	0	0
10	1	10
11	1	11
TOTAL	2,040	2,467

In approximately 85% of the 2008 TPO cases, the Applicant limited the number of Adverse Parties to one individual.

However, in 292 of the 2,040 TPO cases, or approximately 14% of the time, the Applicant listed one or more Adverse Parties. Two of those cases involved an unmanageable

²⁴⁶ Four case numbers were never assigned. One case was voided without being created. One case file was missing and is not part of the analysis used in this project.

number of Adverse Parties because the cases involved ten or more individuals named as Adverse Parties.

Whenever an Applicant lists more than one Adverse Party in an Application, the Applicant has a tendency not to particularize allegations against the specific individuals. What occurs is that egregious allegations against one Adverse Party spill over onto other parties in a sort of “reverse halo” effect where people associated with the primary perpetrator are deemed guilty of the same acts by mere association.²⁴⁷

The 2008 TPO files contained multiple instances where a judge denied a TPO request against fewer than all parties, simply because the Applicant did not particularize his or her allegations against each named Adverse Party.

Equally common, however, was the tendency of judges to grant the TPO against all the Adverse Parties, possibly out of an abundance of caution.

For the time being, this author recommends that the Las Vegas Justice Court require one TPO application and case for each Adverse Party. This would force the Applicant to justify his or her requests against each named Adverse Party, and it would eliminate the tendency of Applicants to paint every actor with the same brush when describing the relevant series of events.

The judge would also generate one corresponding protection order particular to each Adverse Party.

3. The Temporary Order for Protection

a. Duration Frustration

The caption for each Temporary Order includes the following language:

²⁴⁷ This is especially problematic where the Applicant names an entire entity as a defendant. One 2008 case involved an Adverse Party named as “Clark County Social Services and All Employees.” The need for particularity in this context is obvious.

Date Issued: _____

[] **Expiration Date:** _____, **unless otherwise ordered by the Court**

[] **30 days from the date of service, unless otherwise ordered by the Court.**

Later, at Page 3 of the Temporary Order, the applicable language declares that unless the Court orders otherwise, the Order will remain in effect:

[] **Until 11:59 PM on the date set forth on Page 1.**

[] **For 30 days after this order is served. If this order is not served within 30 days of issuance, this order will expire by its own terms, and a new application for an order must be filed if protection is needed.**

[] **This order remains in effect until the hearing, which is scheduled for _____.**

Apart from the fact that the Caption language differs from the language on Page 3, issues relating to duration continue to confound and confuse judges, parties, and court staff. In fact, this is probably one of the most important areas that must be clarified as part of the TPO process.

(1) Counting Time

No statute explicitly describes how time is to be counted with respect to protection orders. Arguably, JCRCP 6²⁴⁸ should be applied in the TPO context.

²⁴⁸ In pertinent part, the rule provides as follows:

JCRCP 6. TIME

(a) Computation. In computing any period of time prescribed or allowed by these rules, by the local rules of any justice court, by order of court or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a nonjudicial day, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a nonjudicial day, or, when the act to be done is the filing of a paper in court, a day on which weather or other conditions have made the court inaccessible, in which event the period runs until the end of the next day which is not one of the

The time for most protection orders is currently calculated in terms of “calendar days.” The Court appears to be applying one aspect of JCRCP 6(a) because time periods of 11 days or more under that rule are to be counted as calendar days in lieu of judicial days.

However, the Court is not applying another aspect of JCRCP 6(a), which involves the last day of a time period falling on a nonjudicial day. In that instance, JCRCP 6(a) would suggest that the time period would extend “until the end of the next day which is not a Saturday, a Sunday, or a nonjudicial day.” The Court’s current calculations assume that a TPO ends on the final day of its duration, regardless of whether that day is a judicial or non-judicial day.

Unless the Legislature clarifies the calculation of time for protection order cases, it is very likely that the issue will need to be litigated so that a consensus on this issue can be reached.

(2) Definition of “Issuance”

As pointed out above, a Temporary Order must be served within 30 days “of issuance.” This phrasing, which appears in the AOC Standardized Forms, is problematic because there is no definition of the word “issuance.”

In the Las Vegas Justice Court, different clerks will notate the date of issuance as the date that the judge signs the protection order. Other clerks will notate the date of issuance as the date that the protection order is file-stamped. Still other clerks will notate the date of issuance as the date that the approval of a protection order is announced in open court.

aforementioned days. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and nonjudicial days shall be excluded in the computation.

...

(e) Additional Time After Service by Mail or Electronic Means. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper, other than process, upon the party and the notice or paper is served upon the party by mail or by electronic means, 3 days shall be added to the prescribed period.

The following example of the problem is illustrative:

- January 1:** Application for protection order filed.
- January 5:** Application set for hearing
- January 10:** Parties appear for hearing. Court announces that the Applicant is entitled to a TPO that will be generated later and mailed to the Applicant.
- January 14:** Judge signs and dates the TPO.
- January 15:** TPO Desk file-stamps the TPO before forwarding it to the Applicant.
- January 20:** Applicant receives the TPO and reads that it must be served from the date of “issuance.” Is that date January 10th? January 14th? January 15th?

The Court and the AOC TPO Forms Committee need to provide a clear definition of “issuance.” This author recommends that the date of issuance should be the date that the TPO is file-stamped because that date is objectively verifiable and constitutes the last necessary step before a protection order can be provided to an Applicant.²⁴⁹

(3) Thirty Days “from the Date of Service”

When an Adverse Party is served with a temporary protection order, the Court’s usual intent is that the TPO will expire 30 days after the TPO is served. A common issue that arises is where an amended TPO is issued by the Court after an original TPO has been served. Does the amended TPO stand in the shoes of the prior TPO, such that the original expiration date remains

²⁴⁹ This issue is not merely a hypothetical or abstract one. In specific cases from 2008, the TPO Desk rejected filings from Applicants who attempted to file a Motion to Extend within the period of the Temporary Order, on the mistaken assumption that the TPO had already expired. The standard response given was that “[d]ue to your protection order already being expired, to continue having an order in place, a new application would need to be submitted for judicial review, not a motion [to extend].” *[Emphasis in original]*. The confusion in this specific fact pattern arose because the Applicant was correctly using the file-stamped date as the date of issuance, but the TPO Desk was using the earlier date of judicial signature as the issuance date.

the same? Or, does the amended TPO restart the clock and provide a full additional 30 days of effectiveness once the amended TPO has been served?

To avoid this issue, the Court should apply the following standards:

(1) If a temporary protection order is issued, and later amended before the Adverse Party is served, the amended temporary protection order should be deemed to expire within 30 days of service of the amended TPO.

(2) If a temporary protection order is issued and served upon the Adverse Party, and the Court intends to issue an amended temporary protection order, the Court should designate the exact date on which the amended temporary protection order will expire. The expiration date for the amended temporary protection order should be “30 days from the date of service” of the original TPO.

This will avoid any temporary protection order being in effect longer than the maximum period allowed by statute.

(4) Service After 30 Days

Language in the Temporary Order declares that if the Order is not served within 30 days of issuance, “this order will expire by its own terms, and a new application for an order must be filed if protection is needed.”

A common occurrence is that a Temporary Order will be served after the 30-day period has expired, but no one (ie., the process server, the court clerk, the judge, or the Applicant) realizes that the Adverse Party was served with an expired order. The danger for the Applicant is that a clever Adverse Party can flout the authority of the Temporary Order by arguing that it is not legally binding.

(5) The Statutory “Limbo” Period

NRS 200.594(1) provides that “[i]f a petition for an Extended Order is filed within the period of a Temporary Order, the Temporary Order remains in effect until the hearing on the Extended Order is held.”

Through this language, the Nevada Legislature attempted to build a bridge between the duration of a Temporary Order and the duration of an Extended Order. What the Legislature may have inadvertently failed to realize is that courts can utilize this statutory language to expand the total duration of an Applicant's protection. The author refers to this middle period between a Temporary Order and an Extended Order as the statutory "limbo"²⁵⁰ period which can provide powerful protection against Adverse Parties.

Example:

- July 1, 2010:** Temporary Order issued. Scheduled to expire on January 31, 2010.
- July 24, 2010:** Applicant files a request for an Extended Order and alleges horrific facts that warrant heightened protection.
- July 25, 2010:** The Court sets the case for hearing on July 25, 2015.

In this hypothetical fact pattern, the Applicant originally received 30 days of protection. Then, the Applicant applied for an Extended Order, and the Court set the hearing date far into the future. However, NRS 200.594(1) provides that the Temporary Order will remain in effect until the hearing on the Extended Order is held. Not only will the Applicant be protected for a period longer than the typical one-year Extended Order period, but the Applicant will also have the ability to receive that additional one-year period at the time of the Extended Order Hearing. In effect, this statutory loophole allows judges to maintain total control over the combined length of time that an Applicant will be entitled to protection from an Adverse Party.

²⁵⁰ "Limbo" in this context refers to an intermediate or transitional state.

The justices of the peace of the Las Vegas Justice Court have not traditionally relied upon this expansive interpretation. Nevertheless, judges can utilize this creative approach in fact patterns where heightened relief is clearly warranted.²⁵¹

4. Cover Sheets

The Court uses a standardized TPO cover sheet which is meant to assist law enforcement by listing key information about the Adverse Party in summary form for purposes of service.

The most common error relating to cover sheets is that the duration for Temporary Orders was often marked incorrectly, or not marked at all. A recurring type of error was the effective date for a temporary protection order being listed as “30 days from the date of service” and also on a specific date. The correct effective date can be one or the other, but not both, because the date of service is unknown at the time the cover sheet is prepared.

5. The Extended Order for Protection

a. Costs

This aspect of the protection order process is the one situation where the same error was made every time, by every judge, in every Extended Order.

NRS 200.592(1) requires the payment of all costs and official fees to be deferred for any person who petitions the court for a protection order against stalking and harassment.²⁵²

²⁵¹ Critics may argue that this stretches Nevada’s TPO law beyond its intended limit. However, the same result could still apply under a different scenario involving concurrent and consecutive TPO’s.

Example: TPO #1: In effect from January 1, 2010 through December 31, 2010.
 TPO #2: Application filed in December 2010, set for hearing on December 31, 2010, and granted on December 31, 2010 for one year.
 TPO #3: Application filed in December 2011, set for hearing on December 31, 2010, and granted on December 31, 2011 for one year.
 Etc.

This example allows total protection to exceed one year merely by the act of the Applicant timing her filings correctly to avoid any gaps in coverage.

Using the “limbo period” analysis leads to the same outcome, but it eliminates the need for the Applicant to keep returning to Court year after year.

Then, after any hearing and not later than the final disposition of such an application or order, “the court **shall** assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.” [*Emphasis added*].

The AOC Standardized Extended Order contains a section which states the following:

On the issue of costs and fees, the Court hereby orders as follows:

The apparent intent of this language was to require a judge to either indicate that the costs and fees are being assessed, reduced, or waived. However, in practice, the judges of the Las Vegas Justice Court were not complying with this requirement. The section referenced above is usually left blank or merely marked with a “n/a” or “not applicable.”

This author recently raised this issue with the AOC TPO Forms Committee. After discussion among committee members, the Committee decided to incorporate the following language change into the standardized Extended Order so that there is no confusion:

YOU [The Adverse Party] ARE FURTHER ORDERED:

(a) [] To pay all previously deferred costs and official fees in the amount of \$ _____ payable to _____ by _____. **(date)**

(b) [] To pay deferred costs and official fees in the reduced amount of \$ _____ payable to _____ by _____. **(date)**

(c) [] Deferred costs and official fees are waived in the interest of justice.

With this revised language, the issue raised above should be resolved in the future.

b. The Presence of the Parties

Language for Extended Orders in 2008 included this passage:

²⁵² A similar requirement applies for Domestic Violence TPO’s in NRS 33.050(1), for Harm to Minors TPO’s in NRS 33.410(1), and for Sexual Assault TPO’s in NRS 200.378(1).

The Court having considered the filings, testimony (if applicable) and evidence presented at hearing, and the Court having found that the Adverse Party received notice of hearing at which such person had an opportunity to participate, and the Adverse Party [] was present, [] was not present, [] was represented by counsel _____ and the above-named Applicant(s) [] was present, [] was not present, [] was represented by counsel _____, and the Court having proper jurisdiction over the parties and this subject matter, and

[] it appearing to the satisfaction of the Court that the Adverse Party has committed and/or is committing or remains a threat to commit stalking, aggravated stalking, or harassment, and an Extended Order is warranted;

or

[] based upon the stipulation of the parties, [the following protection is hereby ordered].

Judges frequently overlooked the checkboxes listed above. When the checkboxes were marked, dozens of those boxes were mislabeled. This author raised this problem with the AOC TPO Forms Committee and explained that the checkboxes were hard to follow because they were horizontal, instead of vertical. The Forms Committee agreed, and future iterations of the TPO forms will be constructed as follows:

The Court having considered the filings, testimony (if applicable) and evidence presented at hearing, and the Court having found that the Adverse Party received notice of hearing at which such person had an opportunity to participate, and the:

Adverse Party	<input type="checkbox"/>	<input type="checkbox"/>	was present
	<input type="checkbox"/>	<input type="checkbox"/>	was not present
	<input type="checkbox"/>	<input type="checkbox"/>	was represented by counsel
			_____.

and the above-named Applicant(s)	<input type="checkbox"/>	<input type="checkbox"/>	was present
	<input type="checkbox"/>	<input type="checkbox"/>	was not present
	<input type="checkbox"/>	<input type="checkbox"/>	was represented by counsel
			_____.

and the Court having proper jurisdiction over the parties and the subject matter, and good cause appearing. . . .

This correction should ensure that documentation about which parties were present will be accurate.

c. One Judge's Inconsistency

When one specific judge encounters at a hearing a present Applicant and an absent Adverse Party, this judge will order, in open court, that an Extended Order be issued and that it will be effective for "1 year from the date of service." Then, when the Extended Order is actually drafted, the Extended Order will contain a specific expiration date. The actual Order thus conflicts with the oral pronouncement.

To avoid this problem, all judges should use a definite expiration date for Extended Orders (such as "one year from the date of the Extended Order Hearing"). The only time that a protection order needs to be effective "from the date of service" is when the Order is a Temporary Order.²⁵³

d. Preparing Extended Orders in Open Court

This specific issue is the most significant customer service defect in the Court's entire TPO process.

As discussed previously, what commonly happens is that a judge will set a TPO request for hearing, and then both the Applicant and the Adverse Party will attend the hearing. The judge will listen to both sides, conclude that a protection order is warranted, and then announce that it will be prepared and mailed to the Applicant on a later date for service on the Adverse Party. The serious problem with this approach is that the Applicant then has to search for the

²⁵³ For Temporary Orders, the "30 days from the date of service" approach is necessary because of the short time period involved. If, for example, a TPO was issued by the Court on July 1st and served on the Adverse Party on July 25th, the Applicant would only have a few days of real protection. Fixing the effectiveness of a Temporary Order based upon the date of service ensures that the Applicant will have 30 full days of protection if the Adverse Party is served within 30 days of issuance of the Temporary Order.

For Extended Orders, the applicable time period is much longer, for the Applicant has up to one year to serve the Adverse Party. Therefore, it is appropriate to use a specific expiration date for Extended Orders, and no precautions relating to the service date are needed in this context.

Adverse Party and struggle to effectuate service, even though the parties and the judge were all together at the same hearing where a Protection Order was deemed to be warranted.

The solution to this problem is to adopt an approach that was previously utilized by Justice of the Peace Abbi Silver before her election to District Court. Judge Silver routinely had blank copies of TPO's on the bench. When she determined that a TPO should be issued, she prepared the TPO in handwritten ink, provided it to the Applicant in open court, and had the Court Marshal serve it upon the Adverse Party in open court, with proof of service notated on the Extended Order itself. This clever approach eliminates all delay between the announcement of the Court's ruling and the issuance of the actual TPO, and it also ensures that the Adverse Party is served immediately so that the Applicant receives the maximum protection possible. This approach constitutes excellent customer service provided to the Applicant, so this author will recommend that the approach be adopted courtwide.

6. Other Issues Relating to Judicial Orders

a. The "Notice of Hearing" Dilemma

NRS 200.591(3) states the following:

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted **only after**:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition. [*Emphasis added*].

Temporary orders can be granted with no notice whatsoever to the Adverse Party.

However, when a judge sets the case for hearing to consider whether an Extended Order will be issued, the Adverse Party is required to receive notice of the hearing.

What commonly happens is that the case will come on calendar with the Applicant there and the Adverse Party not there. The judge will listen to the Applicant's story and then grant an

Extended Order effective for one year, regardless of whether the Adverse Party received notice of the hearing.²⁵⁴ The judge will then order the Extended Order to be served upon the Adverse Party. The Adverse Party is later served and expresses shock and dismay about being subject to such a lengthy restriction on his liberty, without having provided any input to the judge, and without even being notified of the hearing.

Thus, this author recommends the approach taken by a minority of judges. If the case is set for hearing, and no proof of service of the notice of hearing is evident in the file, the judge should either continue the matter to allow for additional attempts at service, or the Court should limit the hearing to a consideration of whether a Temporary, rather than an Extended, Order should be issued. This latter outcome is reasonable because a Temporary Order can be issued without any notice at all to the Adverse Party.

b. Spatial Limitations

A review of the 2008 TPO files shows that there is a great deal of confusion about what it means for the Adverse Party to “stay away” from the Applicant. The most common manifestation of this confusion is the fact that several judges use “100 yards” (the length of a football field) as the baseline measurement while other judges use “100 feet” as the standard measurement.²⁵⁵

²⁵⁴ Occasionally, proof that the Adverse Party was served with the Notice of Hearing will be filed with the Court after the applicable hearing has already occurred. This late submission of the proof of service does not retroactively cure the statutory violation because NRS 200.591(3) says that the Extended Order can only be granted after proof of service has been shown.

²⁵⁵ Adding to the confusion is the fact that the remaining judges do not provide a specific spatial limitation at all.

Even at the District Court level, inconsistencies can be seen. One District Court reviewing a TPO appeal ordered the Adverse Party to stay two miles away from the Applicant’s residence and 150 feet away from the Applicant at all times. This broad order effectively prohibited the Adverse Party from visiting his own rental property, but the District Court Judge insisted on this outcome and advised the Adverse Party to hire an agent to care for the rental property.

The judges should agree on a standardized unit of distance and then include that measurement as a standard condition courtwide for all TPO's. This will eliminate the current inconsistency between the judicial departments.²⁵⁶

c. “Working Hours Only”

In the Application, one justice of the peace has a habit of writing the phrase “working hours only” next to the Applicant’s place of employment when that location is the requested site of protection. This phrase is also later incorporated into issued protection orders. However, the phrase should be discontinued for two reasons.

First, it is not clear whose hours are being restricted. Where the parties work at the same business, for example, does the location restriction apply to the Applicant’s working hours or to the Adverse Party’s working hours? Does the phrase refer to the hours of operation of the specific business generally?

Second, even if the Adverse Party can somehow discern whose hours are being addressed, the Adverse Party cannot be expected to have the psychic ability to know what those specific hours are.

These issues are exacerbated when the Court orders the Adverse Party to stay away from a “confidential” place of employment “during working hours only.”

If the judge intends to carve out a subset of time during which the Adverse Party must stay away from a specific location, then the judge needs to put that exact time in the Order so that there is no confusion.²⁵⁷

²⁵⁶ An established standard will also eliminate confusion among litigants. Requests relating to distance in the 2008 TPO files included references to “1 mile,” “50 yards,” “50 feet,” “150 feet,” “200 feet,” “300 feet,” “350 feet,” “500 yards,” “500 feet,” “1,000 yards,” “1,000 feet,” and “1,500 feet.” This disparity illustrates the expanding and contracting nature of the applicable radius of protection.

²⁵⁷ This same judge makes a notation of “during school hours only” whenever Applicants request that the Adverse Parties stay away from specific schools. The same reasoning discussed above applies in the school scenario also.

d. Property Damage

The AOC Standardized Protection Order format tells the Adverse Party not to “interfere” with the Applicant or specific persons, but it does not contain any explicit command for the Adverse Party not to commit acts of vandalism, destruction, or theft of the Applicant’s personal property. This omission is so glaring that an Applicant will frequently list as an “other condition” that the Adverse Party refrain from committing further acts of vandalism against the Applicant’s vehicle.

Thus, this author has suggested to the AOC TPO Forms Committee that protection orders contain a standard prohibition, in every case, against the Adverse Party committing acts of property damage against the Applicant.²⁵⁸

e. Definitional Issues

Some judges are quite strict about requiring the specific acts of the Adverse Party to fall within the technical definitions of stalking and harassment. This creates an anomaly whereby a protection order will be granted if the Adverse Party threatens to do an act, but the protection order will be denied if the Adverse Party does the act without making any overt threat.

A good example of this dichotomy can be seen in the definition of “harassment” in NRS 200.571(a):

NRS 200.571. Harassment: Definition; penalties.

1. A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

- (1) To cause bodily injury in the future to the person threatened or to any other person;
- (2) To cause physical damage to the property of another person;
- (3) To subject the person threatened or any other person to physical confinement or restraint; or

²⁵⁸ A related issue is that the Applicants often list as an “other condition” that the Adverse Party stay away from the Applicant’s dogs, cats, or other named pets. Because this condition will not apply in every case, requests of that type should still be considered on a case-by-case basis.

- (4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; and
- (b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

Under this statute, a threat to commit battery against the Applicant would be considered harassment. The actual battery without any threat would not be considered harassment.

Thus, in fact patterns where the Adverse Party commits a prohibited act without any threat, judges will occasionally deny the TPO request as not constituting stalking or harassment.²⁵⁹ Because of that outcome, this author recommends an alteration to the definitions in Nevada’s protection order law. This proposal is discussed more fully in the Recommendations section of this project.

f. Checkboxes

In 2008, Protection Orders included a section which states the following:

1. **YOU ARE ORDERED** to stay away from the following places:
- Residence(s) _____
 - Place(s) of Employment (Name and Address) _____
 - School(s) (Name and Address) _____
 - Other Locations Frequented (Name and Address) _____

Some judges had a habit of not checking the box after the listed number one, which arguably means that none of the information after that box applies. Or, other judges would check the main box but list the specific addresses without checking the corresponding checkbox(es).

²⁵⁹ In one 2008 case, the Applicant was stabbed five times by the Adverse Party. The TPO request was denied as not constituting stalking or harassment.

Minor omissions of this type can create complex problems when violations of protection orders are alleged, and the Adverse Party argues that he was not subject to the specific restriction.

g. Confidential Locations

As indicated above, the standard approach in a protection order is to list the specific street address where protection is needed. However, Nevada judges disagree about whether residences, places of employment, and schools need to be specifically named. NRS 200.591(1)(a) provides that a TPO can order the Adverse Party to “[s]tay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.” [*Emphasis added*].

This author interprets “any other” to mean that all of the listed locations must be “specifically named by the Court,” and that an Adverse Party cannot reasonably be expected to know where an Applicant lives, works, or goes to school unless such information is contained in a protection order.

The debate about specificity of residences, schools, and places of employment will endure long after this project is completed. However, the debate dovetails into a more specific issue that the Las Vegas Justice Court should avoid in its TPO cases.

In the Application, a person can list “other locations frequented” which are intended to be specific street addresses as opposed to generalized categories of places. The Application is problematic because it then allows the Applicant to designate those places as “confidential.”

By the time a protection order is issued, the Adverse Party can be forced to comply with a condition that looks like this:

1. **[X] YOU ARE ORDERED** to stay away from the following places:

...
[X] Other Locations Frequented (Name & Address)
CONFIDENTIAL

Should an Adverse Party be expected to stay away from unnamed places that the Applicant may “frequent”? Clearly, the answer to that question is “no.” Therefore, judges should refrain from allowing Applicants to designate “confidential,” unnamed locations that are “frequented.”

h. Course of Conduct

In Stalking TPO cases, some judges will insist on more than one act directed against the Applicant. This is because NRS 200.575(1) defines “stalking” as “willfully or maliciously engag[ing] in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed.”

However, NRS 200.591 allows a TPO to be issued for stalking or harassment. Judges should be mindful of that distinction and consider granting requests for protection orders where single acts constitute harassment and are serious enough to warrant protection without any “course of conduct.”

i. Mixing Judicial Departments

In the Las Vegas Justice Court, a TPO case is assigned to a specific judicial department, either because the case was randomly assigned, or because it involves an Applicant or Adverse Party who has had a TPO case before the judge within the last two years. Despite these formal assignments, judges routinely sign each other’s TPO’s.²⁶⁰

This practice does not implicate any issue of subject matter jurisdiction, since each of the justices of the peace in the Las Vegas Justice Court has the same subject matter jurisdiction as every other judge in the Court. Nevertheless, the mixing of judicial departments can prove confusing to court staff and the public.²⁶¹ Therefore, this author recommends that the judges

²⁶⁰ For example, Judge #1 might ask Judge #2 to review and approve time-sensitive TPO’s because Judge #1 is home sick, on vacation, or away from Court.

²⁶¹ For instance, if Judge #2 signs a TPO for Judge #1 without making any special notations, the Applicant could assume that the TPO case was transferred to the department of Judge #2.

uniformly do what a handful of them already do, by signing a TPO for another department with the notation of “for.”²⁶²

j. Recusals

Several of the 2008 TPO files included handwritten notes to the effect that the original judge recused himself or herself and that the case needed to be reassigned. These determinations from the original judge need to be formally documented in the minutes, although a detailed explanation for the recusal is not required.²⁶³

k. Mixing Lengths

Either intentionally or by accident, several “Temporary” protection orders were issued for time periods longer than the periods allowed by statute.²⁶⁴

The Court needs to apply one simple rule of thumb that is consistent with Nevada law:

(1) Any protection order that exceeds 30 days (or, in Workplace TPO’s, any protection order that exceeds 15 days), is an “Extended” Order and must utilize the standardized Extended Order form; and

(2) Any protection order that is 30 days or less (or 15 days or less for a Workplace TPO) is a “Temporary” Order and must utilize the standardized Temporary Order form.

l. Unknown or Partially Known Adverse Parties

Occasionally, an Applicant will be stalked or harassed by a person who is unknown, and designated as such or as a John/Jane Doe, or the Applicant will only include partial information, such as the Adverse Party’s first name, street name, street address, or driver’s license number.

The judges of the Las Vegas Justice Court need to have a uniform approach to this scenario. The more common outcome is that a judge will deny the TPO request and indicate that

²⁶² In the footnotes discussed above, Judge #2 would sign his name and then write “for” above the preprinted line for Judge #1. This would make clear that the TPO case remains in the department of origin.

²⁶³ See *Nevada Code of Judicial Conduct, Commentary to Canon 2.11* (noting that “[a] judge’s obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed”).

²⁶⁴ Common time periods for these allegedly “temporary” orders in Stalking cases were either 60 or 90 days. In Workplace cases, the “temporary” order was occasionally in effect for 30 days.

a protection order cannot be issued at all against an unknown Adverse Party. However, other judges will allow a John Doe TPO to be issued, and when the Applicant learns the identity of the Adverse Party, the Applicant will be allowed to file a Motion to Modify the granted TPO without having to file a new application. The determination about whether TPO's against unknown individuals are allowed should not vary based upon the fortuity of which judicial department has been assigned the case.

m. “De Facto” Evictions, Terminations, and Expulsions

By far, the most common, and serious, complaint from Adverse Parties is that the Applicant was able to obtain an *ex parte* protection order that had a devastating effect on the Adverse Party's personal life. Examples in this respect include the following:

- (1) In a dispute between two students, the Applicant obtained a protection order which prohibits the Adverse Party from attending his own school.²⁶⁵
- (2) In a dispute between coworkers, the Applicant obtained a protection order which prohibited the Adverse Party from going to his own place of employment.²⁶⁶
- (3) In a dispute between an ex-wife and the ex-husband's new girlfriend, the ex-wife obtained an order which prohibited the Adverse Party (the new girlfriend) from going to the home where the children live with the ex-husband and the Adverse Party.²⁶⁷

The AOC TPO Forms Committee is aware of this general problem with Nevada's TPO forms and is already working on modified forms which require the Applicant to answer affirmative

²⁶⁵ A related fact pattern involved an Adverse Party teacher who was prohibited from attending his own school merely because the child of the Applicant attended the same school but had a different teacher. In his Motion to Dissolve the TPO, the teacher wrote that “being out of work for 30 days without pay will put me on the verge of financial ruin and bankruptcy.” The teacher argued persuasively that his right to earn a living was a protected liberty interest, and that NRS 200.575(6)(g)(3) is meant to protect “[t]he activities of a person that are carried out in the normal course of his or her lawful employment.”

²⁶⁶ This fact pattern occurred on repeated occasions. One Adverse Party indicated that he was given the choice of either using earned personal leave or taking leave without pay. Another Adverse Party was given a specific date by his employer (a hotel/casino) to either have the protection order rescinded or modified, or else he would be terminated.

²⁶⁷ One Adverse Party in this situation decried the TPO as creating an “impossible burden.”

questions about whether a protection order would cause these types of horrific outcomes for the Adverse Party.²⁶⁸

n. Bail

In 2007, the Nevada Legislature enacted the following requirement for Stalking TPO's in NRS 200.591(7):

A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.²⁶⁹

The author's review of the 2008 TPO files revealed that this type of language was omitted in hundreds of cases. The omission apparently arises when a judge wishes to include some special information in the template TPO, such as the exact distance for which an Adverse Party must stay away from the Applicant. The TPO Desk has been alerted to this issue so that

²⁶⁸ Questions to be added include the following:

Are you and the Adverse Party currently employed in the same location ?

Does the Adverse Party own or lease any of the locations listed above?

Does the Adverse Party work at or attend any of the schools listed above?

Does the Adverse Party live at any of the above locations?

²⁶⁹ Each question will be followed with "Yes/No. If yes, please explain_____." The Legislature originally applied this "cooling-off period" concept to DUI cases and Domestic Violence cases. See NRS 178.484(5) (declaring that a person arrested for DUI who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his breath); NRS 178.484(7) (declaring that a person arrested for a battery that constitutes domestic violence must not be admitted to bail sooner than 12 hours after the person's arrest).

anyone preparing a TPO for a judge will have the most current paperwork to do so and will not alter the existing template in such a way that the statutory language is deleted.²⁷⁰

o. Proof of Service

NRS 200.597(1) states the following:

NRS 200.597. Order to be transmitted to law enforcement agencies; enforcement.

1. Each court that issues an order pursuant to NRS 200.591 shall transmit, as soon as practicable, a copy of the order to all law enforcement agencies within its jurisdiction. The copy must include a notation of the date on which the order was personally served upon the person to whom it is directed. [*Emphasis added*].

Each protection order that is issued has the same language on the last page of the order:

PROOF OF SERVICE UPON ADVERSE PARTY

I, the undersigned, personally served the Adverse Party above named with a copy of this [Temporary or Extended] Order for Protection Against Stalking, Aggravated Stalking or Harassment on the date set forth below.

Signature

Print Name

Date of Service

However, the vast majority of 2008 TPO files involved process servers who filed a “Proof of Service” on a separate document and left blank the TPO section quoted above.²⁷¹

Under NRS 200.597, the “notation” of proof of service should be deemed “include[d]” with a TPO even if that notation appears on a separate document. Therefore, the AOC TPO

²⁷⁰ For some unknown reason, the Legislature only imposed the bail restrictions and notice requirements for Domestic Violence TPO’s, Stalking TPO’s, and Sexual Assault TPO’s. However, the Legislature did not apply these restrictions and requirements to Workplace TPO’s and Harm to Minors TPO’s. Arguably, the same bail restrictions and notice requirements should apply to all the statutory TPO types.

²⁷¹ Some judges encountered situations where the Proof of Service page of the protection order was detached and submitted to the Court as a free-standing page. This created a problem because the Proof of Service page has no reference to the specific parties or to the specific case number. Thus, some judges have amended the standard Proof of Service page on their protection orders by adding these lines:

Case # _____
Applicant: _____
Adverse Party: _____

Forms Committee recently adopted this author’s suggestion to remove the quoted language from the last page of each protection order and to transplant it to a separate proof-of-service form. This approach will satisfy NRS 200.597 and eliminate a largely unused section of the protection order forms.

p. Mootness

After a protection order has been issued, the Adverse Party is entitled to file a Motion to Dissolve the protection order. In several cases, the Adverse Party filed such a Motion, the case was calendared after the protection order expired, the Adverse Party appeared for Court, and the Motion was denied on the grounds of mootness. This represents an unnecessary exercise in futility. If the TPO Desk or the judge knows that the hearing on the Motion to Dissolve will be calendared after the TPO has expired, then why schedule the hearing at all?

The better approach would be to expedite the calendaring of the hearing so that the Motion to Dissolve can be calendared while the protection order is in effect.²⁷²

q. Control over Third Parties

Judges should avoid adding language to protection orders, such that the Adverse Party is ordered to exercise control over third parties. For example, one judge ordered the Adverse Party to “stop [a third party] from calling” the Applicant.

An Order directed to the Adverse Party should only be tailored to the specific behavior of the Adverse Party.

r. Referrals to Mediation

Judges occasionally indicate that a request for a TPO is “referred” to mediation. In these situations, it is not clear if the TPO case is intended to remain open, or whether the parties are

²⁷² This problem relates to the larger issue about whether a TPO can be sealed or expunged after its expiration. This issue is discussed in the Recommendations section of this project.

expected to notify the Court about the outcome of a mediation, or whether any penalty will apply if either party fails to mediate.

Therefore, when judges intend to suggest mediation, they should deny the TPO request and merely “advise” the parties to pursue mediation **voluntarily**. This will allow the TPO case to be closed without having to wait for mediation which may never occur.²⁷³

s. The “Dangling” Protection Order

When the Adverse Party files a Motion to Dissolve, the Motion is usually set for hearing. The judge will listen to the Adverse Party’s arguments and then decide whether the Motion should be granted. However, some judges will grant the Defendant’s Motion and order that the case be dismissed, but they do not explicitly “dissolve” the TPO for purposes of enforcement.

Therefore, when a judge is presented with a Motion to Dissolve, the correlative response should be an Order Granting the Motion to Dissolve. The case can then be closed without having to issue an Order of “dismissal.”

7. Motions

a. Attorney’s Fees

Multiple cases involved a request from the prevailing party to be awarded attorney’s fees for having to bring or defend the litigation involving a protection order. Many such requests were made in formal motions, while other requests were made informally and orally at the time of a hearing. Uniformly, however, judges either denied such requests or omitted any formal determination on the request.

²⁷³ Alternatively, the Court can encourage the parties to attend mediation, set a status check for an update on the mediation, and then later close the case after the status check with a disposition of “granted” or “denied.” In no case should a judge ever force unwilling parties to attend mediation. Instead, mediation should only be considered if the parties have expressed a willingness to participate in it.

Nevada law does not clarify whether attorney’s fees are generally appropriate in TPO cases.²⁷⁴

On the one hand, NRS 69.030 provides that the prevailing party “in any **civil** action at law in the justice courts of this State shall receive, in addition to the costs of court as now allowed by law, a reasonable attorney fee.” [*Emphasis added*]. The statute further provides that the attorney’s fee shall be fixed by the justice and taxed as costs against the losing party.

On the other hand, the Nevada Supreme Court has repeatedly emphasized that attorney’s fees are a creature of statute, and that the right to recover attorney’s fees must be explicitly granted.²⁷⁵ NRS 33.270(10) explicitly declares that “[t]he court may award costs and reasonable attorney’s fees to the prevailing party in a [workplace TPO] matter brought pursuant to this section.” No such authority appears for Stalking TPO’s or Harm-to-Minors TPO’s. Therefore, the logical inference is that prevailing parties are not entitled to attorney’s fees in cases involving Stalking TPO’s or Harm to Minors TPO’s.²⁷⁶

This author believes that the justices of the peace should utilize the following approach when dealing with Motions for Attorney’s Fees:

(1) Prevailing parties are not entitled to attorney’s fees unless the case is a Workplace Harassment TPO case where such awards are explicitly authorized.

²⁷⁴ The one exception is NRS 33.270(10), which explicitly allows the Court to award costs and attorney’s fees in Workplace TPO cases.

²⁷⁵ See Frank Settlemeyer & Sons, Inc. v. Smith & Harmer, Ltd., 124 Nev. Adv. Op. No. 98, 197 P.3d 1051, 1060 (December 24, 2008) (stating that a court “cannot award attorney fees unless authorized by statute, rule, or contract”).

²⁷⁶ The Nevada Supreme Court has held that “[w]here a general and a special statute, each relating to the same subject, are in conflict and they cannot be read together, the special statute controls.” Laird v. State Public Emp. Retirement Bd., 98 Nev. 42, 45, 639 P.2d 1171, 1173 (1982). Thus, the generalized right to recover attorney’s fees in civil cases should not be held to “trump” the specific right to recover attorney’s fees as included, or omitted, in Nevada’s TPO statutes.

Also, “[t]he mention of one thing implies the exclusion of another is a general princip[le] of statutory construction; *expressio unis est exclusio alterius*.” State v. Wyatt, 84 Nev. 731, 734, 448 P.2d 827, 829 (1968) (Batjer, J., dissenting). The specific mention of attorney’s fees for Workplace Harassment TPO’s implies the exclusion of those fees in Stalking TPO’s and Harm-to-Minors TPO’s.

(2) The Court can assess attorney's fees as a sanction for frivolous filings or abuse of the judicial process.²⁷⁷

b. The "Multiple Motion" Problem

The Court's Motion form allows a party to select multiple remedies at once. For example, an Applicant can ask that the Court "modify" an existing order to include a new address or victim, that the Court "extend" an existing temporary Order so that it remains in effect for a longer time, and that the Court issue an "order to show cause" why the Adverse Party should not be held in contempt. The use of one form for multiple motions creates two problems.

First, the Applicant rarely particularizes why he is entitled to each of the specific remedies being requested.

Second, and more importantly, many of the 2008 TPO files included Motions that were never ruled upon.

By requiring an Applicant to file a separate Motion for each remedy being requested, the probability will increase that judges will rule on each Motion and that the court clerk will correctly notate the outcome for each Motion and then update the minutes accordingly.

c. "Remaining in Effect"

When the Court sets a Motion for a hearing, the Notice of Hearing form includes a checkbox which indicates that the current protection order will "remain in effect" until the scheduled hearing.

Many forms in the 2008 TPO files failed to have this checkbox marked, which implied to the parties that the current protection order would not remain in effect until the hearing.

²⁷⁷ JCRCP 11(c) provides for sanctions for frivolous filings. See JCRCP 11(c)(2) (stating that the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorney's fees and other expenses incurred as a direct result of the violation). [*Emphasis added*].

Conversely, some judges would mark that checkbox even though no TPO had been granted yet, which conveyed a similar false impression to the parties.²⁷⁸

d. Orders to Show Cause

In those instances where an Applicant alleges that the Adverse Party has violated a protection order, the Applicant is allowed to file a Motion for an Order to Show Cause why the Adverse Party should not be held in contempt.²⁷⁹ If the judge wishes to issue the Order to Show Cause, he is supposed to check a specific checkbox on the Court's Order for Hearing. However, judges routinely set such requests for hearing without checking that specific box, which means that the Adverse Party arguably cannot be held in contempt. This problem can be easily remedied as long as the judge is cognizant of the need to check the specific box which formally notifies the Adverse Party to show cause why he or she should not be held in contempt.

8. Service Issues

a. When Service Must Be Arranged by the Applicant

When the Court issues a Protection Order, the Order will generally be forwarded to the Sheriff's Civil Division for service upon the Adverse Party. Three exceptions to this rule exist. The Applicant must arrange for service through a private process server or by other means if:

- (1) The Adverse Party is a minor;
- (2) The Adverse Party lives outside Clark County or in another state; or
- (3) The Applicant has only provided "limited contact information" for the Adverse Party.

Whenever a TPO is issued and actually sent for service, a "Return of Service" form is often returned to the Court to indicate whether the service attempt was successful. Although

²⁷⁸ This fact pattern could arise where the judge sets an initial TPO request for hearing and then checks the box showing that an existing TPO will "remain in effect" when there is not yet an existing TPO.

²⁷⁹ See NRS 22.040 ("When the contempt is not committed in the immediate view and presence of the court or judge, a warrant of attachment may be issued to bring the person charged to answer, or, without a previous arrest, a warrant of commitment may, upon notice, or upon an order to show cause, be granted; and no warrant of commitment shall be issued without such previous attachment to answer, or such notice or order to show cause.").

some TPO's were issued in 2008 where the Court did not receive any later notice as to service, the following chart illustrates how often the Court was notified about the service of a protection order, or lack thereof, for a particular Adverse Party:

TABLE #14: ADVERSE PARTIES THAT WERE SERVED, AND UNABLE TO BE SERVED, WITH PROTECTION ORDERS IN 2008

Type of Protection Order	Adverse Party Served²⁸⁰	Adverse Party Unable to Be Served	Total by Category
Temporary Order	648	447	1,095
Extended Order	162	84	246
TOTAL	810	531	1,341

This data illustrates that out of all the Adverse Parties who had a protection order served upon them, 80% of those individuals had a Temporary Order issued against them, and 20% had an Extended Order issued against them. It should be noted that one Adverse Party could have had a Temporary Order issued against him, followed by an Extended Order issued against him after a hearing.

²⁸⁰ For purposes of this chart, if the Court receives a Return of Service form which indicates that the Adverse Party could not be served, and then the Court later receives another Return of Service form which indicates that the Adverse Party was able to be served upon additional attempts, the service attempt is classified as successful to avoid redundancy.

Also, this chart should not be confused with the chart relating to "time to disposition." The chart relating to "time to disposition" is based upon the first disposition in a TPO case. Thus, if an initial TPO request was denied, the denial would count as the disposition for the specific case. If the Applicant later filed a Motion to Reconsider, and the Court then issued a TPO, service of the TPO would still be relevant even though the Applicant's first TPO request was denied.

Finally, service of an initial TPO and service of an amended TPO are counted separately. For example, if an initial TPO was served upon the Adverse Party, and then the Court granted a Motion to Amend and issued an amended TPO that could not be served upon the Adverse Party, the service results would appear in both the "served" and "unable to be served" categories.

In the “Temporary Order” category, Adverse Parties were served 59% of the time, and unable to be served 41% of the time.

In the “Extended Order” category, Adverse parties were served 66% of the time, and unable to be served 34% of the time. One might speculate that the increase in successful incidents of service could be attributed to the fact that Extended Orders receive a higher priority for service than do Temporary Orders. However, this author believes that the increase is attributable to a different factor, in that Extended Orders are commonly issued after a hearing where the Adverse Party is present in court and able to be served directly in open court.

b. Service by Court Staff

JCRCP 4(c) provides that service may be performed “by the constable, or by a deputy, or by the sheriff of the county where the defendant is found, or by a deputy, or by any person who is not a party and who is over 18 years of age. . . .” [*Emphasis added*].

During the course of the 2008 TPO file review, the author discovered that court employees were serving Adverse Parties with protection orders when Adverse Parties came to the customer service window to inquire about their cases. After discussions with the Civil Manager, he agreed that this procedure could potentially endanger court employees who might have to deal with angry Adverse Parties. Therefore, an upcoming policy change will require that court marshals be called to effectuate service when Adverse Parties are present in the courthouse and inquiring about their TPO cases in the Las Vegas Justice Court.

9. Workplace Harassment TPO’s—The Security Requirement

NRS 33.270(2) declares that a Temporary Order for protection against harassment in the workplace “must not be issued without the giving of security by the employer in an amount determined by the court to be sufficient to pay for such costs and damages as may be incurred or

suffered by the person who allegedly committed the harassment if the person who allegedly committed the harassment is found to have been wrongfully enjoined or restrained.”

The AOC TPO Forms Committee set the amount of the security as \$100.00 cash.

In theory, a filing party will post this security, and then one of three outcomes will occur:

- (1) The Court will deny the request for the protection order, and the Applicant would be entitled to a refund of the \$100.00.
- (2) The Court will grant the request for a protection order, and the TPO will subsequently expire. In that situation, the Applicant would be entitled to a refund.
- (3) The Court will grant the request for a protection order, and then the Adverse Party will file a Motion to Dissolve the protection order and claim that it should not have been issued. If the Court grants the Motion, the Adverse Party would be entitled to file a Motion for Award of Security.

Unfortunately, however, processing of the security is not occurring in this manner. The Las Vegas Justice Court has traditionally treated the security more like a “fee” by placing it into a segregated account but rarely refunding it to the posting parties. When this issue was raised with the TPO Desk, those employees began making a concerted effort to remind the posting party to file a Motion for a Refund of Security at the close of a TPO case. An administrative order is also being explored by which the Las Vegas Justice Court would simply order the refund of the security automatically at the close of the TPO case without having to require a Motion for a Refund from the posting party.

For cases that have been filed prior to the date of this project, the Court is working on a method of identifying which security amounts were posted by which parties so the funds can be examined and returned to the posting parties where appropriate.

This does not address the fact that few Adverse Parties seem to be aware of their right to make a claim to the posted security. In 2008, no such claims were made by Adverse Parties, nor

did Adverse Parties ever exercise their statutory right to increase the amount of the security that is required to be posted.

For the time being, the Court needs to publicize this option more broadly so that the security requirement will fulfill its original purpose and not just be a bookkeeping nuisance. More broadly, the author recommends that the Workplace Harassment security requirement be eliminated entirely because it is unnecessary and not required for other protection order types.

I. Tabulation of Customer Service Survey Results

For the period from October 1, 2009, through December 31, 2009, all TPO applicants were encouraged to complete a voluntary survey relating to various aspects of the TPO process. The surveys were attached to all the TPO application packets that were available in the customer service lobby. The surveys were also distributed to individuals who sought TPO filing assistance from the new Civil Law Resource Center that began operating in the Court in early December 2009.

The survey measured five different subject areas:

- (1) The TPO sought;
- (2) Demographic information about the Applicant²⁸¹;
- (3) The Applicant's perception about "access to the Court" generally;
- (4) The Applicant's perception about the protection order process specifically; and
- (5) General narrative comments.

During the survey period, 510 Applicants filed a request for a TPO. From this group, 130 submitted a completed survey. This represents a response rate of 25%. This figure falls within the expected range for responses even though it is lower than what would be considered an ideal response rate. Factors inhibiting the response rate include the following:

²⁸¹ The demographic information about TPO Applicants cannot be used to predict the likelihood of success on a TPO request. This is so for two reasons: (1) The survey responses were intended to be anonymous, so that surveys could not be connected to individual cases; and (2) the survey responses relate to TPO cases filed in the last three months of 2009, whereas the individual TPO files reviewed were for Calendar Year 2008.

(1) Applicants often seek a TPO on an emergency basis and are completing the necessary paperwork in a hurry, which is not conducive to thoughtful review of abstract survey questions;

(2) Some Applicants with little education may have been intimidated by the number of questions or the complexity of some questions about the TPO process;

(3) Some Applicants may not have wanted to reveal personal information about themselves; and

(4) Some Applicants may have questioned the utility of the survey in the first instance.

In any event, the information provided below is still useful for the purpose of ascertaining statistics about TPO Applicants, the level of their familiarity with the protection order process, and whether they are satisfied with their customer service experience at the Las Vegas Justice Court. Each of the individual questions is addressed below.

Section 1: The TPO Sought		(Please check the box for the TPO type that you requested.)
105	(71%)	Stalking and Harassment TPO
15	(10%)	Workplace Harassment TPO
4	(3%)	Harm to Minors TPO
3	(2%)	Sexual Assault TPO
4 ²⁸²	(3%)	Other: _____
16	(11%)	No Response
<hr/>		
147 ²⁸³	100%	TOTAL

These figures are consistent with the fact that “Stalking/Harassment TPO’s” are, by far, the most commonly sought TPO.

Three individuals claimed that they were seeking a “Sexual Assault TPO.” However, only two such applications were filed in all of 2009. Thus, at least one Applicant may have been seeking judicial assistance in a sexual assault situation, but without filing for the relief under that specific case type.

²⁸² The responses were as follows:
“restraining order”
“assault/battery”
“phone harassment and harm”
“telephone”

²⁸³ Some Applicants listed more than one TPO type being sought.

Section 2: Information About You

(Please circle the correct answer.)

A.	What is your gender? ²⁸⁴	Male	Female	No Response	TOTAL
		36	82	12	130
		(28%)	(63%)	(9%)	(100%)

This result was unexpected. The review of 2008 TPO files showed that Adverse Parties were relatively evenly divided between men and women. However, the distinction between male and female Applicants is striking because more than twice as many women were Applicants than men. Even if the Applicants in the “no response” category were all men, the disparity between the sexes would still be great. It is unclear whether the disparity can be traced to certain perceptions relating to gender roles; for example, one could speculate that men might be discouraged from seeking TPO relief because they do not want to appear weak or helpless, while women might be more inclined to seek TPO relief because there is less of a stigma in doing so.

In any event, the Las Vegas Justice Court has recently implemented a Supplemental Information Sheet which asks for Applicants to identify themselves as male or female. This author recommends that the AOC Statewide TPO Forms solicit such information also so that statistical information about Applicants can be enhanced and better understood.

Another unusual aspect of this question is that twelve individuals simply failed to answer the question. One explanation for this omission may relate to individuals who apply for a TPO on behalf of another person or a group of people. Applicants in such situations may have had difficulty in distinguishing themselves from the individual parties to be protected in the TPO.

²⁸⁴ The word “gender” was used in place of “sex” to avoid any connotations relating to sexual intercourse. It is not clear if this word choice hindered any Applicant’s understanding of the question.

B.	How do you identify yourself?	American Indian or Alaska Native	Asian	Black or African American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White	Mixed Race	Other	No Response	TOTAL
		3	9 ²⁸⁵	26	17	1 ²⁸⁶	54 ²⁸⁷	13 ²⁸⁸	1 ²⁸⁹	6	130
		(2%)	(7%)	(20%)	(13%)	(1%)	(42%)	(10%)	<1%	(5%)	(100%)

This data illustrates that 42% of Applicants were White or Caucasian, as opposed to 49% that were identified by Applicants as Adverse Parties.

The next most common ethnicity was Black or African-American at 20%, followed by Hispanic or Latino at 13%. These figures are similar to how Applicants classified Adverse Parties in the Confidential Information Sheet (18% for African-American and 17% for Hispanic).

No other distinct ethnic group had a response exceeding 10%, although Asians represented a still significant percentage of 7%.²⁹⁰ Collectively, these four ethnic groups accounted for 82% of all TPO applicants.

Mixed-race Applicants accounted for another 10%.

Thus, the remaining 8% of Applicants either did not answer the question, or they fell within an ethnic group other than the primary ethnicities listed above.

²⁸⁵ One Applicant did not circle “Asian” but wrote “Asian” in the “Other” Box. This response was counted as “Asian.”

²⁸⁶ This Applicant circled “Pacific Islander.”

²⁸⁷ One Applicant originally circled “White” and then circled the word “American” in “American Indian or Alaska Native.” Other Applicants simply circled the word “American.” These responses are counted as “White” since that was the apparent intent of the Applicants.

²⁸⁸ One Applicant circled “Hispanic or Latino” and “Mixed.” Other Applicants circled two distinct categories without circling “Mixed.” These responses were counted as “Mixed.” Also, one of the Applicants circled “Black,” “Mixed Race,” and an “other” category of “Jewish.” Again, this latter response was counted as “Mixed.”

²⁸⁹ This person was identified as “W. Indian.”

²⁹⁰ Applicants classified Adverse Parties as “Asian” 4% of the time, as evidenced by the author’s review of the Confidential Information Sheets.

C.	What is your estimated annual household income?	Less than \$20,000	\$20,000 or more, but less than \$40,000	\$40,000 or more, but less than \$60,000	\$60,000 or more, but less than \$80,000	\$80,000 or more, but less than \$100,000	\$100,000 or more, but less than \$120,000	\$120,000 or more, but less than \$140,000	\$140,000 or more	No Response	Total
		35 ²⁹¹	30	16	18	7	7	2	6	9	130
		(27%)	(23%)	(12%)	(14%)	(5%)	(5%)	(2%)	(5%)	(7%)	(100%)

This data shows that 27% of Applicants had an income of less than \$20,000.00, which would also encompass those individuals who were unemployed at the time of the survey.

Also, 50% of the surveyed Applicants said that they had an income of less than \$40,000.00, while 43% said that they had an income of \$40,000.00 or more. This data shows that the likelihood of being a TPO Applicant does not depend upon a specific income level.²⁹²

D.	What is the highest level ²⁹³ of education that you have completed?	Elementary school	Some high school	High school diploma	Some college	Associate's Degree	Bachelor's Degree	Advanced Degree	Technical school	No Response	Total
		2 ²⁹⁴	11 ²⁹⁵	26	43	12	16	10	7	5	132 ²⁹⁶
		(2%)	(8%)	(20%)	(33%)	(9%)	(12%)	(8%)	(5%)	(4%)	(100%)

This result was also unexpected. Conventional wisdom suggests that the average court customer only has a high school education, but approximately two thirds of the TPO Applicants indicated that they had taken at least some college classes. Perhaps individuals who file for TPO's are better educated than other court customers, as evidenced by TPO Applicants taking it upon themselves to avail themselves of specific legal rights.²⁹⁷

²⁹¹ One Applicant wrote in "0.00."

²⁹² No data exists regarding the annual household income of Adverse Parties in TPO cases. This information is not solicited in the standardized TPO forms.

²⁹³ Several applicants circled high school diploma and then another option relating to college or a degree. The statistics discussed here represent the highest level completed.

²⁹⁴ One Applicant wrote in "11th."

²⁹⁵ One Applicant noted "G.E.D. obtained."

²⁹⁶ Two Applicants listed a college-related choice and "Technical School." These were accounted for separately so as to avoid prioritizing one over the other.

²⁹⁷ No data exists regarding the highest level of education of individual Adverse Parties. This information is not solicited in the standardized TPO forms.

E.	How many previous times have you been to the Regional Justice Center? ²⁹⁸	Zero--This is my first time here.	One time	Two times	Three times	Four or more times	No Response	Total
		63	22	18	9	10 ²⁹⁹	8	130
		(48%)	(17%)	(14%)	(7%)	(8%)	(6%)	(100%)

The expected result for this question was that a majority of Applicants would indicate that they had not been to the Regional Justice Center prior to their current application for a TPO. However, the actual percentage was only 48%, with 46% of Applicants indicating that they had been to the Regional Justice Center one or more times, and 8% indicating “four or more times.”

Several factors can account for the recurrence of visits by TPO applicants.

First, landlords and those who manage rental properties come to the Regional Justice Center regularly to file evictions, and many of the 2008 TPO applications involved concurrent issues of stalking and harassment relating to the eviction process.

Second, many TPO applicants are repeat customers who seek relief against the same Adverse Party more than once, either because an initial application is denied and then sought again, or because an Applicant desires another TPO when an existing TPO is about to expire.

Third, many TPO Applicants who are victims of crime may come to the Regional Justice Center to participate in court cases or consult with District Attorneys who are housed in the same building; a TPO is often recommended as a tandem process while a criminal case is pending.

Fourth, many Applicants who have conflicts with an Adverse Party will file separate civil lawsuits, or find themselves as defendants in such lawsuits, which would lead to separate court appearances in the Regional Justice Center.

²⁹⁸ If future surveys of this type are conducted, additional questions to ask should include the following:

(1) How old are you?

(2) How did you learn about the availability of TPO's in Justice Court?

²⁹⁹ One Applicant wrote in “< 25 = Landlord.”

Section 3: Access to the Court

(Please circle the number that corresponds to your answer.)

Question	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Not Applicable	No Response
	1	2	3	4	5	N/A	
1. Finding the courthouse was easy.	1 5%	2 2%	3 7%	4 37%	5 47%	N/A 0%	2%
2. The forms I needed were clear and easy to understand.	1 5%	2 2%	3 8%	4 32%	5 46%	N/A 0%	6%
3. I felt safe in the courthouse.	1 5%	2 0%	3 2%	4 29%	5 59%	N/A 0%	4%
4. The court makes reasonable efforts to remove physical and language barriers to service.	1 4%	2 2%	3 6%	4 28%	5 50%	N/A 4%	7%
5. I was able to get my court business done in a reasonable amount of time.	1 4%	2 2%	3 10%	4 33%	5 46%	N/A 1%	5%
6. Court staff paid attention to my needs.	1 4%	2 1%	3 6%	4 32%	5 55%	N/A 0%	3%
7. I was treated with courtesy and respect.	1 4%	2 0%	3 3%	4 27%	5 63%	N/A 0%	3%
8. Once inside the courthouse, I easily found the location to file a TPO in the Las Vegas Justice Court.	1 5%	2 2%	3 5%	4 27%	5 58%	N/A 1%	2%
9. I found the Las Vegas Justice Court's Web Site to be a helpful source of information about TPO's.	1 5%	2 3%	3 12%	4 18%	5 34%	N/A 23%	5%
10. The court's hours of operation made it easy for me to do my business.	1 5%	2 2%	3 7%	4 32%	5 49%	N/A 2%	2%

For all ten questions listed above, customers “strongly agreed” with each of the ten propositions stated therein. The percentages of individuals who “strongly agreed” tended to hover in the range of 45-60%, with two notable exceptions.

First, only a third of those surveyed strongly agreed with the proposition that the Las Vegas Justice Court’s Web Site was a helpful source of information about TPO’s.

Approximately 23% of those surveyed responded with “N/A,” which suggested either that they were not aware of the Court’s website or that they had not actually visited it for information. These figures suggest that the Court should do more to publicize its website as a means of improving customer service.

Second, approximately 63%, or nearly two-thirds, of those surveyed strongly agreed that they were treated with courtesy and respect, and 90% of those surveyed either agreed or strongly agreed with that proposition. In fact, some of the survey responses actually included narrative compliments directed to specific employees. All of this information shows that despite the stress and confusion of the TPO process, litigants generally feel that employees of the Las Vegas Justice Court are sympathetic and helpful.

To put this information in a different perspective, the survey results have been ranked in terms of those who “strongly disagreed” or “disagreed” and those who “strongly agreed” or “agreed.”³⁰⁰

³⁰⁰ The following table omits survey responses of “Neither Agree nor Disagree” and “Not Applicable.” It also omits results where the respondent did not answer the question.

**TABLE #15: SURVEY QUESTIONS GENERATING THE MOST RESPONSES OF
“STRONGLY AGREE” OR “AGREE” ABOUT ACCESS TO THE COURT**

Question	Strongly Disagree or Disagree	Strongly Agree or Agree
7. I was treated with courtesy and respect.	4%	<u>90%</u>
3. I felt safe in the courthouse.	5%	<u>88%</u>
6. Court staff paid attention to my needs.	5%	<u>87%</u>
8. Once inside the courthouse, I easily found the location to file a TPO in the Las Vegas Justice Court.	7%	<u>85%</u>
1. Finding the courthouse was easy.	7%	<u>84%</u>
10. The court’s hours of operation made it easy for me to do my business.	7%	<u>81%</u>
5. I was able to get my court business done in a reasonable amount of time.	6%	<u>79%</u>
2. The forms I needed were clear and easy to understand.	7%	<u>78%</u>
4. The court makes reasonable efforts to remove physical and language barriers to service.	6%	<u>78%</u>
9. I found the Las Vegas Justice Court’s Web Site to be a helpful source of information about TPO’s.	8%	<u>52%</u>

Section 4. The Protection Order Process

Question	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Not Applicable	No Response
	1	2	3	4	5	N/A	
1. I understand the difference between the 5 types of Protection Orders (Domestic Violence, Stalking and Harassment, Workplace Harassment, Harm to Minors, and Sexual Assault).	1 3%	2 1%	3 11%	4 <u>38%</u>	5 35%	N/A 1%	12%
2. I understand the difference between Justice Court jurisdiction and District Court jurisdiction for TPO's.	1 6%	2 12%	3 19%	4 <u>27%</u>	5 21%	N/A 2%	12%
3. As I leave the court, I understand what will happen next in my TPO case.	1 4%	2 5%	3 14%	4 29%	5 <u>32%</u>	N/A 1%	16%
4. I understand the requirements for "serving" a TPO upon the Adverse Party.	1 3%	2 2%	3 15%	4 32%	5 <u>33%</u>	N/A 1%	15%
5. I understand the penalties involved if the Adverse Party violates a TPO that is granted by the Court.	1 4%	2 2%	3 10%	4 <u>35%</u>	5 33%	N/A 1%	15%
6. I understand the difference between a Temporary Order and an Extended Order.	1 4%	2 2%	3 8%	4 35%	5 <u>38%</u>	N/A 1%	13%
7. I understand the lengths of time for which a Temporary Order and an Extended Order can remain in effect.	1 3%	2 2%	3 8%	4 34%	5 <u>38%</u>	N/A 2%	13%
8. I believe that I can pursue my TPO case effectively without having to retain an attorney.	1 3%	2 1%	3 15%	4 33%	5 <u>34%</u>	N/A 1%	14%
9. I know what phone number I need to call if I have any questions about my TPO case.	1 5%	2 5%	3 12%	4 28%	5 <u>35%</u>	N/A 2%	15%
10. I know how to get a copy of my TPO if the Court grants my request.	1 8%	2 5%	3 13%	4 28%	5 <u>31%</u>	N/A 1%	14%

Here again, the vast majority of survey responses are in the “strongly agree” category, but with three exceptions.

First, approximately 38% “agreed” that they understood the differences between the five types of protection orders. This figure should be construed in its proper context, however, for approximately 73%, or more than two thirds, of those surveyed either agreed or strongly agreed with that proposition.

Second, approximately 27% “agreed” that they understood the distinction between Justice Court and District Court for TPO’s. Approximately 18% either disagreed or strongly disagreed with that proposition. This suggests that the Court’s informational materials should be more explicit in explaining the distinction.

Third, approximately 35% “agreed” that they understood the penalties involved if the Adverse Party violates a TPO that is granted by the Court. Again, this figure should be construed in its proper context, for approximately 68%, or more than two thirds, of those surveyed either agreed or strongly agreed with that proposition.

To put this information in a different perspective, the survey results have been ranked in terms of those who “strongly disagreed” or “disagreed” and those who “strongly agreed” or “agreed.”³⁰¹

³⁰¹ Once again, the following table omits survey responses of “Neither Agree nor Disagree” and “Not Applicable.” It also omits results where the respondent did not answer the question.

The percentages that follow are categorically lower than those in the ten questions relating to “Access to the Court.” This is because the questions relating to “The Protection Order Process” appeared on the back page of the two-page survey, and some Applicants did not complete both pages of the survey.

TABLE #16: SURVEY QUESTIONS GENERATING THE MOST RESPONSES OF “STRONGLY AGREE” OR “AGREE” ABOUT THE PROTECTION ORDER PROCESS

Question	Strongly Disagree or Disagree	Strongly Agree or Agree
1. I understand the difference between the 5 types of Protection Orders (Domestic Violence, Stalking and Harassment, Workplace Harassment, Harm to Minors, and Sexual Assault).	4%	<u>73%</u>
6. I understand the difference between a Temporary Order and an Extended Order.	6%	<u>73%</u>
7. I understand the lengths of time for which a Temporary Order and an Extended Order can remain in effect.	5%	<u>72%</u>
5. I understand the penalties involved if the Adverse Party violates a TPO that is granted by the Court.	6%	<u>68%</u>
8. I believe that I can pursue my TPO case effectively without having to retain an attorney.	4%	<u>67%</u>
4. I understand the requirements for “serving” a TPO upon the Adverse Party.	5%	<u>65%</u>
9. I know what phone number I need to call if I have any questions about my TPO case.	10%	<u>63%</u>
3. As I leave the court, I understand what will happen next in my TPO case.	9%	<u>61%</u>
10. I know how to get a copy of my TPO if the Court grants my request.	13%	<u>59%</u>
2. I understand the difference between Justice Court jurisdiction and District Court jurisdiction for TPO’s.	18%	<u>48%</u>

Section 5. General Comments

The following narrative comments were received on the Customer Service Surveys:

- (1) Orders being implemented quicker.
- (2) Tiffany and Aron [civil employees who work at the Customer Service Counter] were so wonderful. They did everything possible to help me get through this awful process with ease. They explained everything thoroughly so that it was easy to understand and they were warm and welcoming, treating me like a human, not just a number.
- (3) All the employees were professional and courteous toward me and my needs.
- (4) Ran smoothly, did not have to wait that long.
- (5) It's not that difficult! It was easier than I thought.
- (6) Great agents.
- (7) It was easy.
- (8) Courteous staff--pleasure compared to Florida.
- (9) Your staff has been very kind and helpful. Under my emotional state, they have been lifesavers.
- (10) They need to put in security cameras.
- (11) This is my first time and I don't really know anything about how it works except to keep him out of my property.
- (12) I haven't reviewed the yellow sheets [informational materials relating to protection orders] yet, is this information contained in them?
- (13) Very helpful with filing order, friendly staff.
- (14) She currently lives with me but my name is on the lease and she won't leave. I have nowhere else to go. No family or relatives out here in Vegas. And I don't wana go to jail behind her so please help me to remove her from my property.
- (15) Need to try to serve adverse parties in a more aggressive, timely manner. I understand it takes additional manpower, but people's lives are at stake.
- (16) Clerks were "AWESOME" and efficient!

(17) Very easy and helpful customer service reps. :>

(18) Thank you so much for helping me. The person that took paperwork and helped me was astonishingly helpful and professional. I wish all the people in all forms of Govt. (DMV) were just half as kind and helpful as she is. Whoever hired her needs [picture of a star]'s as she needs to be promoted. Wonderful is an understatement. Andrea Davis. Window #6.

(19) The lady at the window was very helpful and answered all of my questions.

(20) Excellent employee! Very helpful!

These comments underscore the general satisfaction experienced by customers who are filing applications for protection orders.

J. Tabulation of Court Staff Survey Results

The author sent a detailed survey to the ten Justice Courts that processed the most TPO's in Calendar Year 2008. The top nine courts responded to the survey; however, East Fork Justice Court did not.

The purpose of the survey was to see if the various courts addressed specific issues in a uniform fashion, or whether, as suspected, differences of opinion would be reflected across the courts. The survey responses will be forwarded to the AOC TPO Forms Committee for further study and potential changes to the standardized TPO forms.

From the 65 questions asked, several surprising facts were revealed, and several intelligent suggestions were offered.

1. Public Access to TPO Files

Most of the courts surveyed maintained the TPO case file like any court file, with the only explicit restriction on access being for the Confidential Victim and Adverse Party Information Sheets.

North Las Vegas Justice Court has a policy by which TPO files can only be accessed by court order. Given that the 2008 TPO Files for the Las Vegas Justice Court included many Applications with personal information in exhibits, this author will recommend that the Las Vegas Justice Court should adopt a similar policy. Court staff cannot reasonably be expected to review pages and pages of documentary evidence to redact personal information on a case-by-case basis. Instead, the Las Vegas Justice Court should treat TPO case files as “presumptively confidential,” with access by the media or the public being obtained only through a Motion approved by the assigned judge.

2. Decisions on Temporary Orders

Most of the courts surveyed indicated that they would notify the Adverse Party whenever a TPO application was set for hearing. However, the Reno Justice Court indicated that it has a process where the Court will set a Stalking TPO application for hearing, notify the Applicant only, and then rule on the TPO application with only the Applicant present in Court. The Reno judges, correctly, would then limit the duration of the Order to thirty days because an Extended Order (greater than 30 days) requires formal notice to the Adverse Party.

The judges of the Las Vegas Justice Court should explore this approach to issuing Temporary Orders. This process would allow the judge to engage in a direct dialogue with the Applicant, without having the Adverse Party present in court to intimidate the Applicant. Moreover, in situations where the judge needs additional information before making a decision on the Application, the judge can calendar the case for hearing and get the information directly from the Applicant at a specific time. Since a Temporary Order can issue *ex parte*, with no

notice to the Adverse Party at all, a Temporary Order can certainly be issued upon a hearing with just the Applicant present.³⁰²

3. Standardized Cover Sheets

Henderson Justice Court and North Las Vegas Justice Court, the two other major Justice Courts in Clark County, are not using the Standardized Cover Sheet that is meant to assist law enforcement. This form contains identifying information about the Adverse Party, including whether the Adverse Party has weapons, and information about the duration of the TPO.

If Las Vegas Justice Court is the only major Justice Court in Clark County using this form, the justices of the peace should question whether use of this form is even necessary, especially when all the information on the Cover Sheet is contained in the Protection Orders and the Confidential Information Sheets.

4. Delivery of Paperwork for Service

The Las Vegas Justice Court responded that it forwards protection orders to the Sheriff for service. Delivery occurs by “paper delivery” and occurs within 1-2 days. However, Henderson Justice Court and Sparks Justice Court responded that TPO paperwork was forwarded by fax and received within 1 hour. The Las Vegas Justice Court should explore this option in order to expedite the service of protection orders.

5. Service of TPO Applications

Approximately half the Justice Courts surveyed, including the Las Vegas Justice Court, indicated that TPO applications are not served on the Adverse Party along with the granted

³⁰² In fact, requiring a hearing before granting a Temporary Order actually benefits the Adverse Party because the judge will have the most accurate information from the Applicant before ruling on the TPO request.

Protection Order. However, discussions before the AOC TPO Forms Committee indicated an assumption that applications were being served routinely across the state.³⁰³

This author recommends that, to ensure due process, the Adverse Party should *always* be provided with a copy of the Application that triggered the issuance of the protection order.

6. Guardians

Most of the Justice Courts surveyed, including the Las Vegas Justice Court, do not have a procedure in place for appointing a guardian ad litem for a minor who wishes to apply for a TPO, or for a minor who is named as an Adverse Party in a TPO action.

However, such a procedure should be developed, especially in situations where the minor has no parent to assist him.

7. Recommendations from Other Courts for the AOC TPO Forms Committee

a. Requests for Extended Order Hearings

The Henderson Justice Court asked that the Application for a *Temporary Order* be amended to remove the ability of an Applicant to request a hearing on an *Extended Order*.

The Las Vegas Justice Court has unilaterally and locally made this change on the Standardized Forms because the justices of the peace believe that too many Applicants were requesting Extended Order hearings and then failing to appear for those hearings. The current practice in the Las Vegas Justice Court requires the Applicant to wait for at least three weeks after the Temporary Order is issued before the Applicant can file a Motion for an Extended Order. This ensures that the Applicant still wants to pursue further proceedings, and it saves

³⁰³ This area of the law is unclear. For Domestic Violence TPO's, NRS 33.070(2) states that "[i]f a law enforcement officer cannot verify that the adverse party was served with a copy of the application and order," he shall take specific steps, such as informing the adverse party of the specific terms and conditions of the order. [*Emphasis added*]. For Workplace TPO's, NRS 33.300(2) declares that "[s]ervice of an application for an order, the notice of hearing thereon and the order must be served upon the person who allegedly committed the harassment pursuant to the Nevada Rules of Civil Procedure." [*Emphasis added*]. The Stalking, Harm-to-Minors, and Sexual Assault TPO statutes do not contain similar language.

staff time because only necessary hearings are calendared. Moreover, the Applicant is not penalized by this practice because the Temporary Order will remain in effect until the date of the Extended Order hearing.³⁰⁴

b. Information Regarding Incarceration

The Henderson Justice Court suggested that the AOC Forms include this language:

“Is the adverse party incarcerated? If so, do you know where?”

The fact that this question was omitted from the current forms is surprising. Knowing this information would assist the Court in ensuring that any granted TPO is forwarded directly to the appropriate correctional facility for service, so that the Adverse Party would be bound by the TPO from the moment he or she is released from that facility. This information could also be helpful when an Adverse Party’s release from a facility is imminent, and the Court needs to expedite processing so that the Adverse Party is served before the release. The author raised this issue with the AOC TPO Forms Committee, and future versions of the forms will solicit this information.

c. Combining Forms

All the responding Justice Courts stated that they would be in favor of a legislative change that consolidated all current TPO types into one series of forms. For the time being, this author has recommended to the AOC TPO Forms Committee that the Stalking, Harm to Minors, and Sexual Assault TPO’s be combined into one series of forms since they are all virtually identical. The author is hopeful that the Committee will fully adopt this recommendation.

³⁰⁴ See, e.g., NRS 200.594(1) (“If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.”).

VI. Conclusions and Recommendations

Based upon a review of the 2008 TPO Files in the Las Vegas Justice Court, the results of the Customer Service Survey, and the results of the Survey to Other Courts, this author makes the following conclusions and recommendations. These items should be considered by the Las Vegas Justice Court, the AOC TPO Forms Committee, and/or the Nevada Legislature in order to clarify, harmonize, and simplify the laws and the effectiveness of TPO processing.

Conclusion #1:

Nevada TPO law does not adequately distinguish between a threat to do an act, and the commission of an act itself.

Recommendation #1:

The Legislature should clarify the scope of Nevada's non-domestic TPO law to account for threatened acts, attempted acts, and completed acts.

Discussion:

The author recommends consolidation of these TPO types as follows:

1. In addition to any other remedy provided by law, a person who reasonably believes that any of the following crimes have been attempted or committed against him by another person may petition a Justice Court of competent jurisdiction for a temporary or extended order pursuant to subsection 2:

- (a) A crime involving physical or mental injury of a nonaccidental nature;*
- (b) A crime that constitutes sexual assault pursuant to NRS 200.366;*
- (c) A crime that constitutes sexual abuse against a child as defined by NRS 432B.100;*
- (d) A crime that constitutes sexual exploitation against a child as defined by NRS 432B.110;*
- (e) The crime of stalking as defined by NRS 200.575;*
- (f) The crime of harassment as defined in NRS 200.571;*
- (g) A crime involving physical damage to the property of another person;*
- (h) A crime involving physical confinement or restraint; or*
- (i) A criminal act which is intended to substantially harm the person threatened with respect to his physical or mental health or safety.*

2. *If a protection order is warranted under subsection 1, the court may issue a temporary or extended order directing the person who allegedly attempted or committed the crime to:*

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

This all-encompassing approach would alleviate the problem of having to make analytical leaps in TPO cases. For example, if, without speaking, the Adverse Party shoots a firearm at the Applicant with the intent to kill her, and the Applicant wants a TPO under current law, the Stalking TPO does not sufficiently address this fact pattern. This is because an attempted murder of this type is not really a “course of conduct” as required by Nevada’s stalking statute, and the Harassment statute is not clearly applicable because that statute requires an overt threat.

If the law allowed for one merged set of criteria for a TPO, these problems would vanish.

Although the items enumerated in subsection (1) might lead one to conclude that Nevada’s TPO law would be greatly expanded by this proposal, the listed elements are those already present for stalking, harassment, harm-to-minors offenses, and sexual assault; the only difference is that the proposed construct would allow for TPO’s to be issued for completed acts as opposed to just threats to do those acts under the harassment statute. Obviously, completed acts are more serious than mere threats to do those acts, so Nevada law should encompass both acts and threats accordingly.

Conclusion #2:

The Legislature has created unnecessary confusion by cloning the Stalking TPO construct as a template for multiple TPO types.

Recommendation #2:

The Legislature should combine Stalking TPO's, Harm-to-Minors TPO's, and Sexual Assault TPO's into one statutory section, and the AOC TPO Forms Committee should create one series of forms for this new combined framework.³⁰⁵

Discussion:

This "omnibus" TPO approach, with one set of forms for multiple offenses, is preferable to a system which is divided into sets of forms that correspond to distinct offenses.

If the Legislature were to adopt language which is similar to that proposed in Recommendation #1, Applicants for non-domestic TPO's would only have to review and prepare one set of TPO paperwork. This would alleviate the burden on court staff as well.

Conclusion #3:

Nevada law encourages TPO applicants to engage in "forum shopping." This is because the parties in a TPO case may have a "domestic" relationship that triggers jurisdiction for a Domestic Violence TPO in District/Family Court, or the TPO case may involve an act that triggers jurisdiction of the Justice Court for the other TPO types. The penalties for TPO's are much stronger in Justice Court, which encourages those with "domestic" relationships to seek relief in Justice Court when relief might be more appropriate in District/Family Court.

³⁰⁵ The author is not suggesting that the forms and procedures for Domestic Violence TPO's should be incorporated into this recommendation. Instead, the author believes that it would be intuitively easy for an Applicant to distinguish between a "domestic" Application for a Domestic Violence TPO and a "non-domestic" Application for a Stalking, Harm-to-Minors, or Sexual Assault TPO.

Additionally, the author believes that the Workplace Harassment TPO type should continue to have a discrete set of forms because those TPO's are most often requested by businesses rather than private individuals.

Recommendation #3:

The Legislature should consider equalizing the penalties for all the TPO types in order to discourage forum shopping between courts.

Discussion:

In 2003, Senate Bill 398 proposed to “equalize” the penalties for the various TPO violations.³⁰⁶ However, the bill did not pass because it was not subject to sufficient scrutiny.

Thus, the penalties remain as follows:

DV TPO Violation: (NRS 33.100)

“A person who violates a temporary or extended order is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.” *[Emphasis added]*.

Workplace Harassment TPO Violation: (NRS 33.350)

“A person who intentionally violates a temporary or extended order for protection against harassment in the workplace is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.” *[Emphasis added]*.

Stalking TPO Violation: (NRS 200.591(5))

Harm-to-Minors TPO Violation: (NRS 33.400(6))

Sexual Assault TPO Violation: (NRS 200.378(5))

“Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor.

(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.” *[Emphasis added]*.

The distinctions between these violations are not logical. For example, a stranger who violates a Stalking TPO is punished more severely than an ex-spouse who violates a Domestic Violence TPO. Some may argue that violations of a Domestic Violence TPO should be punished more severely than the violation of other types of TPO’s. That is a policy decision for the Legislature to consider. At the very least, violations of Domestic Violence TPO’s should be equal, and not less stringent, than other TPO violations.

³⁰⁶ *Senate Bill 398 (Nevada Legislature, 2003 Legislative Session).*

If the penalties for all the TPO types were equalized, then the Legislature could clarify the law even further by requiring parties in a “domestic” relationship to seek relief in District/Family Court instead of Justice Court, and litigants in a domestic relationship would not be penalized by having to do so. This would ensure that all traditionally domestic remedies, such as custody, support, and division of assets can be handled in the proper forum of District/Family Court. The Justice Court is ill-equipped to deal with those types of remedies.

Conclusion #4:

A review of the 2008 TPO files shows that some judges believe that prolonged monitoring of a case is necessary, and the current one-year duration of an Extended Order may not be sufficient for that purpose.

Recommendation #4:

The Legislature should expand the potential period of an Extended Order to a length of up to two years.

Discussion:

In situations where TPO relief is desperately needed, one year may not be enough time for the Adverse Party to be dissuaded from further criminal acts. In such situations, the Applicant has to endure the application process once more to seek relief for an additional year, and delays in court processing could leave the Applicant unprotected for some period of time until the judge can rule on the subsequent Application. If the period of an Extended Order were extended for up to two years, in appropriate cases, the Applicant would remain protected during that entire period without having to apply for relief again.³⁰⁷

³⁰⁷ Litigants occasionally petition the Las Vegas Justice Court for a “permanent” protection order. However, requests of this type are very rare.

As a corollary to this recommendation, the Legislature may want to consider increasing the length of the Temporary Workplace TPO from 15 days to 30 days, in order to be consistent with all the other TPO types.³⁰⁸

Conclusion #5:

All of the Justice Courts in Nevada are struggling with the issue of whether a TPO can be issued against a juvenile, and whether such a TPO is even enforceable. Some Justice Courts are issuing these types of TPO's, which are arguably outside their jurisdiction, because no other court will do so.

Recommendation #5:

Protection orders against juveniles should be handled exclusively in Juvenile Court.

Discussion:

Nevada law is ambiguous about whether Justice Courts are empowered to issue TPO's against juveniles.³⁰⁹ On the one hand, NRS 4.370 authorizes Justice Courts to issue protection orders without restriction. On the other hand, NRS 62B.330(1) declares that the Juvenile Court has "exclusive original jurisdiction over a child living or found within the county who is alleged . . . to have committed a delinquent act." Since NRS 62B.330(2)(c) defines a "delinquent" act as "an act designated a criminal offense pursuant to the laws of the State of Nevada," a juvenile commits a delinquent act when he commits the crimes of stalking or

³⁰⁸ See NRS 33.270(5) ("A temporary order for protection against harassment in the workplace that is granted, with or without notice, must expire not later than 15 days after the date on which the order is issued. . . .").

³⁰⁹ The one noted exception is for Harm-to-Minors TPO's which may not be issued against a minor. See NRS 33.400(1) (restricting the TPO remedy to only apply "against a person who is 18 years of age or older").

The Legislature should consider whether this restriction is reasonable. For example, if a minor commits an act of violence against another minor, this TPO type does not apply at all.

This author believes that any of the TPO remedies allowed by statute should be enforceable against minors in appropriate cases, without an arbitrary distinction being imposed based upon the age of the Adverse Party.

harassment, or the crimes defined as “offenses harmful to minors,” “sexual assault,” or “domestic violence.”

Accordingly, NRS 4.370 should be amended, in pertinent part, as follows:

NRS 4.370. Jurisdiction.

1. Except as otherwise provided in subsection 2, justices’ courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

. . .

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. . . .

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

. . .

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

. . .

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

2. The jurisdiction conferred by this section does not extend to *the following*:

(a) Civil [civil] actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved[.];

(b) An action for a temporary or extended order for protection against a person under the age of 18 years, unless the Juvenile Court in the District certifies that the Justice Court has jurisdiction to enter an order against the person. If the Juvenile Court provides such certification, the Justice Court will have jurisdiction over the action and will be empowered to hold the person in contempt of court for violating the order.

The “certification” mentioned above could be done by a blanket order, as opposed to being done on a case-by-case basis, or the Juvenile Court could decide to retain jurisdiction over TPO cases involving minors who are Adverse Parties.

Assuming that the Justice Court is given explicit jurisdiction to issue a TPO against a minor, the statutes also need to clarify whether the TPO is to be issued against the minor only, or

against the minor and his parent or guardian. Some of the Justice Courts surveyed for this project suggested that a person can obtain a TPO against a minor so long as the parent or guardian is also named as a defendant. However, the parent or guardian is not usually an individual that needs to have conduct restricted by a TPO. Moreover, if the minor violates the TPO, it would not be fair to punish the parent or guardian for the minor's conduct.

Thus, this author suggests that the Nevada Revised Statutes should be amended to clarify whether parents and guardians are to be named as Adverse Parties in TPO actions against minors, or whether the TPO's should be limited to naming only the minors.

Conclusion #6:

The Las Vegas Justices of the Peace have relied on various interpretations of the statutory phrase "stay away," with the most notable distinction being between "100 yards" and "100 feet."

Recommendation #6:

The TPO statutes should be amended to clarify that the distance to stay away is at least "100 yards away."

Discussion:

This designation would allow the public to visualize the hypothetical distance of a football field for the spatial limitation that applies between Applicants and Adverse Parties.

Conclusion #7:

Nevada's Justice Courts are not consistent in requiring TPO Applications to be served upon Adverse Parties.

Recommendation #7:

The Legislature should clarify that TPO applications, in addition to orders, need to be served upon the adverse party.

Discussion:

As a matter of due process, every Adverse Party is entitled to notice of the specific allegations against him so that he may prepare arguments in support of a Motion to Dissolve.

Conclusion #8:

Justice Courts in Nevada are not consistent as to whether costs and attorney's fees can be awarded in TPO actions.

Recommendation #8:

The existing grant of authority for costs and attorney's fees in Workplace TPO's should remain in effect, as those cases are commonly filed by attorneys.

However, the Legislature should clarify that prevailing parties in other TPO cases are not eligible for awards of costs and attorney's fees.

Discussion:

For TPO cases other than Workplace TPO cases, the filing fee is deferred, so the Applicant does not incur any "costs" that would justify a later award of costs.

With respect to attorney's fees, this author believes that TPO actions are analogous to Justice Court small claims cases under NRS Chapter 73. In small claims cases, NRS 73.040 prohibits awards of attorney's fees in small claims cases, except in narrow situations involving shoplifting.³¹⁰ By similar reasoning, a prevailing party in a non-Workplace TPO case should not be entitled to an award of attorney's fees.

The author is by no means attempting to disparage the usefulness of an attorney in a TPO case. Instead, the author believes that the Legislature did not intend for TPO actions to become

³¹⁰ See Snyder v. York, 115 Nev. 327, 330, 988 P.2d 793, 795 (1999) (finding that the Legislature intended to keep costs and attorney's fees low in small claims court and that the "the Legislature intended to make the small claims court a 'people's court' and to discourage attorneys from appearing").

exceedingly complex through attorney tactics such as depositions, interrogatories, and other discovery tools that have crept into some of the Justice Court TPO cases.

Like a small claims case, the paradigm of a TPO action involves two litigants bringing a disagreement before the court without having to follow the formal rules of evidence or pleading. This relaxed standard which applies in TPO cases also supports a conclusion that prevailing party attorney's fees should not be awarded.

On the other hand, this author believes that attorney's fees should be allowed, and imposed more often, as a sanction for vexatiousness. Such awards vindicate the authority of the court and serve to deter frivolous filings and unfounded accusations.³¹¹

Conclusion #9:

The Justice Courts have inconsistent policies about whether, and to what extent, the public may access protection order case files.

Recommendation #9:

The Nevada Supreme Court, through its Commission on Preservation, Access, and Sealing of Court Records, should promulgate specific rules which define the appropriate access to TPO case files.

Discussion:

This author recently made this same recommendation to the Commission, and Nevada Supreme Court Justice James Hardesty has referred the proposal to the Nevada Supreme Court for consideration, with public hearings scheduled for later this year.

It is not clear whether the Court will adopt a rule which treats all TPO case files as presumptively confidential with access only obtainable through court order.³¹² If the Court does

³¹¹ The author believes that this approach is preferable to an approach that criminalizes "false" statements that are knowingly made in TPO applications. For example, whether something is definitively "false" may be too difficult to prove for purposes of prosecution.

not adopt this type of blanket protection, and allows Applications and other TPO file documents to be available for public inspection, then this author recommends the following minimum safeguards to be adopted:

- (1) Courts should limit on-line access to TPO case documents entirely and should only provide information about upcoming TPO hearings, if any online information is to be provided at all;
- (2) The Confidential Information Sheets currently in use for Applicants and Adverse Parties should remain confidential;
- (3) The Nevada Supreme Court should establish a procedure for Applicants to submit information under seal for *in camera* inspection in certain cases³¹³; and
- (4) Applicants should be discouraged from disclosing sensitive personal information, such as social security numbers, bank statements, and medical records as part of their Applications because court staff should not be required to comb through pages and pages of documents and make *ad hoc* decisions about what information can and should be redacted.

Conclusion #10:

Justice Courts are bewildered about whether, and under what circumstances, a TPO case may be “sealed” or “expunged” in the sense of being purged from public records. Moreover, members of the public are repeatedly frustrated when they try to clear these records for purposes of military service or employment.

Recommendation #10:

The Nevada Legislature should supplement existing statutes in NRS Chapter 179 and enact additional language that would allow TPO files to be sealed.

Discussion:

³¹² This author recommends that the Las Vegas Justice Court adopt this approach, by local Administrative Order, until such time as the Nevada Supreme Court provides more specific guidance.

³¹³ For example, this would allow an Applicant to submit as an exhibit graphic photographs, which could include photos documenting serious physical abuse, or compromising photos of a protected party that were published on the internet without the party’s permission).

In the 2003 Legislative Session, SB 398 attempted to create a mechanism for sealing records relating to TPO's.³¹⁴ However, the bill did not pass because it did not receive sufficient scrutiny. The Legislature should again consider whether such a mechanism is warranted.

SB 398 would have created the following language in NRS Chapter 33:

[SECTION 2 OF SB 398]

- 1. Five years after the date of the expiration or rescission of a temporary or extended order issued pursuant to NRS 33.020 or 33.270, the adverse party to the order may petition the court in which the order was obtained to seal all records relating to the order.*
- 2. A petition filed pursuant to subsection 1 must:*
 - (a) Be accompanied by current, verified records of the criminal history of the petitioner from:*
 - (1) The Central Repository for Nevada Records of Criminal History; and*
 - (2) The local law enforcement agency of the city or county in which the order for protection was obtained;*
 - (b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the temporary or extended order and to whom the order to seal records, if issued, will be directed; and*
 - (c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.*
- 3. Upon receiving a petition pursuant to this section, the court shall notify the prosecuting attorney for the county in which the temporary or extended order was obtained. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.*
- 4. If the court finds during the hearing that, during the 5-year period prescribed in subsection 1, the petitioner has not been charged with any offense that is pending or convicted of any offense, except for minor traffic violations, the court may order sealed all records of the temporary or extended order which are in the custody of the court, of another court in this state or of a public or private agency, company or official in this state.*

[SECTION 3 OF SB 398]

- 1. If the court orders sealed a record pursuant to section 2 of this act, a copy of the order to seal records must be sent to:*
 - (a) The Central Repository for Nevada Records of Criminal History; and*
 - (b) Each public or private agency, company or official named in the order to seal records.*

³¹⁴ Senate Bill 398 (Nevada Legislature, 2003 Legislative Session).

2. Each public or private agency, company or official receiving a copy of an order to seal records shall:

(a) Seal the records in its custody as directed by the order to seal records;

(b) Advise the court of compliance with the order to seal records; and

(c) Seal the copy of the order to seal records.

Section 10 of SB 398 also would have created the following language in NRS

Chapter 200:

Five years after the date of the expiration or rescission of a temporary or extended order issued pursuant to NRS 200.591, the adverse party to the order may petition the court in which the order was obtained to seal all records relating to the order. Such records may be sealed in the manner set forth in sections 2 and 3 of this act for the sealing of records relating to a temporary or extended order for protection against domestic violence or against harassment in the workplace.

If a similar proposal is to be offered again, it would have to include sealing provisions for Workplace TPO's and also the TPO types that came into being after 2003 (Harm-to-Minors TPO's and Sexual Assault TPO's).

Also, the Legislature would need to decide whether Applicants would be notified about petitions to seal, and how that notification would occur.

Finally, the Legislature would have to consider whether "5 years" is a reasonable time to wait before sealing a TPO case.³¹⁵ For example, this author believes that such a time standard is excessive when applied to motions to seal a case where a TPO was dissolved or denied.

Conclusion #11:

Litigants are often unsure about which Nevada Justice Court has jurisdiction over their TPO action.

³¹⁵ In 2003, the 5-year standard was apparently selected as a midpoint between the prior 3-year standard for sealing misdemeanor cases and the 7-year period standard for sealing gross misdemeanor cases under NRS 179.245. However, in 2005, the Legislature amended the statute so that records relating to a misdemeanor case can be sealed after 2 years. See NRS 179.245(1)(f) (declaring that a person may generally petition the court in which the person was convicted for the sealing of all records relating to a conviction of "[a]ny . . . misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later").

Recommendation #11:

The Nevada Legislature should clarify the venue requirements for filing a TPO action.

Discussion:

NRS 200.581 declares that “[h]arassment, stalking or aggravated stalking shall be deemed to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred.” However, the statute is silent on where a TPO action may be filed, and no similar language is provided in any of the other TPO statutes.

An example of new language that could be added to the Stalking statute appears below:

- 1. A person may petition a court for a temporary or extended order:
 - (a) In the township where the harassment, stalking, or aggravated stalking is alleged to have occurred;*
 - (b) In the township where the person who was affected by the harassment, stalking, or aggravated stalking was located at the time that such conduct allegedly occurred; or*
 - (c) In the township where the adverse party resides.**
- 2. If the court determines that it lacks jurisdiction to issue an order for protection, it may transfer the filing to a court which does have such jurisdiction.*

Conclusion #12:

All the TPO statutes contain incomplete references to the “Nevada Rules of Civil Procedure.”

Recommendation #12:

The Legislature should clarify that the Justice Court TPO statutes are subject to the “Nevada Rules of Civil Procedure (NRCP) or the Justice Court Rules of Civil Procedure (JCRC), as applicable.”

Discussion:

The NRCP applies to Domestic Violence protection orders that are heard in District Court.³¹⁶

The JCRCP applies to Domestic Violence protection orders that are heard in Justice Court, and to all the other remaining types of protection orders.³¹⁷

Although the NRCP and the JCRCP are generally equivalent, they are not exactly the same, so the applicable set of rules for each specific TPO type should be more clearly distinguished.

Conclusion #13:

Information about TPO's from the Las Vegas Justice Court is not readily available to other Nevada courts, and information about TPO's from other Nevada courts is not readily available to the Las Vegas Justice Court.

Recommendation #13:

The Nevada Legislature should mandate that all TPO's are to be reported to the Central Repository for Nevada Records of Criminal History.³¹⁸

Discussion:

Justice Court judges should not be issuing, and ruling upon, TPO's in a vacuum. None of the TPO types from the Las Vegas Justice Court are sent to any statewide repository so that other courts and law enforcement can be aware of them. Conversely, a judge in the Las Vegas Justice Court who is considering the issuance of a TPO cannot rely upon any electronic means to

³¹⁶ See NRCP 1 (“These rules govern the procedure in the district courts in all suits of a civil nature. . .”).

³¹⁷ See JCRCP 1 (“These rules govern the procedure in the justice courts in all suits of a civil nature. . .”).

³¹⁸ This is currently only required for Domestic Violence protection orders. See NRS 33.095 (“Any time that a court issues a temporary or extended order and any time that a person serves such an order, registers such an order or receives any information or takes any other action pursuant to NRS 33.017 to 33.100, inclusive, the person shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.”).

determine if the person has a TPO in effect elsewhere in Nevada. This is a serious problem that needs to be addressed statewide.

Conclusion #14:

Nevada law for registering TPO's is too narrow.

Recommendation #14:

The Nevada Legislature should clarify that any valid TPO from another state may be registered in Nevada for purposes of enforcement.

Discussion:

Currently, registration is limited to Domestic Violence TPO's (NRS 33.090) and Workplace Harassment (NRS 33.310). These situations do not encompass all the potential factual scenarios where a court in another state might issue a TPO.

Conclusion #15:

Nevada law contains conflicting provisions with respect to victims of sexual assault.

Recommendation #15:

The Nevada Legislature should clarify whether a victim of sexual assault must waive statutory confidentiality provisions in order to seek a TPO.³¹⁹

Discussion:

NRS 200.3771(1) provides as follows:

NRS 200.3771. Victims of sexual assault: Confidentiality of records and reports that reveal identity; when disclosure permitted; penalty.

1. Except as otherwise provided in this section, any information which is contained in:

- (a) Court records, including testimony from witnesses;

³¹⁹ This issue actually applies in the Harm-to-Minors TPO context also, as sexual assault is one of the offenses that can trigger application of the Harm-to-Minors TPO. Nevertheless, the Sexual Assault TPO implicates this issue more directly, so the following discussion is framed in that context for purposes of convenience.

- (b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;
- (c) Records of criminal history, as that term is defined in NRS 179A.070; and
- (d) Records in the Central Repository for Nevada Records of Criminal History,

that reveals the identity of a victim of sexual assault is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

[Emphasis added].

However, a Sexual Assault TPO seemingly necessitates disclosure of the victim's name in contravention of NRS 200.3771(1). See NRS 200.378(1)(b) (requiring the victim to be "named in the order").

Additionally, NRS 200.3772 provides victims of sexual assault a procedure for substituting pseudonyms for their names on files, records and reports. In pertinent part, the statute provides as follows:

NRS 200.3772. Victims of certain sexual offenses: Procedure for substituting pseudonym for name on files, records and reports; actual identity confidential; when disclosure required; immunity for unintentional disclosure.

1. A victim of a sexual offense or an offense involving a pupil may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense or offense involving a pupil, including, without limitation, criminal intelligence and investigative reports, court records and media releases.

...

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense or offense involving a pupil.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense or offense involving a pupil or the identity of the victim is at issue. *[Emphasis added]*.

Assuming that the Justice Courts will allow a pseudonym for a sexual assault victim to be used in a Sexual Assault TPO, enforcement of the TPO would be difficult and problematic as a

matter of due process. Thus, the Legislature needs to clarify the specific mechanism for a sexual assault victim to obtain a TPO without violating the above provisions of NRS Chapter 200.

Conclusion #16:

The security requirement in Workplace TPO cases serves no useful purpose and is not being actively litigated by parties to TPO cases.

Recommendation #16:

The Legislature should eliminate the security requirement for Workplace TPO's.

Discussion:

Under NRS 33.270(2), the amount of the security is meant to compensate the Adverse Party “for such costs and damages as may be incurred or suffered by the person who allegedly committed the harassment if the person who allegedly committed the harassment is found to have been wrongfully enjoined or restrained.” In practice, the security requirement is not being sought by Adverse Parties.³²⁰

Moreover, the amounts for security in each Nevada Justice Court, ranging from \$0.00 to \$250.00, are so ridiculously low that Adverse Parties have no incentive to pursue recovery of those sums in any event.³²¹

The security amount is merely a bookkeeping requirement for the Court and a nuisance for the Applicant in a Workplace TPO case. Since none of the other TPO types require this type of security, it should be abolished entirely.

³²⁰ None of the ten Justice Courts surveyed responded that any Adverse Parties had ever been awarded any portion of the security.

³²¹ In fact, none of the Justice Courts surveyed had ever encountered a case where the Adverse Party had filed a Motion to increase the security amount.

Conclusion #17:

The “irreparable injury” requirement in Workplace TPO’s is uniformly misunderstood or misapplied by parties in Workplace TPO cases.

Recommendation #17:

The Nevada Legislature should eliminate the “irreparable injury” requirement in Workplace TPO cases.

Discussion:

NRS 33.270(4) states the following:

4. A court may issue a temporary order for protection against harassment in the workplace without written or oral notice to the person who allegedly committed the harassment or the person’s attorney only if:
 - (a) A verified application is accompanied by an affidavit that contains specific facts which clearly show that immediate and **irreparable** injury, loss or damage will result to the employer, an employee of the employer while the employee performs the duties of the employee’s employment or a person who is present at the workplace of the employer before the person who allegedly committed the harassment or the person’s attorney can be heard in opposition; and
 - (b) The employer and the employer’s attorney, if any, set forth in the affidavit:
 - (1) The efforts, if any, that have been made to give notice to the person who allegedly committed the harassment; and
 - (2) The facts supporting waiver of notice requirements.
[Emphasis added].

After the Applicant provides information in this respect, the Court is required to comply with NRS 33.280(4) if the Temporary Order is being issued without notice. NRS 33.280(4) states the following:

4. In addition to the requirements of subsection 3, if the court granted a temporary order for protection against harassment in the workplace without notice, the order must:
 - (a) Include a statement that the person who allegedly committed the harassment is entitled to a hearing on the order pursuant to NRS 33.270;
 - (b) Include the name and address of the court in which the petition for a hearing may be filed;
 - (c) Contain the date and hour of issuance;
 - (d) Be immediately filed with the clerk of the court;

(e) **Define the irreparable injury, loss or damage resulting from the harassment and state why it is irreparable;** and

(f) Set forth the reasons for granting the order without notice.

[Emphasis added].

Applicants who attempt to obtain a Temporary Workplace TPO without notice to the Adverse Party uniformly struggle in trying to articulate why an impending loss, injury, or damage will be “irreparable.” With the exception of death or dismemberment, Applicants generally provide no specific information in this regard. Thus, Applicants in their Applications, and judges in their Temporary Orders, rely on clumsy statements like “the irreparable injury is the continuous threat of harassment.” Because the reference to “irreparable” is nearly impossible to define or explain, the Legislature should remove any reference to that term in relation to Workplace TPO’s.³²²

Conclusion #18:

Protection order cases become unnecessarily complicated by an Applicant’s failure to particularize allegations and requests.

Recommendation #18:

The Las Vegas Justice Court should limit Applicants to filing one TPO application against one Adverse Party, and one Motion request per Motion. This policy change should also be added to Nevada law.

Discussion:

³²² One could argue that the Legislature should eliminate all of the extra steps required for a Workplace TPO issued without notice to the Adverse Party, since those extra steps are not required for other types of TPO’s. Although that would certainly make the Application process easier for Workplace TPO’s, elimination of the references to “irreparable” loss, injury, or damage is suggested here as an intermediate step toward that end.

By forcing Applicants to particularize their Applications for each Adverse Party, the Court will better be able to consider whether a TPO is warranted for each Adverse Party against whom an Applicant is seeking protection.

In the context of Motions, one request per Motion will ensure that no request for judicial relief is overlooked or undocumented.

Conclusion #19:

“Substituted service” is not appropriate for TPO cases.

Recommendation #19:

The Nevada Legislature should prohibit substituted service for TPO cases.

Discussion:

JCRCP 4(d)(6) refers to serving the defendant personally “or by leaving copies thereof at the defendant’s dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.” Because the violation of a TPO can lead to criminal penalties, an Applicant should not be able to claim a TPO violation unless the Adverse Party has been served more directly.

Recently, the Las Vegas Justice Court submitted a proposed rule change to the Nevada Supreme Court for consideration. The following proposed rule includes the types of clarifications which the Legislature should consider:

(Proposed) JCRLV 42. Orders for Protection

(a) In an action for an order for protection, the following documents must be served pursuant to Rule 4(d) of the Justice Court Rules of Civil Procedure:

- (1) A notice of hearing where the Court will consider whether an extended order for protection should be issued; and
- (2) All orders issued by the Court.

(b) Notwithstanding the provisions of subsection (a):

- (1) An order for protection may not be served by leaving copies thereof at the adverse party’s dwelling house or usual place of abode with some person of suitable age and discretion then residing therein;

(2) Any document that is required to be served upon a minor, under the age of 14 years, residing within this state, must be served upon such minor, personally, and also to the minor's father, mother, or guardian; or if there be none within this state; then to any person having the care or control of such minor, or with whom the minor resides, or in whose service the minor is employed; and

(3) If the Court intends to conduct a hearing to consider only whether a temporary order for protection should be issued, no notice to the adverse party is required. However, if the Court elects to notify the adverse party of the hearing, notice of hearing may be sent by regular mail.

(c) All documents other than those set forth in subsection (a) may be served as provided in Rule 5 of the Justice Court Rules of Civil Procedure.

(d) If multiple protection order cases have been filed by the same applicant within a two-year period, the current filing will be tracked to the judicial department that corresponds to the case with the lowest case number. If there are no prior protection order cases involving the same applicant within the last two years, the current case will be randomly assigned.

(e) As used in this section, "an order for protection" refers to an order for protection issued pursuant to NRS Chapter 33 or NRS Chapter 200.

On a related note, the Nevada Legislature may wish to clarify that Applicants are prohibited from serving protection orders themselves.³²³ The AOC TPO Forms Committee has informally adopted this "rule of thumb," but it should be incorporated more formally into Nevada law so that Applicants do not face violent reprisals in response to served protection orders.

Conclusion #20:

A "reciprocal" TPO should only be issued if certain procedural safeguards are in place.

Recommendation #20:

The Nevada Legislature should enact language that is similar to the following:

- 1. The Court may issue a reciprocal order for protection only if each party subject to the order has completed, signed, and filed an application for the order.*
- 2. As used in this section, "reciprocal order for protection" means one order for protection that restricts the conduct of both the applicant and the adverse party.*

³²³ See JCRCP 4(c) ("Process shall be served by the constable, or by a deputy, or by the sheriff of the county where the defendant is found, or by a deputy, or by **any person who is not a party** and who is over 18 years of age. . ."). [*Emphasis added*].

Discussion:

The author does not see an issue where the judge issues a TPO against the Adverse Party and includes a clause in the Order that warns the Applicant to stay away from the Adverse Party under threat of contempt.

However, the author objects to an Applicant being prosecuted for violating his or her own TPO in situations where the Adverse Party has not formally documented, in writing, his allegations against the Applicant. Clarifying the law in this area would prevent a judge from subjecting an Applicant to full TPO penalties unless the Adverse Party has formally applied for a TPO and made his statements under penalty of perjury.

Conclusion #21:

Nevada law does not explicitly allow Applicants to file Motions to modify or dissolve their own protection orders.³²⁴

Recommendation #21:

The Nevada Legislature should clarify the TPO statutes to recognize the inherent ability of an Applicant to modify or dissolve a TPO.

Discussion:

Applicants routinely file motions to modify or dissolve their protection orders, so Nevada law should conform to this existing practice.

A corollary to this proposal is that the AOC TPO Forms Committee should recognize a distinction between an Applicant “withdrawing” a TPO request and later filing a motion to “dissolve.” When an Applicant wishes to withdraw the Application before a judicial ruling, the

³²⁴ See, e.g., NRS 200.594(2) (“On 2 days’ notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.”). [*Emphasis added*].

Applicant should have the full ability to do so; however, when a judge has already ruled upon the Application, it is appropriate to require judicial permission when the Applicant later decides to dissolve the TPO. The author has recommended this distinction to the Committee, and this distinction will be included in the next iteration of the standardized TPO forms.

Conclusion #22:

Not all of Nevada’s Justice Courts are using the standardized cover sheets proposed by the AOC TPO Forms Committee.

Recommendation #22:

The Committee should consider whether the cover sheets are serving the purpose for which they were intended.

Discussion:

Originally, the Committee adopted the standardized cover sheets in response to the “Project Passport” movement wherein other states were attempting to develop a commonly recognized first page for all protection orders nationwide, including tribal nations.

However, the review of the 2008 TPO Files revealed that the standardized cover sheets often introduced unnecessary error into TPO cases by incorporating incorrect or inconsistent effective dates onto that first page. Also, Extended Orders that were prepared and served in open court routinely had no accompanying cover sheet at all.

The Committee needs to revisit the effectiveness of the cover sheet and explore why its use has not become totally widespread in Nevada.

Conclusion #23:

Justice Courts lack a uniform standard for the retention of TPO case files.

Recommendation #23:

The Nevada Supreme Court should approve a two-year retention period for all TPO files.

Discussion:

This workable standard has already been in effect for Domestic Violence protection orders, so the standard can logically be applied to all protection orders.

Moreover, the two-year period only represents the minimum amount of time for which protection orders would have to be retained. Any court could elect to keep case files for a longer period because the two-year standard operates as a “floor” rather than a “ceiling.”

Conclusion #24:

In Calendar Year 2008, the Las Vegas Justice Court judges took, on average, approximately one judicial week to approve or deny TPO requests without a hearing.³²⁵

Recommendation #24:

The Court should adopt an aspirational goal of approving or denying TPO requests without a hearing within one judicial day.

Discussion:

Nevada law does not contain any explicit requirement relating to the speed in which a non-domestic TPO must be processed.³²⁶ Nevertheless, nearly all of the ten Justice Courts surveyed indicated that the aspirational goal for processing TPO’s without a hearing is within twenty-four hours, or within one judicial day.

³²⁵ The statistics for the 2008 TPO’s showed that, on average, applicants had to wait nearly five full judicial days for either a formal Order Denying TPO, or an actual Temporary Order. Factoring in weekends and holidays, the actual period of delay could involve a total of seven to eight calendar days.

³²⁶ For domestic violence TPO’s, NRS 33.020(4) declares that “[t]he Court shall rule upon an application for a temporary order within 1 judicial day after it is filed”).

In the best case scenario, compliance with this standard for the Las Vegas Justice Court would involve two components: (1) The ability to rule upon TPO cases beyond court hours; and (2) expedited processing during court hours.

At the present time, the Las Vegas Justice Court does not issue TPO's after business hours or on non-judicial days such as holidays.³²⁷ This author recommends that either of the following possibilities be explored: (1) A system could be created whereby a specific judicial, or quasi-judicial, officer rotates into an "on-call" position for issuing TPO's beyond traditional business hours³²⁸; or (2) the Court could consider whether a Memorandum of Understanding with the District Court would allow those judges to issue emergency TPO relief, as is currently done for Domestic Violence TPO's, on a provisional basis until a justice of the peace can make the ultimate determination.³²⁹

Building upon that logic, this author recommends an additional option for ruling upon TPO's on an expedited basis within traditional business hours. This additional option involves a form of "TPO Triage" in which a specific person rules upon a TPO on an *ex parte* basis, but any

³²⁷ This contrasts with the statutory provisions for issuing "emergency" TPO's in Domestic Violence cases. See NRS 33.020(6) ("In a county whose population is 47,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary [domestic violence TPO] pursuant to subsection 5.").

³²⁸ At the present time, the Court uses a system whereby a specific justice of the peace rotates into the "signing judge" capacity and must be available for the signing of search warrants and other documents. The signing judge could assume the responsibility for reviewing TPO's beyond traditional business hours, or the Chief Judge could assign this function to a designee.

By way of comparison, the year 2008 involved 366 calendar days, 104 weekend days, and 11 holidays, for a total of 251 judicial days. Dividing the 2,040 case numbers generated in 2008 by the 251 judicial days in 2008 yields an approximate average of eight TPO applications to be reviewed per judicial day. This volume of applications is not overwhelming, especially since all of these applications occurred during business hours.

The author notes that all emergency TPO applications are faxed to judges after hours in the Carson City Justice Court.

³²⁹ For example, a provisional TPO granted by the District Court could be limited in duration until the end of the next business day after the TPO is issued. This option would likely require legislation because District Court and Justice Court generally do not have concurrent subject matter jurisdiction.

necessary hearings would be tracked to the assigned judicial department. This TPO Triage could be conducted in several ways:

- (1) The Chief Judge, or her designee, could be tasked to review TPO applications on the same day that they are filed, or as soon as possible thereafter³³⁰;
- (2) The “Signing Judge” assigned for the specific week could be tasked to review TPO applications on the same day that they are filed, or as soon as possible thereafter;
- (3) A quasi-judicial officer could be utilized on a daily basis to grant or deny TPO’s on a same-day basis, with any related hearings being tracked to the assigned department³³¹; or
- (4) The Court could explore the appointment of a hearing master for the purpose of processing TPO applications.³³²

By implementing any of these options, the time to disposition for Orders processed without hearing would no doubt decrease dramatically. Moreover, the Temporary Orders issued under any of these options would have a short duration and would still allow an Adverse Party to have the opportunity for a full evidentiary hearing before Extended Orders could be issued.

³³⁰ The Court currently assigns two of its justices of the peace to adjudicate civil cases exclusively. The “designee” referred to above could theoretically be one justice of the peace that is assigned to adjudicate all the protection orders filed with the Las Vegas Justice Court. This would definitely streamline and speed up the existing TPO process.

³³¹ Alternatively, in an effort to avoid the expense of paying an external quasi-judicial officer such as a Justice of the Peace Pro Tempore, one or more of the Staff Attorneys from the Clark County Courts could be added to the approved list of Justices of the Peace Pro Tempore for the Las Vegas Justice Court and empowered to grant or deny TPO’s on a same-day basis, with any related hearings tracked to the assigned department.

³³² As pointed out earlier, Justices of the Peace Pro Tempore from outside the Court are not currently authorized to review TPO applications, but they are authorized to conduct protection order hearings. This option is not yet viable. NRS 4.357 became effective on July 1, 2009. The new law allows Justice Courts to appoint one or more masters to perform duties that the Nevada Supreme Court has approved. However, before the Las Vegas Justice Court can appoint any masters, three things would need to occur:

- (1) The Nevada Supreme Court would need to provide a list of approved duties which includes the processing of protection orders;
- (2) The Clark County Board of County Commissioners would have to formally authorize the use of masters in the Las Vegas Justice Court; and
- (3) The local rules of practice for the Las Vegas Justice Court would have to authorize the appointment of masters.

The Nevada Supreme Court has not yet issued any Administrative Orders relating to the duties of these new masters. Although the Las Vegas Justice Court has petitioned the Nevada Supreme Court for local rule changes, including a change that would authorize masters, the Nevada Supreme Court has yet to consider the proposed rules on their Administrative Docket.

Conclusion #25:

TPO information provided to litigants by the Las Vegas Justice Court is limited to an information packet and some brief instructions in a dedicated TPO page on the Court's website.³³³

Recommendation #25:

The Las Vegas Justice Court should provide TPO information and services to litigants in more dramatic, effective ways.

Discussion:

For example, a DVD could be made available at law libraries, or video could be made available through a link on the main Justice Court web page³³⁴, so that litigants can be told in simple, step-by-step terms how to apply for a TPO, and the legal ramifications for doing so.³³⁵

A more personal approach could be utilized by implementing a system whereby law student interns from the local William S. Boyd School of Law at the University of Nevada, Las Vegas, (UNLV) could be available to assist litigants with the TPO application process. Such interns might have difficulty representing applicants in court.³³⁶ Nevertheless, intern assistance

³³³ <http://www.clarkcountycourts.us/lvjc/protective-orders.html>

³³⁴ <http://www.clarkcountycourts.us/lvjc/>

The AOC TPO Forms Committee is separately recommending that the Nevada Supreme Court's website be updated to include a link to protection order information and forms. The current version of that website appears at the following link: <http://www.nevadajudiciary.us/>

³³⁵ Supreme Court Rule 44 (SCR 44) recognizes that a person has the right to appear on his own behalf in all Nevada courts except the Nevada Supreme Court. The rule also allows court employees to take specific steps to assist self-represented litigants. For example, court employees may "[p]rovide general information about court process, procedure, and practice."

³³⁶ Local rule JCRLV 36 requires the following:

JCRLV 36. Representation by law students in all justice court cases.

Pursuant to Supreme Court Rule 49.5, a law student may not appear in court on behalf of a client unless the following conditions are satisfied in open court:

- (a) The law student must provide a copy of the Supreme Court's "Order of Certification for Limited Supervised Practice." The order must grant to the law student the privilege of entering the limited practice of law under level 2 certification.
- (b) The law student must provide a copy of the written consent of the client.

during the application process could dovetail with local pro bono attorneys who could be available to represent victims in court during TPO hearings.

Additionally, in situations where an Applicant has received physical injuries from the Adverse Party, the Court could implement a system where digital photographs of the Applicant can be taken and either uploaded to the electronic case file or printed for the physical case file. This would provide the reviewing judge a better way to visualize the severity of alleged injuries.

Conclusion #26:

Denials of TPO requests often include judicial requests for more information, and the procedure to close such a case is not clear.

Recommendation #26:

When a judge is seeking clarification from an Applicant, the judge should indicate that the information must be provided by a date certain, or else the TPO request will be formally denied.

Discussion:

This objective standard would make it clear to Applicants, and to the TPO Desk, about what needs to be done and by when.

Conclusion #27:

The Las Vegas Justice Court does not have a uniform definition of when a TPO is “issued.”

(c) The law student must provide a copy of the written consent of the attorney who will be approving and supervising the law student. If all these conditions are satisfied, the law student will be allowed to appear on behalf of a client, and the forms enumerated above will be placed in the corresponding case file.

Recommendation #27:

The date of “issuance” should be the date that the TPO is file-stamped by the Court, and not the date that the judge signs the order.

Discussion

Once a TPO has been file-stamped, it becomes an official court order that is ready to be served upon the Adverse Party. Use of the proposed objective standard for the date of issuance will clarify the later date when a TPO expires, and it will ensure that the TPO Desk does not incorrectly treat a TPO as expired when that TPO is still effective.

Conclusion #28:

An unnecessary period of delay exists between the time of an Extended Order Hearing and the time when an Extended Order is filed and forwarded to the Applicant.

Recommendation #28:

The Las Vegas Justices of the Peace should use a procedure where Extended Orders are filled out in ink, in open court, and served on Adverse Parties while they are still present.

Discussion:

Preparing an Extended Order while all parties are present ensures that the Order is accurate and that it is immediately served on the Adverse Party. Issuance at hearing also eliminates any confusion about when the clock begins to run for purposes of duration.³³⁷

³³⁷ For example, the Applicant will not have to guess whether the Extended Order expires within one year of the hearing, within one year of the filing date, or within one year of the service date. Moreover, court staff would never have to decide if a protection order needs to be “backdated,” a court practice that is generally discouraged.

VII. Final Thoughts

The TPO Customer Service Survey shows that TPO Applicants are largely satisfied with their filing experience at the Las Vegas Justice Court. Core customer service values such as courtesy and respect are being achieved. Although some frustrating aspects of the TPO process are inherent in the complexities of Nevada TPO law, other ambiguities can be resolved quickly and easily by making necessary clarifications to the Court's informational materials and online resources. The Civil Law Resource Center will also be an ally for the Court to streamline and enhance the filing experience for TPO Applicants in the future.

Moreover, the Survey to Other Courts revealed a great deal of variation and innovation for the Justice Courts involved. The survey questions also stimulated the respondents to question assumptions about their own TPO processes. In fact, some of the courts indicated that they had not never encountered or considered specific issues, and that the survey questions provoked internal dialogue on such issues for the very first time.

The AOC TPO Forms Committee should review the Customer Service Survey and the Survey to Other Courts and then take the following series of actions to effectuate needed changes:

- (1) Using the Customer Service Survey as a template, along with any additional questions that the Committee may wish to add, the Committee should provide an approved survey to all the Justice Courts in Nevada so that those justices of the peace will have a basis for evaluating their own customer service effectiveness. The results of those surveys could even be compiled and publicized statewide.
- (2) Using the Survey to Other Courts, the Committee should consider whether corrections, clarifications, and additions need to be made to improve the effectiveness of the standardized forms.³³⁸
- (3) Using the Survey to Other Courts, and the Recommendations endorsed by this project, the Committee should formulate a legislative "wish list" of changes that need to be made

³³⁸ The author notes that during the period of this project, the AOC TPO Forms Committee has already adopted many of the corrections and clarifications suggested in this project.

to Nevada's TPO statutes, and the proposed changes should be forwarded to the Judicial Council for consideration.³³⁹

(4) In situations where the Nevada Supreme Court has the ability to act (by, for example, implementing rules regarding access to TPO files), the Committee should prepare a petition with specific rule changes for the Court to consider on its Administrative Docket.

With respect to the review of the 2008 TPO case files, the author sincerely hopes that the Las Vegas Justices of the Peace will review and consider the author's comments. The proposals in this project relate to both speed and accuracy of the machinery involved in the TPO process. Dialogue between judges, and coordination with court staff, can alleviate many of these issues.

More broadly, the author wishes to stress that TPO actions in the Las Vegas Justice Court should not be seen as nuisances that deserve the least attention in crowded court calendars. There are indeed situations where a litigant will file a TPO request that borders on the vexatious, irrational, or unreasonable. However, these should be viewed as exceptions to the rule. The 2008 TPO files reflected countless instances of legitimate panic, terror, and anxiety directed against Adverse Parties who were clearly committing crimes that fell squarely within the scope of TPO protection. The Legislature has given Justice Courts a powerful tool to prevent crime, personal injury, property damage, or other societal harms. Quite literally, the issuance of a TPO can be the difference between an Applicant's life and death.

Working in combination with its justice partners and community resources, the Las Vegas Justice Court can be a model of innovation about how TPO's should be processed. In short, the judges' dedication and commitment to justice can ensure that TPO's continue to bring order to individuals whose lives are cursed with chaos from the criminal acts of Adverse Parties.

³³⁹ The Judicial Council of the State of Nevada functions as an administrative arm of the judiciary, developing policies for the improvement of the court system and making recommendations to be considered by the Nevada Supreme Court.

References

- (1) Robert P. Faulkner and Douglas H. Hsiao, Article, *And Where You Go I'll Follow: The Constitutionality of Antistalking Laws and Proposed Model Legislation*, 31 Harv. J. on Legis. 1 (1993).
- (2) Peter Finn and Sarah Colson, *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement* (March 1990).
- (3) Robert A. Guy, Jr., *The Nature and Constitutionality of Stalking Laws*, 46 Vand. L. Rev. 991 (1993).
- (4) B. Benjamin Haas, Comment, *The Formation and Viability of Anti-Stalking Laws*, 39 Vill.L.Rev. 1387 (1994).
- (5) Brenda K. Harmon, *Illinois' Newly Amended Stalking Law: Are All the Problems Solved?*, 19 S.Ill.U.L.J. 165 (1994).
- (6) Adele Harrell, Barbara Smith, and Lisa Newmark, *Court Processing and the Effects of Restraining Orders for Domestic Violence Victims* (May 1993).
- (7) Thomas Hobbes, *Leviathan*, ch. XIII
- (8) Laura Hunter Dietz, J.D., *I Am Jur 2d Actions* § 32.
- (9) Susan L. Keilitz, Paula L. Hannaford, and Hillery S. Efke, *Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence* (1997).
- (10) *Lewis Asks: "Do We Wait until My Daughter Is Dead?"*, Las Vegas Sun (March 12, 1999)
- (11) National Criminal Justice Association, *Project to Develop a Model Anti-Stalking Code for States* (October 1993).
- (12) Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2009)*.
- (13) Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2008)*.
- (14) Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2007)*.
- (15) Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2006)*.
- (16) Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2005)*.
- (17) Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2004)*.
- (18) Nevada Supreme Court, *Annual Report of the Nevada Judiciary (Fiscal Year 2003)*.

- (19) Nevada Supreme Court, *Annual Report of the Nevada Judiciary (July 1, 2001-June 30, 2002)*.
- (20) Damon Phillips, Article, *Civil Protection Orders: Issues in Obtainment, Enforcement, and Effectiveness*, 61 J. Mo. B. 29 (2005).
- (21) *Senate Bill 398 (Nevada Legislature, 2003 Legislative Session)*.
- (22) Silvija A. Strikis, Note, *Stopping Stalking*, 81 Geo.L.J. 2771 (August 1993).
- (23) *Transcript of Proceedings (November 26, 2008) in Protection Order Case #08-1730*.
- (24) *Unprecedented U.S. Survey Tracks Scope of Stalking*, Las Vegas Sun (Jan. 13, 2009).
- (25) U.S. Department of Justice, *Strengthening Antistalking Statutes* (January 2002).
- (26) U.S. Department of Justice, *Stalking and Domestic Violence: The Third Annual Report to Congress under the Violence Against Women Act* (July 1998).
- (27) Belinda Wiggins, Note, *Stalking Humans: Is There a Need for Federalization of Anti-Stalking Laws in Order to Prevent Recidivism in Stalking?*, 50 Syracuse L. Rev. 1067 (2000).

List of Cases

- (1) Berry v. State, 125 Nev. Adv. Op. No. 26, 212 P.3d 1085 (July 30, 2009).
- (2) Frank Settlemeyer & Sons, Inc. v. Smith & Harmer, Ltd., 124 Nev. Adv. Op. No. 98, 197 P.3d 1051 (December 24, 2008).
- (3) Nelson v. State, 123 Nev. 534, 170 P.3d 517 (2007).
- (4) Anvui, LLC v. G.L. Dragon, LLC, 123 Nev. 212, 163 P.3d 405 (2007).
- (5) City of Las Vegas v. Eighth Judicial Dist. Court, 122 Nev. 1041, 146 P.3d 240 (2006).
- (6) State v. Colosimo, 122 Nev. 950, 142 P.3d 352 (2006).
- (7) City of Las Vegas v. Eighth Judicial Dist. Court, 118 Nev. 859, 59 P.3d 477 (2002).
- (8) Snyder v. York, 115 Nev. 327, 988 P.2d 793 (1999).
- (9) Laird v. State Public Emp. Retirement Bd., 98 Nev. 42, 639 P.2d 1171 (1982).
- (10) State v. Wyatt, 84 Nev. 731, 448 P.2d 827 (1968).

List of Statutes and Constitutional Provisions

- (1) Cal. Penal Code § 646.9.
- (2) *Nevada Constitution, Article 6, Section 1.*
- (3) *Nevada Constitution, Article 6, Section 4.*
- (4) *Nevada Constitution, Article 6, Section 5.*
- (5) *Nevada Constitution, Article 6, Section 6.*
- (6) *Nevada Constitution, Article 6, Section 8.*
- (7) NRS 3.0105.
- (8) NRS 3.223.
- (9) NRS 4.355.
- (10) NRS 4.357.
- (11) NRS 4.370.
- (12) NRS 22.040.
- (13) NRS 33.015.
- (14) NRS 33.017 through 33.100.
- (15) NRS 33.018.
- (16) NRS 33.020.
- (17) NRS 33.031.
- (18) NRS 33.070.
- (19) NRS 33.090.
- (20) NRS 33.095.
- (21) NRS 33.100.
- (22) NRS 33.200-33.360.

- (23) NRS 33.210.
- (24) NRS 33.220
- (25) NRS 33.240.
- (26) NRS 33.250.
- (27) NRS 33.270.
- (28) NRS 33.280.
- (29) NRS 33.290.
- (30) NRS 33.300.
- (31) NRS 33.310.
- (32) NRS 33.350.
- (33) NRS 33.360.
- (34) NRS 33.400-33.440.
- (35) NRS 33.400.
- (36) NRS 33.410.
- (37) NRS 40.253.
- (38) NRS 50.054.
- (39) NRS 53.045.
- (40) NRS 62B.330
- (41) NRS 69.030.
- (42) NRS 73.010.
- (43) NRS 118A.390.
- (44) NRS 178.484.
- (45) NRS 179.245.

- (46) NRS 193.130.
- (47) NRS 193.140.
- (48) NRS 193.166.
- (49) NRS 193.330.
- (50) NRS 200.366.
- (51) NRS 200.368.
- (52) NRS 200.3771.
- (53) NRS 200.3772.
- (54) NRS 200.378-200.3784, inclusive.
- (55) NRS 200.378
- (56) NRS 200.471.
- (57) NRS 200.481.
- (58) NRS 200.5083.
- (59) NRS 200.571-200.601.
- (60) NRS 200.571.
- (61) NRS 200.575.
- (62) NRS 200.581.
- (63) NRS 200.591.
- (64) NRS 200.592.
- (65) NRS 200.594.
- (66) NRS 200.597.
- (67) NRS 200.700.
- (68) NRS 201.180.

- (69) NRS 201.210.
- (70) NRS 201.230.
- (71) NRS 201.255.
- (72) NRS 201.262.
- (73) NRS 207.190.
- (74) NRS 207.260.
- (75) NRS 239B.030.
- (76) NRS 432B.020.
- (77) NRS 432B.100.
- (78) NRS 432B.110.
- (79) NRS 484C.110.
- (80) NRS 603A.040.
- (81) 18 U.S.C. § 2261A.

List of Court Rules

- (1) JCRCP 1.
- (2) JCRCP 4.
- (3) JCRCP 5.
- (4) JCRCP 6.
- (5) JCRCP 11.
- (6) JCRCP 26.
- (7) JCRLV 1.
- (8) JCRLV 36.
- (9) (Proposed) JCRLV 42.
- (10) *Nevada Code of Judicial Conduct, Commentary to Canon 2.11.*
- (11) NRCP 1.
- (12) NRCP 65.
- (13) SCR 44.
- (14) SRCR 1.
- (15) SRCR 3.

Internet Links

- (1) http://www.accessclarkcounty.com/depts/comprehensive_planning/demographics/Documents/DemographicsBrochure.pdf
- (2) <http://www.clarkcountycourts.us/lvjc/>
- (3) <http://www.clarkcountycourts.us/lvjc/protective-orders.html>
- (4) http://www.ncsconline.org/D_Research/CourTools/Images/courtools_measure1.pdf
- (5) <http://www.nevadajudiciary.us/>

APPENDIX A

Statutory Provisions Relating to Protection Orders

I. NRS 4.370—Justice Court Jurisdictional Statute

NRS 4.370. Jurisdiction.

1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

- (a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$10,000.
- (b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$10,000.
- (c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$10,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.
- (d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$10,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.
- (e) In actions to recover the possession of personal property, if the value of the property does not exceed \$10,000.
- (f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$10,000.
- (g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.
- (h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.
- (i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$10,000.
- (j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.
- (k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

- (l) In actions for a fine imposed for a violation of [NRS 484D.680](#).
- (m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:
 - (1) In a county whose population is more than 100,000 and less than 400,000;
 - (2) In any township whose population is 100,000 or more located within a county whose population is more than 400,000; or
 - (3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.
- (n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to [NRS 33.200](#) to [33.360](#), inclusive.
- (o) In small claims actions under the provisions of [chapter 73](#) of NRS.
- (p) In actions to contest the validity of liens on mobile homes or manufactured homes.
- (q) In any action pursuant to [NRS 200.591](#) for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.
- (r) In any action pursuant to [NRS 200.378](#) for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.
- (s) In actions transferred from the district court pursuant to [NRS 3.221](#).
- (t) In any action for the issuance of a temporary or extended order pursuant to [NRS 33.400](#).

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.
3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to [NRS 176A.250](#) or [176A.280](#).
4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.
5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.
6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

II. Protection Order Statutes in NRS Chapter 33

A. Domestic Violence TPO's

NRS 33.017. Definitions.

As used in [NRS 33.017](#) to [33.100](#), inclusive, unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.
2. "Temporary order" means a temporary order for protection against domestic violence.

NRS 33.018. Acts which constitute domestic violence.

1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
 - (1) Stalking.
 - (2) Arson.
 - (3) Trespassing.
 - (4) Larceny.
 - (5) Destruction of private property.
 - (6) Carrying a concealed weapon without a permit.
 - (7) Injuring or killing an animal.
- (f) A false imprisonment.
- (g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

NRS 33.019. Masters: Appointment; qualifications; powers and duties.

1. In an action to issue, dissolve, convert, modify, register or enforce a temporary or extended order pursuant to [NRS 33.017](#) to [33.100](#), inclusive, the court may appoint a master to take testimony and recommend orders.
2. The master must be an attorney licensed to practice in this State.
3. The master shall:
 - (a) Take testimony and establish a record; and
 - (b) Make findings of fact, conclusions of law and recommendations concerning a temporary or extended order.

NRS 33.020. Requirements for issuance of temporary and extended orders; availability of court; court clerk to inform protected party upon transfer of information to Central Repository.

1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence.
2. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.
3. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed.
4. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.
5. If it appears to the satisfaction of the court from specific facts communicated by telephone to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to [NRS 171.137](#), the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.
6. In a county whose population is 47,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection 5.
7. In a county whose population is less than 47,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection 5.

8. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to [NRS 33.095](#).

NRS 33.030. Contents of order; interlocutory appeal.

1. The court by a temporary order may:
 - (a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;
 - (b) Exclude the adverse party from the applicant's place of residence;
 - (c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;
 - (d) If it has jurisdiction under [chapter 125A](#) of NRS, grant temporary custody of the minor child to the applicant;
 - (e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;
 - (f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and
 - (g) Order such other relief as it deems necessary in an emergency situation.
2. The court by an extended order may grant any relief enumerated in subsection 1 and:
 - (a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;
 - (b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and
 - (c) Order the adverse party to:
 - (1) Avoid or limit communication with the applicant or minor child;
 - (2) Pay rent or make payments on a mortgage on the applicant's place of residence;
 - (3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to [chapter 159](#) of NRS or a minor child who has been placed in protective custody pursuant to [chapter 432B](#) of NRS, if the adverse party is found to have a duty to support the applicant or minor child;
 - (4) Pay all costs and fees incurred by the applicant in bringing the action; and
 - (5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.
3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.
4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of [NRS 484C.110](#).

NRS 33.031. Extended order may prohibit possession of firearm by adverse party; factors for court to consider in determining whether to prohibit possession of firearm; exception; penalty.

1. A court may include in an extended order issued pursuant to [NRS 33.030](#):

(a) A requirement that the adverse party surrender, sell or transfer any firearm in the adverse party's possession or under the adverse party's custody or control in the manner set forth in [NRS 33.033](#); and

(b) A prohibition on the adverse party against possessing or having under the adverse party's custody or control any firearm while the order is in effect.

2. In determining whether to include the provisions set forth in subsection 1 in an extended order, the court must consider, without limitation, whether the adverse party:

(a) Has a documented history of domestic violence;

(b) Has used or threatened to use a firearm to injure or harass the applicant, a minor child or any other person; and

(c) Has used a firearm in the commission or attempted commission of any crime.

3. If a court includes the provisions set forth in subsection 1 in an extended order, the court may include a limited exception from the prohibition to possess or have under the adverse party's custody or control any firearm if the adverse party establishes that:

(a) The adverse party is employed by an employer who requires the adverse party to use or possess a firearm as an integral part of the adverse party's employment; and

(b) The employer will provide for the storage of any such firearm during any period when the adverse party is not working.

4. An adverse party who violates any provision included in an extended order pursuant to this section concerning the surrender, sale, transfer, possession, custody or control of a firearm is guilty of a gross misdemeanor. If the court includes any such provision in an extended order, the court must include in the order a statement that violation of such a provision in the order is a gross misdemeanor.

NRS 33.033. Requirements for surrender, sale or transfer of firearm in possession of adverse party; law enforcement agency may charge fee for collection and storage of firearm.

1. If a court orders an adverse party to surrender any firearm pursuant to [NRS 33.031](#), the adverse party shall, not later than 24 hours after service of the order:
 - (a) Surrender any firearm in the adverse party's possession or under the adverse party's custody or control to the appropriate local law enforcement agency designated by the court in the order;
 - (b) Surrender any firearm in the adverse party's possession or under the adverse party's custody or control to a person designated by the court in the order; or
 - (c) Sell or transfer any firearm in the adverse party's possession or under the adverse party's custody or control to a licensed firearm dealer.
2. If the court orders the adverse party to surrender any firearm to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide the receipt to the court.
3. If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after the adverse party surrenders any firearm to such person, provide to the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered to such person.
4. If the adverse party sells or transfers any firearm to a licensed firearm dealer that is subject to an order pursuant to paragraph (c) of subsection 1, the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after such sale or transfer, provide to the court and the appropriate local law enforcement agency a receipt of such sale or transfer and a written description of each firearm sold or transferred.
5. If there is probable cause to believe that the adverse party has not surrendered, sold or transferred any firearm in the adverse party's possession or under the adverse party's custody or control within 24 hours after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the law enforcement officer to enter and search any place where there is probable cause to believe any firearm is located and seize the firearm.
6. A local law enforcement agency may charge and collect a fee from the adverse party for the collection and storage of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.

NRS 33.035. Extended order to include assignment of income for support of child in certain circumstances.

1. If a court issues an extended order which includes an order for the support of a minor child, the court shall order the adverse party to assign to the party who obtained the extended order that portion of the income of the adverse party which is due or to become due and is sufficient to pay the amount ordered by the court for the support, unless the court finds good cause for the postponement of the assignment. A finding of good cause must be based upon a written finding by the court that the immediate assignment of income would not be in the best interests of the child.

2. An assignment of income ordered pursuant to subsection 1 is subject to the provisions of [chapters 31A](#) and [125B](#) of NRS.
3. The Division of Welfare and Supportive Services of the Department of Health and Human Services, in consultation with the Office of Court Administrator and other interested governmental entities, shall develop procedures and forms to allow a person to whom an assignment is ordered to be made to enforce the assignment in an expeditious and safe manner.

NRS 33.040. No requirement of action for dissolution of marriage; order does not preclude other action; consolidation with other action.

1. A temporary or extended order may be granted under [NRS 33.020](#) without regard to whether an action for divorce, annulment of marriage or separate maintenance has been filed respecting the applicant and the adverse party.
2. A temporary or extended order is in addition to and not in lieu of any other available civil or criminal action. An applicant is not barred from seeking an order because of other pending proceedings.
3. An application for a temporary or extended order may be consolidated with another civil action if it would prevent an act of domestic violence.

NRS 33.050. Assessment of court costs and fees; duty of court clerk to assist parties; no charge for certified copy of order for applicant.

1. The payment of all costs and official fees must be deferred for any applicant for a temporary or extended order. After any hearing and no later than final disposition of the application or order, the court shall assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.
2. The clerk of the court shall provide each party, free of cost, with information about the:
 - (a) Availability of temporary and extended orders;
 - (b) Procedure for filing an application for an order; and
 - (c) Right to proceed without legal counsel.
3. The clerk of the court or other person designated by the court shall assist any party in completing and filing the application, affidavit and any other paper or pleading necessary to initiate or respond to an application for a temporary or extended order. This assistance does not constitute the practice of law, but the clerk shall not render any advice or service that requires the professional judgment of an attorney.
4. The clerk of the court shall not charge an applicant for a temporary or extended order for providing the applicant with a certified copy of the temporary or extended order.

NRS 33.060. Notice of order to law enforcement agency; duty to serve and enforce order without charge; no charge for copy of order for applicant and adverse party.

1. The court shall transmit, by the end of the next business day after the order is issued, a copy of the temporary or extended order to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the applicant or the minor child.
2. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the temporary order and to file with or mail to the clerk of the court proof of service by the end of the next business day after service is

made. Service of an application for an extended order and the notice of hearing thereon must be served upon the adverse party:

- (a) Pursuant to the Nevada Rules of Civil Procedure; or
- (b) In the manner provided in [NRS 33.065](#).

3. A law enforcement agency shall enforce a temporary or extended order without regard to the county in which the order was issued.

4. The clerk of the court shall issue, without fee, a copy of the temporary or extended order to the applicant and the adverse party.

NRS 33.065. Alternative method for serving adverse party at current place of employment; when adverse party deemed served; immunity from liability for employer.

1. If the current address where the adverse party resides is unknown and the law enforcement agency has made at least two attempts to personally serve the adverse party at the adverse party's current place of employment, the law enforcement agency or a person designated by the law enforcement agency may serve the adverse party by:

- (a) Delivering a copy of the application for an extended order, the notice of hearing thereon and a copy of the temporary order to the current place of employment of the adverse party; and
- (b) Thereafter, mailing a copy of the application for an extended order, the notice of hearing thereon and a copy of the temporary order to the adverse party at the adverse party's current place of employment.

2. Delivery pursuant to paragraph (a) of subsection 1 must be made by leaving a copy of the documents specified at the current place of employment of the adverse party with the manager of the department of human resources or another similar person. Such a person shall:

- (a) Accept service of the documents and make a reasonable effort to deliver the documents to the adverse party;
- (b) Identify another appropriate person who will accept service of the documents and who shall make a reasonable effort to deliver the documents to the adverse party; or
- (c) Contact the adverse party and arrange for the adverse party to be present at the place of employment to accept service of the documents personally.

3. After delivering the documents to the place of employment of the adverse party, a copy of the documents must be mailed to the adverse party by first-class mail to the place of employment of the adverse party in care of the employer.

4. The adverse party shall be deemed to have been served 10 days after the date on which the documents are mailed to the adverse party.

5. Upon completion of service pursuant to this section, the law enforcement agency or the person designated by the law enforcement agency who served the adverse party in the manner set forth in this section shall file with or mail to the clerk of the court proof of service in this manner.

6. An employer is immune from civil liability for any act or omission with respect to accepting service of documents, delivering documents to the adverse party or contacting the adverse party and arranging for the adverse party to accept service of the documents personally pursuant to this section, if the employer acts in good faith with respect to accepting service of documents, delivering documents to the adverse party or contacting

the adverse party and arranging for the adverse party to accept service of the documents personally.

NRS 33.070. Inclusion in order of requirement of arrest; verification of notice to adverse party.

1. Every temporary or extended order must include a provision ordering any law enforcement officer to arrest an adverse party if the officer has probable cause to believe that the adverse party has violated any provision of the order. The law enforcement officer may make an arrest with or without a warrant and regardless of whether the violation occurs in the officer's presence.
2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and order, the officer shall:
 - (a) Inform the adverse party of the specific terms and conditions of the order;
 - (b) Inform the adverse party that the adverse party now has notice of the provisions of the order and that a violation of the order will result in the adverse party's arrest;
 - (c) Inform the adverse party of the location of the court that issued the original order and the hours during which the adverse party may obtain a copy of the order; and
 - (d) Inform the adverse party of the date and time set for a hearing on an application for an extended order, if any.
3. Information concerning the terms and conditions of the order, the date and time of the notice provided to the adverse party and the name and identifying number of the officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court.

NRS 33.080 Expiration, conversion, modification and dissolution of order; hearing.

1. A temporary order expires within such time, not to exceed 30 days, as the court fixes. If an application for an extended order is filed within the period of a temporary order or at the same time that an application for a temporary order is filed, the temporary order remains in effect until the hearing on the extended order is held.
2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.
3. An extended order expires within such time, not to exceed 1 year, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for not more than 1 year.

NRS 33.085. Order from another jurisdiction: Accorded full faith and credit under certain circumstances; effect of mutual orders; enforcement; effect of not registering order or including order in repository or database; immunity.

1. Except as otherwise provided in subsection 2, an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States, including, without limitation, any provisions in the order related to custody and support, is valid and must be accorded full faith and credit and enforced by the courts of this state as if it were issued by a court in this state, regardless of whether the order has been registered in this state, if the court in this state determines that:

- (a) The issuing court had jurisdiction over the parties and the subject matter under the laws of the State, territory or Indian tribe in which the order was issued; and
- (b) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an ex parte order, the adverse party was given reasonable notice and an opportunity to be heard within the time required by the laws of the issuing state, territory or tribe and, in any event, within a reasonable time after the order was issued.
2. If the order for protection against domestic violence issued by the court of another state, territory or Indian tribe is a mutual order for protection against domestic violence and:
- (a) No counter or cross-petition or other pleading was filed by the adverse party; or
- (b) A counter or cross-petition or other pleading was filed and the court did not make a specific finding of domestic violence by both parties,
- the court shall refuse to enforce the order against the applicant and may determine whether to issue its own temporary or extended order.
3. A law enforcement officer shall enforce an order for protection against domestic violence issued by the court of another state, territory or Indian tribe and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of a temporary or extended order issued by a court of this state unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:
- (a) The names of the parties;
- (b) Information indicating that the order has not expired; and
- (c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.
- An officer may determine that any other order is authentic on its face.
4. In enforcing an order for protection against domestic violence issued by the court of another state, territory or Indian tribe or arresting a person for a violation of such an order, a law enforcement officer may rely upon:
- (a) A copy of an order for protection against domestic violence that has been provided to the officer;
- (b) An order for protection against domestic violence that is included in the Repository for Information Concerning Orders for Protection Against Domestic Violence pursuant to [NRS 33.095](#) or in any national crime information database;
- (c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against domestic violence was issued that the order is valid and effective; or
- (d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against domestic violence, including, without limitation, the statement of a person protected by the order that the order remains in effect.
5. The fact that an order has not been registered or included in the Repository for Information Concerning Orders for Protection Against Domestic Violence in the Central Repository for Nevada Records of Criminal History pursuant to [NRS 33.095](#) or in any national crime information database is not grounds for a law enforcement officer to

refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

6. A court or law enforcement officer who enforces an order for protection against domestic violence issued by the court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.

NRS 33.090. Order from another jurisdiction: Registration in this State; duties of court clerk; prohibition against notification of adverse party by clerk; no charge for registration, certified copy or service.

1. A person may register an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States by presenting a certified copy of the order to the clerk of the court in a judicial district in which the person believes that enforcement may be necessary.

2. The clerk of the court shall:

- (a) Maintain a record of each order registered pursuant to this section;
- (b) Provide the protected party with a certified copy of the order registered pursuant to this section bearing proof of registration with the court;
- (c) Forward, by the end of the next business day, a copy of an order registered pursuant to this section to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the protected party or the child of the protected party; and
- (d) Inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to [NRS 33.095](#).

3. The clerk of the court shall not:

- (a) Charge a fee for registering an order or for providing a certified copy of an order pursuant to this section.
- (b) Notify the party against whom the order has been made that an order for protection against domestic violence issued by the court of another state, territory or Indian tribe has been registered in this State.

4. A person who registers an order pursuant to this section must not be charged to have the order served in this State.

NRS 33.095. Duty to transmit information concerning temporary or extended order to Central Repository.

Any time that a court issues a temporary or extended order and any time that a person serves such an order, registers such an order or receives any information or takes any other action pursuant to [NRS 33.017](#) to [33.100](#), inclusive, the person shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

NRS 33.100. Penalty for intentional violation of order.

A person who intentionally violates a temporary or extended order is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.

B. Workplace Harassment TPO's

NRS 33.200. Definitions.

As used in [NRS 33.200](#) to [33.360](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 33.210](#), [33.220](#) and [33.230](#) have the meanings ascribed to them in those sections.

NRS 33.210. "Employee" defined.

"Employee" means a person who is employed by an employer, including, without limitation, an independent contractor.

NRS 33.220. "Employer" defined.

"Employer" means a public or private employer in this state, including, without limitation, the State of Nevada, an agency of this state and a political subdivision of this state.

NRS 33.230. "Order for protection against harassment in the workplace" defined.

"Order for protection against harassment in the workplace" means an order issued pursuant to [NRS 33.270](#).

NRS 33.240. Acts that constitute harassment in workplace.

Harassment in the workplace occurs when:

1. A person knowingly threatens to cause or commits an act that causes:
 - (a) Bodily injury to the person or another person;
 - (b) Damage to the property of another person; or
 - (c) Substantial harm to the physical or mental health or safety of a person;
2. The threat is made or the act is committed against an employer, an employee of the employer while the employee performs the employee's duties of employment or a person present at the workplace of the employer; and
3. The threat would cause a reasonable person to fear that the threat will be carried out or the act would cause a reasonable person to feel terrorized, frightened, intimidated or harassed.

NRS 33.250. Verified application for temporary order; contents of application.

1. An employer or an authorized agent of an employer who reasonably believes that harassment in the workplace has occurred may file a verified application for a temporary order for protection against harassment in the workplace against the person who allegedly committed the harassment.
2. The verified application must include, without limitation:
 - (a) The name of the employer seeking the order;
 - (b) The name and address, if known, of the person who allegedly committed the harassment in the workplace; and

(c) A detailed description of the events that allegedly constituted harassment in the workplace and the dates on which these events occurred.

NRS 33.260. Notice of intent to seek order to be provided to known target of harassment.

If an employer has knowledge that a specific person is the target of harassment in the workplace and the employer intends to seek a temporary or extended order for protection against such harassment, the employer shall make a good faith effort to notify the person who is the target of the harassment that the employer intends to seek such an order.

NRS 33.270. Requirements for issuance of temporary or extended order; expiration; right to challenge temporary order; award of costs and attorney's fees to prevailing party; interlocutory appeal of extended order.

1. The court may issue a temporary order for protection against harassment in the workplace if it appears to the satisfaction of the court from specific facts shown by a verified application filed pursuant to [NRS 33.250](#) that harassment in the workplace has occurred.
2. Except as otherwise provided in subsection 4, a temporary order for protection against harassment in the workplace must not be issued without notice to the person who allegedly committed the harassment. A temporary order for protection against harassment in the workplace must not be issued without the giving of security by the employer in an amount determined by the court to be sufficient to pay for such costs and damages as may be incurred or suffered by the person who allegedly committed the harassment if the person who allegedly committed the harassment is found to have been wrongfully enjoined or restrained.
3. The court may require the employer or the person who allegedly committed the harassment, or both, to appear before the court before determining whether to issue the temporary order for protection against harassment in the workplace.
4. A court may issue a temporary order for protection against harassment in the workplace without written or oral notice to the person who allegedly committed the harassment or the person's attorney only if:
 - (a) A verified application is accompanied by an affidavit that contains specific facts which clearly show that immediate and irreparable injury, loss or damage will result to the employer, an employee of the employer while the employee performs the duties of the employee's employment or a person who is present at the workplace of the employer before the person who allegedly committed the harassment or the person's attorney can be heard in opposition; and
 - (b) The employer and the employer's attorney, if any, set forth in the affidavit:
 - (1) The efforts, if any, that have been made to give notice to the person who allegedly committed the harassment; and
 - (2) The facts supporting waiver of notice requirements.
5. A temporary order for protection against harassment in the workplace that is granted, with or without notice, must expire not later than 15 days after the date on which the order is issued, unless extended pursuant to subsections 6 and 7.
6. If a temporary order for protection against harassment in the workplace is granted, with or without notice, the employer or the employer's authorized agent may apply for an extended order for protection against harassment in the workplace by filing a verified application for an extended order for protection against harassment in the workplace. If

such an application is filed, the temporary order remains in effect until the hearing on the application for an extended order is held. The application must:

- (a) In addition to the information required by subsection 2 of [NRS 33.250](#), set forth the facts that provide the basis for granting an extended order for protection against harassment in the workplace;
- (b) Be filed before the expiration of the temporary order for protection against harassment in the workplace;
- (c) Be heard as soon as reasonably possible and not later than 10 days after the date on which the application is filed with the court unless the court determines that there are compelling reasons to hold the hearing at a later date; and
- (d) Be dismissed if the court finds that the temporary order for protection against harassment in the workplace which is the basis of the application has been dissolved or has expired.

7. At the hearing on an application filed pursuant to subsection 6, the employer must present evidence sufficient to support the granting of the application for an extended order for protection against harassment in the workplace. At the hearing, the court may:

- (a) Dissolve or modify the temporary order for protection against harassment in the workplace; or
- (b) Grant an extended order for protection against harassment in the workplace.

8. If granted, an extended order for protection against harassment in the workplace expires within such time, not to exceed 1 year, as the court fixes.

9. Upon 2 days' notice to an employer who obtained a temporary order for protection against harassment in the workplace without notice or on such shorter notice to the employer as the court may prescribe, the person who allegedly committed the harassment may appear and move the dissolution or modification of the temporary order for protection against harassment in the workplace. Upon the filing of such a motion, the court shall proceed to hear and determine the motion as expeditiously as the ends of justice require. At the hearing, the court may dissolve, modify or extend the order.

10. The court may award costs and reasonable attorney's fees to the prevailing party in a matter brought pursuant to this section.

11. If a court issues an extended order for protection against harassment in the workplace, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

NRS 33.280. Effect of temporary or extended order; court may not issue order against more than one person; contents of order.

1. A temporary or extended order for protection against harassment in the workplace may:

- (a) Enjoin the person who allegedly committed the harassment from contacting the employer, an employee of the employer while the employee is performing the employee's duties of employment and any person while the person is present at the workplace of the employer;
- (b) Order the person who allegedly committed the harassment to stay away from the workplace of the employer; and
- (c) Order such other relief as the court deems necessary to protect the employer, the workplace of the employer, the employees of the employer while performing

their duties of employment and any other persons who are present at the workplace.

2. A court may not issue a temporary or extended order for protection against harassment in the workplace that is against more than one person.

3. A temporary or extended order for protection against harassment in the workplace must:

(a) Specify, as applicable, the county and city, if any, in which the workplace of the employer is located and in which the employees of the employer perform their duties of employment;

(b) Include a provision ordering any law enforcement officer to arrest the person who allegedly committed the harassment, with or without a warrant, if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order;

(c) State the reasons for granting the order; and

(d) Include the following statement:

WARNING

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an order for protection against harassment in the workplace and any other crime that you may have committed in disobeying this order.

4. In addition to the requirements of subsection 3, if the court granted a temporary order for protection against harassment in the workplace without notice, the order must:

(a) Include a statement that the person who allegedly committed the harassment is entitled to a hearing on the order pursuant to [NRS 33.270](#);

(b) Include the name and address of the court in which the petition for a hearing may be filed;

(c) Contain the date and hour of issuance;

(d) Be immediately filed with the clerk of the court;

(e) Define the irreparable injury, loss or damage resulting from the harassment and state why it is irreparable; and

(f) Set forth the reasons for granting the order without notice.

NRS 33.290. Order does not preclude other action.

A temporary or extended order for protection against harassment in the workplace is in addition to and not in lieu of any other available civil or criminal action. An employer is not barred from seeking an order because of other pending proceedings.

NRS 33.300. Transmittal of copy of order to law enforcement agency; service and enforcement of order; issuance of copies of order.

1. A court shall transmit, by the end of the next business day after a temporary or extended order for protection against harassment in the workplace is issued, a copy of the order to the appropriate law enforcement agency that has jurisdiction over the workplace of the employer or the areas in which the employees of the employer perform their duties of employment.

2. The court may order the appropriate law enforcement agency to serve the person who allegedly committed the harassment personally with the order if it finds that such service

is necessary to avoid an act of violence and to file with or mail to the clerk of the court proof of service by the end of the next business day after service is made. Service of an application for an order, the notice of hearing thereon and the order must be served upon the person who allegedly committed the harassment pursuant to the Nevada Rules of Civil Procedure.

3. A law enforcement agency shall enforce a temporary or extended order for protection against harassment in the workplace without regard to the county in which the order was issued.

4. The clerk of the court that issued a temporary or extended order for protection against harassment in the workplace shall issue a copy of the order to the employer who requested the order and the person who allegedly committed the harassment.

NRS 33.310. Registration of order; effect of registration; duty of court clerk to maintain record of registered order.

1. An employer or an authorized agent of an employer may register a temporary or extended order for protection against harassment in the workplace issued by the court of another state by presenting a certified copy of the order to the clerk of the court in a judicial district in which the employer believes that enforcement may be necessary.

2. A temporary or extended order for protection against harassment in the workplace that is registered has the same effect and must be enforced in like manner as such an order issued by a court of this state.

3. The clerk of the court shall maintain a record of each order registered pursuant to this section.

NRS 33.320. Arrest of person who violates order; service of order; duty to note date and time of service on copy of order issued to employer.

1. Whether or not a violation occurs in the presence of a law enforcement officer, the officer may, with or without a warrant, arrest and take into custody a person if the officer has probable cause to believe that:

(a) An order has been issued pursuant to [NRS 33.270](#) against the person;

(b) The person has been served with a copy of the order; and

(c) The person is acting in violation of the order.

2. If a law enforcement officer cannot verify that the person was served with a copy of the order and the officer is at the workplace of the employer, the officer shall serve the person with a copy of the order if a copy is available.

3. A law enforcement officer who serves a person with a copy of an order pursuant to subsection 2 shall note the date and time of such service on the copy of the order that was issued to the employer.

NRS 33.330. Immunity for certain persons who enforce or refuse to enforce order.

1. A court, a law enforcement officer or any other person who enforces a temporary or extended order for protection against harassment in the workplace based upon a reasonable belief that the order is valid is immune from civil and criminal liability for any action taken based upon that belief.

2. A court, a law enforcement officer or any other person who refuses to enforce a temporary or extended order for protection against harassment in the workplace based upon a reasonable belief that the order is not valid is immune from civil and criminal liability for any action taken or not taken based upon that belief.

3. The employer of a law enforcement officer who enforces a temporary or extended order for protection against harassment in the workplace based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid is immune from civil and criminal liability for any action taken or not taken by the law enforcement officer based upon that belief.

NRS 33.340. Employer immune from civil liability under certain circumstances; use of actions taken and statements made by employer.

1. An employer is immune from civil liability for:
 - (a) Seeking a temporary or extended order for protection against harassment in the workplace, if the employer acts in good faith in seeking the order; or
 - (b) Failing to seek a temporary or extended order for protection against harassment in the workplace.
2. An action taken or a statement made by an employer pursuant to [NRS 33.200](#) to [33.360](#), inclusive:
 - (a) Shall not be deemed an admission by the employer of any fact; and
 - (b) May be used for the purposes of impeachment.

NRS 33.350. Penalty for intentional violation of order.

A person who intentionally violates a temporary or extended order for protection against harassment in the workplace is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.

NRS 33.360. Limitations on effect of provisions.

The provisions of [NRS 33.200](#) to [33.360](#), inclusive, do not:

1. Modify the duty of an employer to provide a safe workplace for the employees of the employer and other persons present at the workplace of the employer;
2. Prohibit a person from engaging in any constitutionally protected exercise of free speech, including, without limitation, speech involving labor disputes concerning organized labor; or
3. Prohibit a person from engaging in any activity which is part of a labor dispute.

C. Harm to Minors TPO's

NRS 33.400. Parent or guardian authorized to petition for order on behalf of child; contents of order; appeal of extended order; penalty for violation of order.

1. In addition to any other remedy provided by law, the parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a temporary or extended order against a person who is 18 years of age or older and who the parent or guardian reasonably believes has committed or is committing a crime involving:
 - (a) Physical or mental injury to the child of a nonaccidental nature; or
 - (b) Sexual abuse or sexual exploitation of the child.
2. If such an order on behalf of a child is granted, the court may direct the person who allegedly committed or is committing the crime to:
 - (a) Stay away from the home, school, business or place of employment of the child and any other location specifically named by the court.

- (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.
 - (c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.
- 3. If a defendant charged with committing a crime described in subsection 1 is released from custody before trial or is found guilty or guilty but mentally ill during the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:
 - (a) Stay away from the home, school, business or place of employment of the child against whom the alleged crime was committed and any other location specifically named by the court.
 - (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child against whom the alleged crime was committed and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.
 - (c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.
- 4. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:
 - (a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and
 - (b) A hearing is held on the petition.
- 5. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.
- 6. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:
 - (a) A temporary order is guilty of a gross misdemeanor.
 - (b) An extended order is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).
- 7. Any court order issued pursuant to this section must:
 - (a) Be in writing;
 - (b) Be personally served on the person to whom it is directed; and
 - (c) Contain the warning that violation of the order:
 - (1) Subjects the person to immediate arrest.
 - (2) Is a gross misdemeanor if the order is a temporary order.
 - (3) Is a category C felony if the order is an extended order.

NRS 33.410. Petition for order: Deferment of costs and fees; free information concerning order; no fee for serving order.

- 1. The payment of all costs and official fees must be deferred for any person who petitions a court for a temporary or extended order pursuant to [NRS 33.400](#). After any hearing and not later than final disposition of such an application or order, the court shall assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.

2. The clerk of the court shall provide a person who petitions the court for a temporary or extended order pursuant to [NRS 33.400](#) and the adverse party, free of cost, with information about the:
 - (a) Availability of temporary and extended orders pursuant to [NRS 33.400](#);
 - (b) Procedure for filing an application for such an order; and
 - (c) Right to proceed without legal counsel.
3. A person who obtains an order pursuant to [NRS 33.400](#) must not be charged any fee to have the order served in this state.

NRS 33.420. Duration of orders; dissolution or modification of temporary order.

1. A temporary order issued pursuant to [NRS 33.400](#) expires within such time, not to exceed 30 days, as the court fixes. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.
2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.
3. An extended order expires within such time, not to exceed 1 year, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for not more than 1 year.

NRS 33.430. Order to be transmitted to law enforcement agencies; arrest for violation; enforcement of order.

1. Each court that issues an order pursuant to [NRS 33.400](#) shall transmit, as soon as practicable, a copy of the order to all law enforcement agencies within its jurisdiction. The copy must include a notation of the date on which the order was personally served upon the person to whom it is directed.
2. A peace officer, without a warrant, may arrest and take into custody a person when the peace officer has probable cause to believe that:
 - (a) An order has been issued pursuant to [NRS 33.400](#) to the person to be arrested;
 - (b) The person to be arrested has been served with a copy of the order; and
 - (c) The person to be arrested is acting in violation of the order.
3. Any law enforcement agency in this State may enforce a court order issued pursuant to [NRS 33.400](#).

NRS 33.440. Parent or guardian to be informed of final disposition of trial upon request; record of restrictions on defendant's conduct.

1. Upon the request of the parent or guardian of a child, the prosecuting attorney in any trial brought against a person for a crime described in subsection 1 of [NRS 33.400](#) shall inform the parent or guardian of the final disposition of the case.
2. If the defendant is found guilty or guilty but mentally ill and the court issues an order or provides a condition of the defendant's sentence restricting the ability of the defendant to have contact with the child against whom the crime was committed or witnesses, the clerk of the court shall:
 - (a) Keep a record of the order or condition of the sentence; and
 - (b) Provide a certified copy of the order or condition of the sentence to the parent or guardian of the child and other persons named in the order.

III. Protection Order Statutes in NRS Chapter 200

A. Sexual Assault TPO's

NRS 200.364. Definitions.

As used in [NRS 200.364](#) to [200.3784](#), inclusive, unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:
 - (a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to [NRS 201.540](#).
 - (b) Sexual conduct between certain employees of a college or university and a student pursuant to [NRS 201.550](#).
2. "Perpetrator" means a person who commits a sexual offense or an offense involving a pupil.
3. "Sexual offense" means any of the following offenses:
 - (a) Sexual assault pursuant to [NRS 200.366](#).
 - (b) Statutory sexual seduction pursuant to [NRS 200.368](#).
4. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.
5. "Statutory sexual seduction" means:
 - (a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 16 years; or
 - (b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.
6. "Victim" means a person who is a victim of a sexual offense or an offense involving a pupil.

NRS 200.366. Sexual assault: Definition; penalties.

1. A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct, is guilty of sexual assault.
2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:
 - (a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:
 - (1) For life without the possibility of parole; or
 - (2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.
 - (b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:

(a) Incest pursuant to [NRS 201.180](#);

(b) Lewdness with a child pursuant to [NRS 201.230](#);

(c) Sado-masochistic abuse pursuant to [NRS 201.262](#); or

(d) Luring a child using a computer, system or network pursuant to [NRS 201.560](#), if punished as a felony.

NRS 200.368. Statutory sexual seduction: Penalties.

Except under circumstances where a greater penalty is provided in [NRS 201.540](#), a person who commits statutory sexual seduction shall be punished:

1. If the person is 21 years of age or older, for a category C felony as provided in [NRS 193.130](#).

2. If the person is under the age of 21 years, for a gross misdemeanor.

NRS 200.373. Sexual assault of spouse by spouse.

It is no defense to a charge of sexual assault that the perpetrator was, at the time of the assault, married to the victim, if the assault was committed by force or by the threat of force.

NRS 200.377. Victims of certain sexual offenses: Legislative findings and declarations.

The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense or an offense involving a pupil:

- (a) Reports the sexual offense or offense involving a pupil to the appropriate authorities;
 - (b) Cooperates in the investigation and prosecution of the sexual offense or offense involving a pupil; and
 - (c) Testifies at the criminal trial of the person charged with committing the sexual offense or offense involving a pupil.
2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses or offenses involving a pupil. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses or offenses involving a pupil.
 3. A victim of a sexual offense or an offense involving a pupil may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense or an offense involving a pupil is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.
 4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses or offenses involving a pupil.
 5. The public has no overriding need to know the individual identity of the victim of a sexual offense or an offense involving a pupil.
 6. The purpose of [NRS 200.3771](#) to [200.3774](#), inclusive, is to protect the victims of sexual offenses and offenses involving a pupil from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

NRS 200.3771. Victims of certain sexual offenses: Confidentiality of records and reports that reveal identity; when disclosure permitted; penalty.

1. Except as otherwise provided in this section, any information which is contained in:
 - (a) Court records, including testimony from witnesses;
 - (b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;
 - (c) Records of criminal history, as that term is defined in [NRS 179A.070](#); and
 - (d) Records in the Central Repository for Nevada Records of Criminal History, that reveals the identity of a victim of a sexual offense or an offense involving a pupil is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.
2. A defendant charged with a sexual offense or an offense involving a pupil and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.
3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:
 - (a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;
 - (b) The disclosure will not place the victim at risk of personal harm; and

- (c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.
- 4. Nothing in this section prohibits:
 - (a) Any publication or broadcast by the media concerning a sexual offense or an offense involving a pupil.
 - (b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:
 - (1) The organization or agency needs identifying information of victims to offer such services; and
 - (2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.
- 5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

NRS 200.3772. Victims of certain sexual offenses: Procedure for substituting pseudonym for name on files, records and reports; actual identity confidential; when disclosure required; immunity for unintentional disclosure.

- 1. A victim of a sexual offense or an offense involving a pupil may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense or offense involving a pupil, including, without limitation, criminal intelligence and investigative reports, court records and media releases.
- 2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense or offense involving a pupil. The form must be provided by the law enforcement agency.
- 3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:
 - (a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and
 - (b) Notify the prosecuting attorney of the pseudonym.

The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

- 4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense or offense involving a pupil.
- 5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of [NRS 200.3771](#). A person who violates this subsection is guilty of a misdemeanor.
- 6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense or offense involving a pupil or the identity of the victim is at issue.
- 7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

- (a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or
- (b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

NRS 200.3773. Victims of certain sexual offenses: Public officer or employee prohibited from disclosing identity; exceptions; penalty.

1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense or an offense involving a pupil shall not intentionally or knowingly disclose the identifying information to any person other than:
 - (a) The defendant or the defendant's attorney;
 - (b) A person who is directly involved in the investigation, prosecution or defense of the case;
 - (c) A person specifically named in a court order issued pursuant to [NRS 200.3771](#); or
 - (d) A nonprofit organization or public agency approved to receive the information pursuant to [NRS 200.3771](#).
2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

NRS 200.3774. Victims of certain sexual offenses: Effect of waiver of confidentiality.

The provisions of [NRS 200.3771](#), [200.3772](#) and [200.3773](#) do not apply if the victim of the sexual offense or offense involving a pupil voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

NRS 200.378. Court may impose temporary or extended order to restrict conduct of alleged perpetrator, defendant or convicted person; penalty for violation of order; dissemination of order; notice provided in order.

1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of sexual assault has been committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who allegedly committed the sexual assault to:
 - (a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.
 - (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.
 - (c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.
2. If a defendant charged with a crime involving sexual assault is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

- (a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.
 - (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.
 - (c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.
3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:
- (a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and
 - (b) A hearing is held on the petition.
4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.
5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:
- (a) A temporary order is guilty of a gross misdemeanor.
 - (b) An extended order is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).
6. Any court order issued pursuant to this section must:
- (a) Be in writing;
 - (b) Be personally served on the person to whom it is directed; and
 - (c) Contain the warning that violation of the order:
 - (1) Subjects the person to immediate arrest.
 - (2) Is a gross misdemeanor if the order is a temporary order.
 - (3) Is a category C felony if the order is an extended order.
7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the arrest if:
- (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;
 - (b) The person has previously violated a temporary or extended order for protection; or
 - (c) At the time of the violation or within 2 hours after the violation, the person has:
 - (1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or
 - (2) An amount of a prohibited substance in his or her blood or urine that is equal to or greater than the amount set forth in subsection 3 of [NRS 484C.110](#).

NRS 200.3781. Petitioner for order: Deferment of costs and fees; free information concerning order; no fee for serving order.

1. The payment of all costs and official fees must be deferred for any person who petitions a court for a temporary or extended order pursuant to [NRS 200.378](#). After any hearing and not later than final disposition of such an application or order, the court shall assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.
2. The clerk of the court shall provide a person who petitions the court for a temporary or extended order pursuant to [NRS 200.378](#) and the adverse party, free of cost, with information about the:
 - (a) Availability of temporary and extended orders pursuant to [NRS 200.378](#);
 - (b) Procedure for filing an application for such an order; and
 - (c) Right to proceed without legal counsel.
3. A person who obtains an order pursuant to [NRS 200.378](#) must not be charged any fee to have the order served in this State.

NRS 200.3782. Duration of orders; dissolution or modification of temporary order.

1. A temporary order issued pursuant to [NRS 200.378](#) expires within such time, not to exceed 30 days, as the court fixes. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.
2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.
3. An extended order expires within such time, not to exceed 1 year, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for not more than 1 year.

NRS 200.3783. Order to be transmitted to law enforcement agencies; enforcement.

1. Each court that issues an order pursuant to [NRS 200.378](#) shall transmit, as soon as practicable, a copy of the order to all law enforcement agencies within its jurisdiction. The copy must include a notation of the date on which the order was personally served upon the person to whom it is directed.
2. A peace officer, without a warrant, may arrest and take into custody a person when the peace officer has probable cause to believe that:
 - (a) An order has been issued pursuant to [NRS 200.378](#) to the person to be arrested;
 - (b) The person to be arrested has been served with a copy of the order; and
 - (c) The person to be arrested is acting in violation of the order.
3. Any law enforcement agency in this State may enforce a court order issued pursuant to [NRS 200.378](#).

NRS 200.3784. Victim to be given certain information and documents concerning case; clerk to keep record of order or condition restricting conduct of defendant.

1. The prosecuting attorney in any trial brought against a person on a charge of sexual assault shall inform the alleged victim of the final disposition of the case.

2. If the defendant is found guilty and the court issues an order or provides a condition of the sentence restricting the ability of the defendant to have contact with the victim or witnesses, the clerk of the court shall:
 - (a) Keep a record of the order or condition of the sentence; and
 - (b) Provide a certified copy of the order or condition of the sentence to the victim and other persons named in the order.

B. Stalking and Harassment TPO's

NRS 200.571. Harassment: Definition; penalties.

1. A person is guilty of harassment if:
 - (a) Without lawful authority, the person knowingly threatens:
 - (1) To cause bodily injury in the future to the person threatened or to any other person;
 - (2) To cause physical damage to the property of another person;
 - (3) To subject the person threatened or any other person to physical confinement or restraint; or
 - (4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; and
 - (b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.
2. Except where the provisions of subsection 2 or 3 of [NRS 200.575](#) are applicable, a person who is guilty of harassment:
 - (a) For the first offense, is guilty of a misdemeanor.
 - (b) For the second or any subsequent offense, is guilty of a gross misdemeanor.
3. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

NRS 200.575. Stalking: Definitions; penalties.

1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking. Except where the provisions of subsection 2 or 3 are applicable, a person who commits the crime of stalking:
 - (a) For the first offense, is guilty of a misdemeanor.
 - (b) For any subsequent offense, is guilty of a gross misdemeanor.
2. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000.
3. A person who commits the crime of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication to

publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in [NRS 193.130](#).

4. Except as otherwise provided in subsection 2 of [NRS 200.571](#), a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

5. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

6. As used in this section:

(a) “Course of conduct” means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(b) “Family or household member” means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.

(c) “Internet or network site” has the meaning ascribed to it in [NRS 205.4744](#).

(d) “Network” has the meaning ascribed to it in [NRS 205.4745](#).

(e) “Provider of Internet service” has the meaning ascribed to it in [NRS 205.4758](#).

(f) “Text messaging” means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person’s telephone or computer by addressing the communication to the recipient’s telephone number.

(g) “Without lawful authority” includes acts which are initiated or continued without the victim’s consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his or her lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

NRS 200.581. Where offense committed.

Harassment, stalking or aggravated stalking shall be deemed to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred.

NRS 200.591. Court may impose temporary or extended order to restrict conduct of alleged perpetrator, defendant or convicted person; penalty for violation of order; dissemination of order; notice provided in order.

1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against

him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:

- (a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.
 - (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.
 - (c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.
2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:
 - (a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.
 - (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.
 - (c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.
3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:
 - (a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and
 - (b) A hearing is held on the petition.
4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.
5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:
 - (a) A temporary order is guilty of a gross misdemeanor.
 - (b) An extended order is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).
6. Any court order issued pursuant to this section must:
 - (a) Be in writing;
 - (b) Be personally served on the person to whom it is directed; and
 - (c) Contain the warning that violation of the order:
 - (1) Subjects the person to immediate arrest.
 - (2) Is a gross misdemeanor if the order is a temporary order.
 - (3) Is a category C felony if the order is an extended order.

7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

- (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;
- (b) The person has previously violated a temporary or extended order for protection; or
- (c) At the time of the violation or within 2 hours after the violation, the person has:

- (1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or
- (2) An amount of a prohibited substance in his or her blood or urine that is equal to or greater than the amount set forth in subsection 3 of [NRS 484C.110](#).

NRS 200.592. Petitioner for order: Deferment of costs and fees; free information concerning order; no fee for serving order.

1. The payment of all costs and official fees must be deferred for any person who petitions a court for a temporary or extended order pursuant to [NRS 200.591](#). After any hearing and not later than final disposition of such an application or order, the court shall assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.
2. The clerk of the court shall provide a person who petitions the court for a temporary or extended order pursuant to [NRS 200.591](#) and the adverse party, free of cost, with information about the:
 - (a) Availability of temporary and extended orders pursuant to [NRS 200.591](#);
 - (b) Procedure for filing an application for such an order; and
 - (c) Right to proceed without legal counsel.
3. A person who obtains an order pursuant to [NRS 200.591](#) must not be charged any fee to have the order served in this State.

NRS 200.594. Duration of orders; dissolution or modification of temporary order.

1. A temporary order issued pursuant to [NRS 200.591](#) expires within such time, not to exceed 30 days, as the court fixes. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.
2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.
3. An extended order expires within such time, not to exceed 1 year, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for no more than 1 year.

NRS 200.597. Order to be transmitted to law enforcement agencies; enforcement.

1. Each court that issues an order pursuant to [NRS 200.591](#) shall transmit, as soon as practicable, a copy of the order to all law enforcement agencies within its jurisdiction. The copy must include a notation of the date on which the order was personally served upon the person to whom it is directed.

2. A peace officer, without a warrant, may arrest and take into custody a person when the peace officer has probable cause to believe that:
 - (a) An order has been issued pursuant to [NRS 200.591](#) to the person to be arrested;
 - (b) The person to be arrested has been served with a copy of the order; and
 - (c) The person to be arrested is acting in violation of the order.
3. Any law enforcement agency in this State may enforce a court order issued pursuant to [NRS 200.591](#).

NRS 200.601. Victim to be given certain information and documents concerning case; clerk to keep record of order or condition restricting conduct of defendant.

1. The prosecuting attorney in any trial brought against a person on a charge of harassment, stalking or aggravated stalking shall inform the alleged victim of the final disposition of the case.
2. If the defendant is found guilty and the court issues an order or provides a condition of the sentence restricting the ability of the defendant to have contact with the victim or witnesses, the clerk of the court shall:
 - (a) Keep a record of the order or condition of the sentence; and
 - (b) Provide a certified copy of the order or condition of the sentence to the victim and other persons named in the order.

APPENDIX B—DATA TABULATION INSTRUMENT

Case #:					Dept. #:		
TPO Type:		Stalking	WPH	H2M	Sexual Aslt.	DV	Other:
Applicant:							
Adverse Party:				Sex:	M	F	Ethnicity:
Date Filed:							
Temporary Order							
Granted		[] Length =			Serv. =		Y N
Denied		[] (without a hearing)					
Extended Order							
Granted		[] Length =			Serv. =		Y N
Denied		[] (after hearing)					
Date of Disposition:							
TIME TO DISPOSITION:							
Appeal							
[] Granted				[] Denied			
Motion to Modify				[] Denied			
Motion to Rescind				[] Denied			
OSC				[] Denied			
Weapon?		Yes	No	Subs. Crim. Acts?		Yes	No
NOTES							

Case #:					Dept. # :		
TPO Type:		Stalking	WPH	H2M	Sexual Aslt.	DV	Other:
Applicant:							
Adverse Party:				Sex:	M	F	Ethnicity:
Date Filed:							
Temporary Order							
Granted		[] Length =			Serv. =		Y N
Denied		[] (without a hearing)					
Extended Order							
Granted		[] Length =			Serv. =		Y N
Denied		[] (after hearing)					
Date of Disposition:							
TIME TO DISPOSITION:							
Appeal							
[] Granted				[] Denied			
Motion to Modify				[] Denied			
Motion to Rescind				[] Denied			
OSC				[] Denied			
Weapon?		Yes	No	Subs. Crim. Acts?		Yes	No
NOTES							

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Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
61	1	2									
62			1	2					1		
63			1	2							
64			1	2							
65			1	2							
66			1	1							
67					1	11					
68	1	1									
69			1	1							
70			1	1							
71			1	2							
72							1	16			
73					1	8					
74			1	4							
75			1	3							
76					1	11					
77					1	66					
78			1	1							
79	1	1									
80					1	12					
81					1	39					
82					1	10					
83							1	9			
84							1	9			
85							1	10			
86			1	1							
87			1	1							
88	1	1									
89			1	1					1		
90							1	6			

D 1

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
91	866					1	11					
92	871			1	1							1
93	878					1	10					
94	890			1	1							
95	903	1	0									
96	914	1	1									
97	916	1	1									
98	920			1	1							
99	929	1	2									
100	937	1	1									
101	948	1	2									
102	955	1	1									
103	964			1	2							
104	976	1	2									
105	989			1	2							
106	1002							1	13			
107	1009			1	2							
108	1011			1	1						1	1
109	1017			1	1							
110	1031	1	2									
111	1049	1	1									
112	1054	1	1									
113	1069					1	10					
114	1072					1	9					
115	1081							1	16			
116	1082							1	16			
117	1092	1	1									
118	1104	1	2									
119	1112			1	2							
120	1123			1	1							

D 1

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
151	1351	1	2								
152	1352	1	135								
153	1362	1	2								
154	1373	1	1								
155	1381	1	0								
156	1386	1	2								
157	1391			1	2						
158	1394	1	1								
159	1398	1	1								
160	1399	1	1								
161	1413	1	3								
162	1415			1	6						
163	1429	1	2								
164	1440	1	1								
165	1449			1	6						
166	1451	1	2								
167	1456	1	2								
168	1471			1	7						
169	1477	1	3								
170	1481	1	2								
171	1482	1	2								
172	1494	1	2								
173	1506	1	2								
174	1517			1	0						
175	1522	1	1								
176	1523			1	0						
177	1550			1	2						
178	1562	1	3								
179	1563			1	3						
180	1571					1	11				

D 1

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
181	1579	1	2								
182	1594	1	3								
183	1608			1	3						
184	1617			1	3						
185	1622			1	2						
186	1632			1	3						
187	1643			1	4						
188	1646					1	12				
189	1655			1	1						
190	1668			1	2						
191	1679			1	5						
192	1690			1	5						
193	1703	1	3								
194	1715	1	2								
195	1723			1	5				1	1	1
196	1725			1	5						
197	1727			1	6					1	
198	1744					1	12				
199	1745			1	6						
200	1756			1	4						
201	1758	1	2								
202	1763			1	4						
203	1769			1	3						
204	1779			1	1						
205	1782	1	3								
206	1783	1	3								
207	1786			1	3				1		
208	1800			1	3						
209	1815	1	2								
210	1821			1	6						

D 1

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C	
211	1832		1	4								
212	1839		1	4								
213	1850		1	3								
214	1859		1	2								
215	1872	1	2									
216	1886	1	3									
217	1887	1	3									
218	1901	1	3									
219	1912	1	2									
220	1915		1	1								
221	1926		1	4								
222	1934	1	3									
223	1954		1	1								
224	1971		1	4								
225	1988		1	7								
226	1997	1	3									
227	1998	1	3									
228	2004	1	2									
229	2006		1	5								
230	2016		1	4								
231	2031		1	5								
232	2032		1	5								
233	2037		1	5						1		
TOTAL		89	334	116	336	21	323	8	95	6	8	6

AVG.

15.38

11.88

14.41

AVG.

3.75

2.9

3.27

D 2

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
1 272			1	0							
2 273			1	0							
3 274			1	0							
4 278			1	0							
5 1115			1	8							
6 1458			1	0							
7 1780			1	0							
TOTAL	0	0	7	8	0	0	0	0	0	0	0

AVG.

0

0

0

AVG. 0

1.14

1.14

D 3

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
1	2					1	14					
2	3					1	18					
3	14					1	15					
4	22					1	13	1	13			
5	27					1	17					
6	37	1	3									
7	47					1	11					
8	58							1	13		1	
9	69					1	16					
10	78					1	19					
11	90							1	38			
12	105	1	3									
13	115					1	37					
14	125					1	13					
15	127	1	9									
16	131					1	16					
17	133					1	12					
18	146	1	10									
19	161					1	14					
20	162					1	14					
21	164							1	16			
22	180					1	17					
23	192					1	19					
24	195							1	20			
25	196							1	20			
26	206					1	21					
27	224					1	17					
28	234					1	14					
29	244					1	57					
30	259					1	14					

D 3

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
31	261					1	15					
32	279					1	14					
33	290	1	22									
34	291	1	22									
35	306					1	22					
36	311					1	13					
37	314					1	18					
38	343					1	20					
39	352							1	19			
40	358	1	3									
41	359	1	3									
42	368					1	15					
43	377					1	16					
44	383							1	17		1	
45	398							1	16			
46	411					1	16					
47	421					1	11					
48	432					1	10					
49	448					1	15					
50	449					1	15					
51	458	1	5									
52	461					1	15					
53	471					1	18					
54	473					1	15					
55	474							1	17			
56	495							1	20			
57	505					1	19					
58	509					1	25					
59	511					1	46			1		
60	512							1	17	1		

D 3

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
61	523					1	20					
62	525					1	20					
63	526					1	12					
64	532							1	21			
65	537							1	21			
66	539							1	18	1	1	
67	549					1	13					
68	562					1	16					
69	574					1	17					
70	575					1	17					
71	578							1	19			
72	590	1	5									
73	595					1	37					
74	597					1	16					
75	603					1	16					
76	606					1	35					
77	616					1	17					
78	624					1	16					
79	637					1	14					
80	651					1	29					
81	658					1	17					
82	664	1	4									
83	668					1	14					
84	676					1	15					
85	687					1	13					
86	689							1	15			
87	706							1	15			
88	721					1	16					
89	726					1	20	1	20			
90	728					1	29					

D 3

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
121							1	15			1
122							1	15			
123						1	15				
124						1	12				
125						1	12				
126						1	13				
127						1	12				
128						1	9				
129						1	26				
130						1	26				
131							1	19			
132							1	28			
133						1	15				
134						1	16				
135							1	17			
136						1	12				
137						1	17				
138							1	16			
139						1	15				
140						1	13				
141							1	15			
142						1	16				
143							1	16			
144						1	14				
145						1	14				
146	1	3									
147						1	14				
148	1	3									
149							1	15			
150						1	37				

D 3

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
151					1	12					
152					1	13					
153					1	10					
154					1	9					
155					1	15					
156							1	16			
157					1	12					
158							1	21			
159					1	16					
160					1	13					
161					1	14					
162					1	11					
163					1	15					
164					1	15					
165					1	14					
166							1	22			
167					1	12					
168	1	3									
169	1	3									
170					1	19					
171	1	11									
172					1	15					
173	1	9									
174					1	10					
175					1	16					
176					1	16					
177	1	5									
178	1	5									
179							1	17			
180					1	11					

D 3

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
181	1495						1	20			
182	1510					1	13				
183	1524					1	15				
184	1533	1	3								
185	1536					1	13				
186	1551					1	13				
187	1564					1	16				
188	1570						1	14			
189	1581					1	15				
190	1595	1	5								
191	1609					1	17				
192	1614						1	17			
193	1623					1	15				
194	1633					1	12				
195	1634						1	13			
196	1644						1	17			1
197	1651	1	3								
198	1656						1	17			
199	1670					1	16				
200	1680					1	17				
201	1688			1	2						
202	1691					1	13				
203	1698					1	15				
204	1701						1	19			
205	1704						1	17		1	
206	1716						1	18			
207	1726	1	3								
208	1730					1	19			1	
209	1731						1	19			
210	1734						1	19			

D 3

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
211	1737				1	20					
212	1747				1	20					
213	1764	1	3								
214	1772				1	19					
215	1784				1	16					
216	1787						1	21			
217	1788	1	5								
218	1801				1	15					
219	1823				1	15					
220	1833				1	13					
221	1840						1	18			
222	1842				1	13					
223	1851				1	17					
224	1860				1	15					
225	1865	1	3								
226	1874	1	3								
227	1888				1	15					
228	1902				1	14					
229	1909	1	3								
230	1916						1	13			
231	1935	1	3								
232	1958	1	4								
233	1967	1	3								
234	1972						1	20			
235	1989				1	17					
236	2005				1	13					
237	2017						1	18			
238	2025	1	6								
239	2033				1	17					
240	2040				1	16					

D 3

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	OS C
TOTAL	36	188	1	2	145	2424	60	1057	3	5	3

AVG.

16.72

17.62

16.98

AVG.

5.22

2

5.14

D 4

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
1	4				1	19					
2	5				1	19					
3	15				1	19					
4	16	1	7								
5	28			1	16						
6	29				1	20					
7	38				1	19					
8	48			1	4						
9	59				1	11					
10	61			1	12						
11	70				1	22					
12	79				1	21					
13	86	1	10								
14	87	1	10								
15	91				1	25					
16	106			1	8						
17	116				1	83					
18	117				1	83					
19	118				1	83					
20	134			1	5					1	
21	148				1	19					
22	153						1	89			
23	165			1	3						
24	177				1	76					
25	193			1	5						
26	210			1	3						
27	223			1	5						
28	225				1	36					
29	235				1	21					
30	236				1	21					

D 4

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
61	581					1	25					
62	584	1	4									
63	593			1	8							
64	604					1	19					
65	617					1	18					
66	623			1	5							
67	638							1	45			
68	652			1	6							
69	678			1	4							
70	693			1	4							
71	709			1	4							
72	722			1	3							1
73	723					1	60					
74	732			1	2							
75	741					1	16					
76	753			1	5							
77	754							1	17			
78	770			1	5							
79	771	1	5									
80	785					1	64					
81	787							1	21			
82	795					1	69					
83	798					1	62					
84	812					1	81					
85	813							1	29			
86	828			1	5						1	
87	836					1	16					
88	837					1	16					
89	842					1	16					
90	868							1	82			

D 4

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
91	882		1	2							
92	895				1	19					
93	905		1	1							
94	918				1	13					
95	919		1	4							
96	931						1	12			
97	942		1	6							
98	943		1	6							
99	952		1	6							
100	969						1	20			
101	979		1	2							
102	988				1	46					
103	992		1	3							
104	998				1	18					
105	1004						1	17			
106	1013				1	83					
107	1019	1	3								
108	1033	1	2								
109	1034	1	2								
110	1035	1	2								
111	1036	1	2								
112	1040		1	4							
113	1052						1	10		1	
114	1062	1	2								
115	1068				1	34					
116	1075		1	5							
117	1096		1	3							
118	1107		1	2							
119	1108		1	4							
120	1128						1	15			

D 4

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
121	1137						1	14			
122	1141		1	5							1
123	1152				1	15					
124	1171		1	5							
125	1179				1	15					
126	1190	1	1								
127	1202		1	3							
128	1203		1	3							
129	1204		1	3							
130	1219	1	4								
131	1235		1	2							
132	1240		1	5							
133	1260						1	12			
134	1273	1	2								
135	1275				1	27					
136	1284		1	2							
137	1296						1	13		1	
138	1301				1	55					
139	1309		1	4							
140	1310		1	4							
141	1311		1	4							
142	1317		1	4							
143	1328		1	4							
144	1334				1	13					
145	1336	1	3								
146	1340		1	3					1		
147	1354				1	13					
148	1358		1	10							
149	1371		1	7							
150	1376				1	65					

D 4

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
151	1392				1	64					
152	1396				1	76					
153	1402				1	13					
154	1416		1	3							
155	1427		1	4							
156	1431		1	6							
157	1436				1	24					
158	1443		1	4							
159	1460		1	6							
160	1472		1	5							
161	1484		1	6							
162	1485		1	4							
163	1496	1	2								
164	1500		1	8						1	
165	1507		1	6							
166	1508		1	6							
167	1511		1	7							
168	1512		1	6							
169	1526		1	7							
170	1531				1	17					
171	1534		1	8							
172	1535		1	8							
173	1544		1	9					1		
174	1552				1	38					
175	1565		1	5							
176	1567		1	4							
177	1573				1	12					
178	1582				1	12					
179	1583				1	12					
180	1599		1	3							

D 4

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
181	1610				1	12					
182	1624		1	4							
183	1635		1	4							
184	1645						1	16			
185	1659				1	27					
186	1671				1	30					
187	1672				1	53					
188	1681		1	5							
189	1689		1	5							
190	1693		1	4							
191	1706		1	3					1		
192	1711		1	2					1		
193	1717		1	2						1	
194	1732		1	10							
195	1748		1	7							
196	1760		1	6							
197	1765		1	5						1	
198	1773		1	3							
199	1789		1	6							
200	1792	1	4								
201	1793		1	5							
202	1802				1	14					
203	1808		1	5							
204	1816		1	3							
205	1824						1	148			
206	1830				1	18					
207	1834		1	4							
208	1835		1	7							
209	1841				1	15					
210	1852		1	2							

D 4

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C				
211	1861		1	1											
212	1863		1	4											
213	1864		1	4											
214	1875		1	4											
215	1876		1	4											
216	1889		1	11											
217	1893				1	22									
218	1903		1	9											
219	1917	1	6												
220	1922				1	45									
221	1927						1	23	1						
222	1938	1	5												
223	1943	1	4												
224	1947	1	4												
225	1952				1	24									
226	1960		1	8					1	1					
227	1973				1	43									
228	1990		1	4											
229	2007		1	8											
230	2018				1	14									
231	2020		1	4											
232	2021				1	15									
233	2024				1	79									
234	2034				1	16									
TOTAL		23	114		109	559		78	2523		24	736	7	8	2

AVG.

32.35

30.67

31.95

AVG. 4.96

5.13

5.1

D 5

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
1	6			1	5							
2	17			1	8							
3	20					1	14					
4	30			1	4							
5	39	1	4									
6	49			1	4							
7	53			1	4							
8	60			1	3							
9	71			1	4							
10	80	1	3									
11	92			1	5							
12	101			1	4							
13	107	1	5									
14	109			1	5							
15	119			1	3							
16	135	1	6									
17	138			1	16							
18	147			1	6							
19	149			1	6							
20	155			1	5							
21	156			1	7							
22	169			1	6							
23	181	1	3									
24	194			1	4							1
25	198	1	4									
26	209			1	2							
27	226	1	3									
28	237			1	3							
29	247			1	7						1	
30	248			1	7						1	

D 5

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
31	254	1	9								
32	263			1	6						
33	271	1	7								
34	276			1	4						
35	293					1	21				
36	294			1	4						
37	308	1	3								
38	319			1	4						
39	329			1	3						
40	339			1	4						
41	351	1	3								
42	354	1	3								
43	361	1	3								
44	370					1	17				
45	371			1	5						
46	385	1	3								
47	395	1	3								
48	400	1	3								
49	409			1	6						
50	413	1	5								
51	422	1	3								
52	436	1	3								
53	441	1	3								
54	451			1	4						
55	460			1	3						
56	477	1	3								
57	481			1	5				1		
58	483			1	5						
59	494			1	3						
60	501			1	3						

D 5

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
61	502			1	3							
62	510	1	3									
63	514			1	7							
64	515			1	3							
65	521					1	17					
66	529	1	5									
67	540			1	3							
68	553	1	2									
69	563			1	3							
70	566			1	3							
71	572			1	5							
72	582	1	4									
73	583	1	4									
74	594			1	3							
75	605	1	3									
76	612			1	4							1
77	618			1	4							
78	619			1	4							
79	625			1	6							
80	626			1	6							
81	627			1	4							
82	631	1	4									
83	639	1	3									
84	640	1	3									
85	644			1	3							
86	653			1	3							
87	666			1	3							
88	679					1	11					
89	686			1	2							
90	694			1	3							

D 5

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
151	1165	1	3								
152	1172			1	3						
153	1180	1	6								
154	1191			1	3						
155	1205	1	2								
156	1209			1	4						
157	1220			1	5						
158	1221			1	5						
159	1233			1	3						1
160	1236	1	4								
161	1248			1	2						
162	1261	1	3	1	3						
163	1264	1	3	1	3						
164	1274			1	6						
165	1286	1	5								
166	1288	1	5								
167	1300	1	3								
168	1302			1	3						
169	1318			1	7						
170	1320			1	4						
171	1329			1	5						
172	1335						1	13			
173	1343			1	4						
174	1355			1	3						
175	1361					1	37				
176	1364			1	4						
177	1378	1	3								
178	1384					1	24				
179	1390			1	4						
180	1403			1	3						

D 5

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
181	1424	1	4								
182	1432			1	3						
183	1444	1	4								
184	1461			1	3						
185	1464	1	3								
186	1469			1	4				1		
187	1473			1	5						
188	1486	1	3								
189	1487			1	3						
190	1497			1	3				1		
191	1513	1	4								
192	1527			1	4						
193	1528	1	4								
194	1532	1	4								
195	1542	1	3								
196	1553	1	3								
197	1569	1	3								
198	1586			1	3						
199	1596			1	7						
200	1598			1	6						
201	1612			1	5						
202	1626			1	4						
203	1636	1	3								
204	1638	1	3								
205	1647			1	3				1		
206	1660			1	4						
207	1664			1	4						
208	1673			1	3						
209	1682			1	5						
210	1692			1	4						

D 5

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
211	1694		1	4							
212	1707	1	4								
213	1718		1	3							
214	1728				1	15					
215	1729		1	4					1		
216	1733		1	4					1		
217	1749		1	3							
218	1750		1	3							
219	1754	1	4								
220	1766		1	10							1
221	1774	1	3								
222	1785	1	6								
223	1790		1	6							
224	1803	1	4								
225	1817		1	10						1	
226	1822		1	5							
227	1825		1	5							
228	1837		1	3							
229	1844		1	3					1		
230	1853	1	4								
231	1862	1	4								
232	1869						1	22			
233	1877		1	3							
234	1894				1	14					
235	1898						1	16			
236	1906		1	3							
237	1913	1	1								
238	1918		1	6							
239	1919		1	6							
240	1921				1	26					

D 5

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C		
241	1928		1	6									
242	1939	1	3										
243	1945		1	5									
244	1946		1	5									
245	1957		1	4									
246	1962		1	5									
247	1974		1	6						1			
248	1981						1	15					
249	1992		1	6									
250	2010	1	4										
251	2022		1	3									
252	2026		1	3						1			
253	2035	1	6										
TOTAL		79	277	159	700		13	251	4	66	9	6	4

AVG.

19.31

16.5

18.65

AVG.

3.51

4.4

4.11

D 6

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
151	1493		1	6							
152	1498	1		3							
153	1515	1		4							
154	1529	1		3							
155	1543	1		3							
156	1546	1		3							
157	1547		1	9							
158	1555		1	8							
159	1572	1		8							
160	1589	1		11							
161	1600	1		10							
162	1601	1		13							
163	1602	1		12							
164	1611		1	7							
165	1613		1	7							
166	1627	1	1	9							
167	1637	1		8							
168	1648	1		6							
169	1661		1	8							
170	1675	1		7							
171	1683	1		6							
172	1696		1	5							
173	1708		1	6							
174	1719		1	11							
175	1736		1	15							
176	1751	1		7							
177	1767		1	9							
178	1775	1		7							
179	1791	1	1	6							
180	1799		1	7							

D 6

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C	
181	1804	1	6									
182	1818	1	6									
183	1826			1	10							
184	1838			1	9							
185	1845			1	8							
186	1854	1	7									
187	1866			1	5							
188	1878			1	3							
189	1891	1	10									
190	1892	1	10									
191	1905	1	15									
192	1907	1	19	1	19							
193	1920	1	9									
194	1929	1	8									
195	1936	1	8									
196	1937	1	8									
197	1940	1	7									
198	1942	1	7									
199	1963	1	5									
200	1975	1	10									
201	1991			1	8							
202	1993	1	8									
203	2011	1	5									
204	2023	1	3									
205	2036	1	9									
	TOTAL	118	748	84	584	7	117	0	0	4	1	1

D 6

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
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AVG.

16.71

0

16.71

AVG.

6.34

6.95

6.59

D 7

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
1	8				1	25					
2	19		1	15							
3	26		1	9					1		
4	32		1	14							
5	41		1	15							1
6	51		1	12							
7	64	1	3								
8	73	1	4								
9	83				1	25					
10	95				1	25					
11	110		1	18							
12	120		1	14							
13	122		1	18					1		
14	139		1	14							
15	151		1	19							
16	171		1	17							
17	178				1	21					
18	183				1	21					
19	191		1	15							
20	201		1	17							
21	216		1	25							
22	222		1	15							
23	228	1	4								
24	238	1	10								
25	240	1	6								
26	250		1	23							
27	262		1	10							
28	267		1	21							
29	281	1	19								
30	296				1	21					

D 7

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
61	587					1	44			1		
62	598			1	18							
63	610			1	12							
64	630			1	17							
65	643			1	8							
66	655			1	13							
67	671	1	14									
68	677			1	16							
69	681	1	3									
70	692	1	14									
71	697	1	5									
72	702	1	7									
73	714	1	9									
74	730	1	8									
75	734							1	38			
76	740							1	30			
77	744					1	22					
78	755	1	5									
79	759					1	19					
80	761			1	5							
81	779	1	3									
82	789					1	21					
83	804					1	18					
84	821					1	16					
85	824							1	17			
86	834					1	19					
87	844			1	5							1
88	853			1	7							
89	854			1	7							
90	872							1	37			

D 7

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
91	886		1	4							
92	899		1	11							
93	909				1	41					
94	925		1	12							
95	939		1	12							
96	947						1	39			
97	949						1	39			
98	953	1	5								
99	959						1	38			
100	961		1	6						1	1
101	972		1	8							
102	983		1	13							
103	995	1	5								
104	1000		1	11							
105	1008		1	13							
106	1010		1	24							
107	1016				1	29					
108	1023		1	1							
109	1024		1	8							
110	1039						1	18			
111	1043		1	13							
112	1056		1	13							
113	1065				1	13					
114	1073				1	11					
115	1079		1	14							
116	1083		1	14							
117	1088		1	14							
118	1099	1	15								
119	1103		1	15							
120	1117		1	12							

D 7

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
121	1118							1	41			
122	1132			1	7							
123	1144	1	5									
124	1147	1	4									
125	1155	1	22									
126	1167							1	27			
127	1168							1	27			1
128	1182					1	16					
129	1194					1	24					
130	1196	1	5									
131	1207					1	17					
132	1223	1	4									
133	1239			1	12					1		
134	1242			1	7							
135	1251			1	12							
136	1253			1	11							
137	1263			1	11					1		
138	1270			1	12					1		
139	1277	1	3									
140	1281			1	12						1	
141	1289			1	19							
142	1303			1	23							
143	1306			1	17					1		
144	1321	1	4									
145	1332			1	16							
146	1342			1	17							
147	1344					1	20					
148	1366	1	8									
149	1368			1	10					1		
150	1377			1	19							

D 7

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C											
211	1879		1	10																		
212	1885		1	18																		
213	1896		1	17																		
214	1908		1	15																		
215	1923		1	21																		
216	1930		1	21																		
217	1941	1	6																			
218	1944	1	6																			
219	1955		1	18																		
220	1961						1	48														
221	1965		1	18																		
222	1976		1	15						1												
223	1980				1	24																
224	1984	1	11																			
225	1986				1	23																
226	1987				1	23																
227	1995		1	1																		
228	2000		1	21																		
229	2008		1	12																		
230	2012		1	22																		
231	2027	1	3																			
232	2038		1	14																		
TOTAL		57		390		116		1588		39		975		20		640		11		10		5

AVG.

25

32

27.37

AVG.

6.84

13.69

11.43

D 8

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
1	9			1	2							
2	13					1	24					
3	21			1	2							
4	33			1	2							
5	42			1	3							
6	52					1	20					
7	65			1	3							
8	74			1	3							
9	84			1	2							
10	94			1	3							
11	96	1	4									
12	111			1	2							
13	123			1	2							
14	130	1	3									
15	132			1	3							
16	136			1	3							
17	140			1	2							
18	142			1	2							
19	144			1	3							
20	152					1	17					
21	154					1	17					
22	160			1	5							
23	167			1	6						1	
24	172			1	2						1	
25	179			1	4							
26	187			1	4							
27	200			1	3							
28	203					1	22					
29	207			1	2							
30	217			1	2							

D 8

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
31	229			1	4							
32	241			1	3							1
33	242	1	3									
34	251			1	2							
35	268			1	6							
36	282			1	4					1		
37	298	1	3									
38	299	1	3									
39	303					1	13					
40	322			1	2							
41	323			1	2							
42	330			1	4							
43	338							1	19			
44	342					1	19					
45	345			1	3							
46	347			1	3							
47	348			1	3							
48	355							1	22			
49	364			1	2							
50	374			1	2						1	
51	376					1	13					
52	381							1	18			
53	390							1	17			
54	404			1	2					1		
55	416			1	2							
56	423							1	12			
57	424							1	12			
58	425							1	12			
59	428			1	3							
60	439					1	31					

D 8

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
61	440					1	20					
62	454	1	4									
63	466			1	4							
64	485	1	2									
65	489			1	5							
66	492			1	5							
67	493					1	16					
68	506			1	4							
69	518					1	21					
70	520							1	16			
71	533			1	4							
72	543			1	4							
73	552			1	2							
74	558			1	2							
75	568	1	1									
76	570			1	4							
77	580			1	2							
78	588			1	4					1		
79	599			1	2							
80	611			1	3							
81	628			1	5							
82	632	1	3									
83	646					1	16					
84	657			1	3						1	
85	663	1	2									
86	672			1	2							
87	682	1	10									
88	683	1	4									
89	698							1	6			
90	703			1	2							2

D 8

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
91	711			1	3							
92	715			1	2							
93	731			1	2							
94	746			1	2							
95	764			1	2							
96	780			1	2							
97	791			1	1							
98	792			1	1							
99	805					1	18					
100	815					1	19					
101	819	1	2									
102	822			1	4							
103	835	1	2									
104	843	1	1									
105	845			1	1							
106	861			1	1							
107	862	1	1									
108	873			1	3							
109	875	1	8									
110	889			1	2							
111	896			1	2							
112	910			1	1							
113	922			1	2				1			
114	926			1	2							
115	936	1	3									
116	938			1	3							
117	940	1	2									
118	941			1	3							
119	957			1	2						1	
120	960			1	2							

D 8

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
121	973		1	2							
122	984		1	1						1	
123	996		1	2							
124	999		1	2							
125	1005				1	18					
126	1015		1	2						1	
127	1025	1	1								
128	1037		1	4							
129	1045		1	2							
130	1057		1	2							
131	1066		1	2						1	
132	1078		1	3							
133	1085	1	3								
134	1089				1	19					
135	1100		1	4							
136	1109	1	4								
137	1116		1	2							
138	1120	1	2								
139	1121	1	2								
140	1133		1	3							
141	1145		1	1							
142	1156		1	1							
143	1173		1	2							
144	1184		1	2							
145	1197		1	6							
146	1213		1	4							
147	1224	1	4								
148	1227	1	4								
149	1241		1	2						1	1
150	1255		1	2							

D 8

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
151	1265		1	3							
152	1278		1	2							
153	1290		1	5							
154	1291		1	5							
155	1308		1	2							
156	1322		1	2							
157	1333		1	2							
158	1347		1	3							
159	1357	1	3								
160	1369		1	4							
161	1375		1	6					1		1
162	1380		1	4							
163	1389		1	2							
164	1408		1	3							
165	1422		1	2							
166	1437		1	2							
167	1450		1	4							
168	1463				1	16					
169	1466						1	16			
170	1478		1	3							
171	1490		1	2							
172	1502		1	2							
173	1516		1	6							
174	1519		1	2							
175	1538		1	5							
176	1541		1	5							
177	1545		1	4							
178	1558		1	4							
179	1575		1	3							
180	1591		1	3					1		

D 8

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
181	1597		1	6						1	
182	1604		1	4							
183	1616		1	3							
184	1621		1	2							
185	1625		1	4							
186	1640		1	3							
187	1652		1	2							
188	1663		1	4							
189	1685		1	2							
190	1699		1	4							
191	1712		1	3							
192	1721	1	3								
193	1739		1	3							
194	1742		1	3							
195	1743						1	19		1	1
196	1755		1	2							
197	1778		1	6							
198	1795		1	6							
199	1796		1	6					1		
200	1809		1	6						1	
201	1828		1	5							
202	1836				1	17					
203	1843		1	6							
204	1847		1	4							
205	1873		1	3							
206	1880		1	5							
207	1897	1	2								
208	1931				1	19					
209	1948		1	5							
210	1956						1	23			

D 8

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
211	1959		1	4							
212	1964		1	4					1	1	
213	1966	1	3								
214	1968		1	3							
215	1977		1	8							
216	1978		1	8							
217	1994		1	6							
218	1996		1	6						1	1
219	2009		1	4							
220	2013		1	4							
221	2015	1	8								
222	2028		1	7							
223	2029		1	6							
224	2039				1	19					
TOTAL	31	100	160	510	21	394	12	192	8	14	7

AVG.

18.76

16

17.76

AVG. 3.23

3.19

3.19

D 9

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
1	10			1	15							
2	23			1	6							
3	34	1	2									
4	43			1	3							
5	54							1	15			
6	55	1	2									
7	66			1	3							
8	75							1	14			
9	82							1	12			
10	85					1	14					
11	89					1	14					
12	99					1	15					
13	112					1	16					
14	124							1	21			
15	141			1	4							
16	158	1	3									
17	166	1	2									
18	173			1	2					1		
19	174			1	2							
20	185			1	2							
21	188	1	2									
22	204			1	3							
23	213	1	2									
24	218					1	14					
25	219	1	14									
26	230			1	2							
27	243					1	15					
28	258			1	3							
29	269	1	2									
30	280					1	15					

D 9

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
31	287			1	2							
32	300			1	2							
33	301					1	14					
34	313			1	2							
35	324					1	13					
36	325					1	13					
37	333			1	2							
38	346					1	14					
39	365			1	6							
40	375					1	15					
41	389			1	2							
42	391			1	2							
43	405					1	13					
44	406					1	13					
45	407					1	16					
46	417					1	14					
47	429			1	3							
48	442					1	14					
49	443					1	14					
50	445					1	14					
51	455					1	14				1	
52	465	1	2									
53	468			1	2							
54	482			1	2							
55	486							1	15			
56	507							1	14	1		
57	519	1	3									
58	534			1	3							
59	544					1	6					
60	546	1	2							1		

D 9

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
61	559					1	15					
62	571					1	14					
63	589					1	14					
64	600			1	2							
65	613	1	2									
66	620					1	15					
67	633			1	2							
68	635			1	2							
69	647					1	16					
70	648					1	16					
71	659	1	5									
72	673			1	4					1		
73	684			1	3							
74	685			1	3							
75	700			1	2					1		
76	704	1	2									
77	713	1	2									
78	716	1	1									
79	717					1	14					
80	733			1	1							
81	748			1	2							
82	766					1	16					
83	776			1	2						1	1
84	781					1	58					
85	793					1	15					
86	806	1	2									
87	814					1	10					
88	820					1	16					
89	827					1	7					
90	838	1	7	1	7							

D 9

	Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
91	858					1	77					
92	863			1	2							
93	874							1	17			
94	887					1	14					
95	888			1	2							
96	900			1	1							
97	911							1	14			
98	912			1	4							
99	913			1	4							
100	921			1	2							
101	927					1	15					
102	934	1	2									
103	935	1	2									
104	944	1	1									
105	962			1	2							
106	974					1	14					
107	985			1	1							
108	997			1	2							
109	1012	1	2									
110	1030	1	2									
111	1046					1	14					
112	1058							1	13			
113	1067	1	1									
114	1086	1	1									
115	1101	1	2									
116	1105	1	1									
117	1110	1	2									
118	1114			1	2							
119	1119					1	20					
120	1122							1	13			

D 9

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
121	1136		1	2							
122	1146				1	15					
123	1157		1	1							
124	1160		1	2							
125	1175	1	11								
126	1185	1	2								
127	1198	1	2								
128	1211	1	2								
129	1214		1	4							
130	1218		1	4							
131	1225	1	3								
132	1234						1	14			
133	1243		1	3							
134	1256		1	3							
135	1266	1	2								
136	1279				1	16					
137	1295		1	3							
138	1313				1	15					
139	1324				1	13					
140	1337				1	15					
141	1348				1	14					
142	1359						1	16			
143	1370						1	15			
144	1382	1	2								
145	1395				1	16					
146	1409		1	2							
147	1410		1	2							
148	1423				1	14					
149	1438				1	15					
150	1452				1	15					

D 9

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
151	1467	1	2								
152	1479		1	3							
153	1491		1	2							
154	1501						1	4			
155	1504				1	16					
156	1520				1	14					
157	1525		1	2							
158	1539				1	14					
159	1548		1	3							
160	1559	1	2								
161	1576		1	3						1	
162	1577		1	2							
163	1580		1	2							
164	1588	1	5								
165	1592		1	2							
166	1605	1	2	1	2						
167	1606	1	2								
168	1629				1	14					
169	1630		1	2							
170	1641		1	2							
171	1653				1	12					
172	1665		1	2							
173	1667	1	2								
174	1669		1	2							
175	1677	1	3								
176	1686		1	2							
177	1700	1	3								
178	1705	1	3								
179	1713		1	6							
180	1722		1	4							

D 9

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
211 2014			1	3							
212 2019			1	4							
213 2030	1	3									
TOTAL	48	132	84	251	65	1026	19	299	5	4	1

AVG.

15.78

15.74

15.77

AVG.

2.75

2.99

2.9

D 10

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
1	11		1	3							
2	24		1	3							
3	35		1	3							
4	44		1	4							
5	46	1									
6	56		1	3							
7	67						1	18			
8	76						1	24			
9	88						1	17			
10	100				1	17					
11	102				1	17					
12	103				1	17					
13	113		1	2							
14	126		1	3							
15	143		1	3							
16	159		1	3							
17	168				1	17					
18	175		1	3							
19	189		1	4							
20	205	1									
21	220		1	2							
22	232				1	19	1	19			
23	252		1	2							
24	253		1	3							
25	265		1	3							
26	270						1	10			
27	283		1	3							
28	286				1	17					
29	288		1	3							
30	302				1	18					

D 10

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
31	315		1	1							
32	326				1	17	1	17			
33	334		1	1						1	
34	349				1	17					
35	350	1	2								
36	356		1	2							
37	366		1	2							
38	378		1	2							
39	379						1	16			
40	392		1	3						1	
41	408	1	2								
42	418						1	17			
43	430		1	4							
44	435		1	16							
45	444		1	3							
46	446		1	3							
47	456		1	3						1	1
48	464						1	28			
49	467						1	17		1	
50	469		1	2							
51	470		1	2							
52	478				1	17					
53	487	1	4								
54	500		1	3							
55	522				1	22					
56	535		1	3							
57	545		1	2							
58	560		1	4						1	
59	573		1	4							
60	585				1	43					

D 10

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
61	591	1	2								
62	601					1	20				
63	607					1	38				
64	608	1	7								
65	614			1	3						
66	621			1	3						
67	634						1	19			
68	649					1	18				
69	661						1	19			
70	674			1	3						
71	688					1	17				
72	708			1	3						
73	719					1	8				
74	736			1	2						
75	747					1	17				
76	762					1	23				
77	767	1	1								
78	782						1	15			
79	794					1	18				
80	807					1	10				
81	809						1	11			
82	823						1	16			
83	839			1	2						
84	848					1	16				
85	864			1	2						
86	877					1	228				1
87	879					1	19				
88	880					1	227				1
89	894					1	19				
90	902					1	17				

D 10

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
91	1	4									
92					1	12					
93			1	1							
94					1	16					
95					1	16					
96							1	34			
97							1	18			
98							1	18			
99	1	1									
100					1	19					
101					1	17					
102					1	22					
103					1	18					
104					1	15					
105							1	22			
106	1	1									
107	1	2									
108	1	1									
109					1	20					
110					1	19					
111					1	18					
112					1	18					
113							1	17			
114					1	17					
115					1	17					
116	1	2									
117	1	2									
118					1	18					
119	1	2									
120					1	17					

D 10

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C
151	1578						1	17			
152	1593				1	18					
153	1607				1	18					
154	1618						1	17			
155	1620	1	2								
156	1631						1	17			
157	1642				1	17					
158	1654				1	16					
159	1666				1	17					
160	1674				1	19					
161	1678				1	18					
162	1687				1	20					
163	1695		1	2							
164	1702				1	21					
165	1714						1	19			
166	1724				1	22					
167	1741						1	21			
168	1761				1	21					
169	1771				1	19					
170	1781				1	19					
171	1798	1	3								
172	1814						1	18			
173	1820						1	19			
174	1831				1	13					
175	1849				1	19					
176	1858	1	2								
177	1871				1	18					
178	1883				1	27					
179	1884				1	27					
180	1890				1	27					

D 10

Case #	TO Deny w/o Hearing	Time to Disposition	TO Grant w/o Hearing	Time to Disposition	EO Denied After Hearing	Time to Disposition	EO Grant After Hearing	Time to Disposition	M2 Diss. Grant	M2 Diss. Denied	O S C			
181	1895				1	22								
182	1900				1	23								
183	1904				1	17								
184	1914				1	16								
185	1925				1	19								
186	1933				1	17								
187	1953	1	3											
188	1970				1	16								
189	1982			1	6									
190	1983			1	6									
191	1999			1	4									
192	2002						1	22						
193	2003					1	13							
TOTAL		28	69		48	149		85	2201	34	633	1	5	3

AVG.

25.89

18.62

23.82

AVG.

2.46

3.1

2.87

Appendix M

Denials Without A Hearing—Categorized Dispositions¹

Disposition Type	Number of Dispositions	Percentage
Acts occurred in another state.	1	<1%
Adverse party is a minor.	2	<1%
Adverse party is moving out of the property.	1	<1%
Alleged acts are stale.	2	<1%
Applicant is advised to contact LVMPD to investigate phone calls in order to ID person.	1	<1%
Applicant is cause of the conflict.	1	<1%
Applicant is harassing the Adverse Party.	1	<1%
Applicant needs to contact CPS.	1	<1%
Applicant should file a Harm-to-Minors TPO.	5	1%
Applicant's only solution is to move.	1	<1%
Business should file a Workplace TPO.	1	<1%
Civil matter	3	1%
Criminal matter	7	1%
Eviction matter	4	1%
Failure to appear for prior TPO hearing	3	1%
Family Court matter	74	13%
Harm-to-Minors TPO—No showing that Adverse Party is at least 18 years old.	1	<1%
Human Resources Department should handle.	5	1%
If Adverse Party harasses Applicant after Adverse Party moves out, Applicant can then file for a TPO.	1	<1%
Incomplete Application.²	94	17%
Isolated incident.	1	<1%
Issue needs to be raised with LVMPD.	1	<1%
Landlord-Tenant Dispute.	9	2%
Matter should be handled as a State Bar Grievance.	1	<1%
No evidence that the Adverse Party did the alleged acts.	1	<1%
No information given in application.	1	<1%
No particularized allegations as to specific Adverse Party.	1	<1%
No reasons given by the reviewing judge.	9	2%
No specific conduct is alleged.	1	<1%
Not “harm to minors” as defined by Nevada law.	4	1%
Not “stalking or harassment” as defined by Nevada law.	252	45%

¹ In 2008, 509 Orders Denying TPO’s were issued. In the following table, 556 reasons were cited by judges in those 509 Orders. Thus, some cases had multiple reasons for the denial. The disposition types listed here are paraphrased by the author in order to combine similar reasons for a denial.

² This category includes situations where the Applicant lists a “John Doe” Adverse Party or only includes the first name of the Adverse Party.

Not “harassment in the workplace” as defined by Nevada law.	3	1%
Only one incident is alleged.	2	<1%
Parties live in the same residence.	1	<1%
Prior TPO denied.	3	1%
Prior TPO still in effect.	1	<1%
Redundant allegations.	1	<1%
Refer to the DA/PD in existing criminal case.	1	<1%
Referral to mediation.	3	1%
Related to a prior TPO case.	1	<1%
Related TPO request already approved.	1	<1%
Requested information not provided.	1	<1%
Roommate issue—can’t enforce a TPO.	3	1%
Ruling in other TPO case instead.	1	<1%
Slapping is not stalking or harassment.	1	<1%
TPO already effect in another jurisdiction.	1	<1%
TPO issued under another case number.	1	<1%
Withdrawn application.	25	5%
Wrong individual filed for protection.	4	1%
Wrong Justice Court.	12	2%
TOTAL	556	<100%

	CASE #	DEPT. #	REASON FOR DENIAL
1	1	1	Incomplete application
2	7	6	Not S/H
3	16	4	Not S/H
4	34	9	Family Court Matter
5	36	1	Incomplete application
6	37	3	Not S/H
7	39	5	Criminal Matter
8	45	1	Incomplete application
9	46	10	Family Court Matter
10	55	9	Wrong Justice Court
11	57	1	Incomplete application
12	64	7	Landlord-Tenant Dispute
13	68	1	Not S/H
14	72	6	Not S/H
15	73	7	Incomplete application
16	80	5	Family Court Matter
17	86	4	Withdrawn Application
18	87	4	Withdrawn Application
19	96	8	Incomplete application
20	98	1	Incomplete application
21	105	3	Not S/H
22	107	5	Failure to appear for prior TPO hearing AND P is harassing D's.
23	108	6	Not S/H
24	121	6	Not S/H
25	127	3	Withdrawn Application
26	128	6	Not S/H
27	130	8	Incomplete application
28	135	5	Not S/H
29	146	3	Withdrawn Application
30	150	6	Not S/H
31	158	9	Not S/H
32	166	9	Not S/H
33	170	6	Not S/H

34	181	5	Not S/H
35	182	6	Not S/H
36	184	6	Not S/H
37	186	6	Not S/H
38	188	9	Not S/H
39	197	6	Not S/H
40	198	5	Not S/H
41	205	10	Wrong Justice Court
42	211	1	Incomplete application
43	212	1	Requested information not provided.
44	213	9	Not S/H
45	219	9	Related TPO request already denied.
46	226	5	Not S/H
47	227	6	Not S/H
48	228	7	H2M--does not specify that D is at least 18 years old.
49	238	7	Withdrawn Application
50	239	6	Not S/H
51	240	7	Not S/H
52	242	8	Incomplete application
53	245	1	Incomplete application
54	254	5	Withdrawn Application
55	266	6	Not S/H
56	269	9	Not S/H
57	271	5	Withdrawn Application
58	275	6	Not S/H
59	281	7	Withdrawn Application
60	284	6	Incomplete application
61	290	3	Withdrawn Application
62	291	3	Withdrawn Application
63	295	6	Not S/H
64	298	8	Incomplete application
65	299	8	Incomplete application
66	308	5	Not S/H
67	312	1	Incomplete application

68	318	7	Family Court Matter
69	320	6	Not S/H
70	327	1	Incomplete application
71	340	6	Not S/H AND Incomplete
72	341	6	Not S/H.
73	350	10	Not S/H.
74	351	5	Family Court Matter
75	354	5	Family Court Matter
76	358	3	Not S/H.
77	359	3	Not S/H.
78	361	5	Not S/H.
79	367	1	Incomplete application
80	372	6	Not S/H.
81	385	5	Family Court Matter
82	388	7	Acts occurred in another state.
83	394	1	Not S/H.
84	395	5	Not S/H.
85	397	4	Withdrawn Application
86	400	5	Not S/H.
87	408	10	Family Court Matter
88	413	5	Civil Matter
89	422	5	Civil Matter
90	426	6	Not S/H.
91	436	5	Family Court Matter
92	441	5	Family Court Matter
93	452	6	Not S/H.
94	453	7	Not S/H.
95	454	8	Incomplete application
96	458	3	Not S/H.
97	462	6	Not S/H.
98	465	9	Incomplete application
99	477	5	Withdrawn Application
100	480	6	Not S/H.
101	485	8	Incomplete application

102	487	10	Family Court Matter
103	508	1	Incomplete application
104	510	5	Not S/H.
105	519	9	Not S/H.
106	529	5	Adverse party is moving out of the property.
107	531	7	Not S/H.
108	541	6	No reasons given.
109	542	7	Family Court Matter
110	546	9	Failure to appear for prior TPO hearing.
111	548	6	Not S/H.
112	551	7	Landlord-Tenant Dispute
113	553	5	Not S/H.
114	556	6	Not S/H.
115	561	1	Not S/H.
116	564	6	Not S/H AND Landlord-Tenant Issue.
117	565	4	Not S/H.
118	568	8	Incomplete application
119	569	7	Not H2M.
120	579	6	Not S/H AND Family Court Matter.
121	582	5	Family Court Matter
122	583	5	Family Court Matter
123	584	4	Not S/H.
124	590	3	Incomplete application
125	591	10	Not S/H.
126	605	5	Wrong Justice Court
127	608	10	Withdrawn Application
128	613	9	Family Court Matter
129	631	5	Incomplete application
130	632	8	Incomplete application
131	639	5	Not S/H.
132	640	5	Failure to appear for prior TPO hearing.
133	641	6	Incomplete application
134	645	1	TPO issued under another case number.
135	650	1	Not S/H.

136	659	9	No specific conduct is alleged.
137	663	8	Redundant allegations.
138	664	3	Not S/H.
139	667	6	Incomplete application
140	669	6	Not S/H.
141	670	6	Family Court Matter
142	671	7	Not S/H AND Resolve through HR Department.
143	681	7	Incomplete application
144	682	8	Withdrawn Application
145	683	8	Not S/H.
146	692	7	No reasons given.
147	696	1	Not S/H.
148	697	7	Family Court Matter
149	702	7	Not S/H AND Resolve through HR Department.
150	704	9	Only one incident alleged.
151	710	5	Family Court Matter
152	713	9	Prior TPO still in effect.
153	714	7	File a H2M TPO instead.
154	716	9	Not S/H.
155	718	5	Criminal Matter
156	727	6	Not S/H.
157	730	7	Not S/H AND Business should file WPH.
158	738	3	Not S/H.
159	743	6	Not S/H.
160	745	6	Not S/H.
161	755	7	Not S/H AND Resolve through HR Department.
162	756	5	Family Court Matter
163	758	6	Not S/H.
164	760	6	Family Court Matter
165	763	5	Not S/H AND this is an eviction matter.
166	767	10	Family Court Matter
167	771	4	Not S/H.
168	779	7	Not S/H AND Family Court Matter
169	788	6	Not S/H.

170	796	1	Wrong individual filed for protection.
171	799	5	Not S/H AND Family Court Matter.
172	806	9	Wrong Justice Court
173	816	5	Not S/H.
174	817	6	Incomplete application
175	819	8	Wrong Justice Court
176	830	6	Not S/H.
177	835	8	Not S/H.
178	838	9	Defendant is a minor.
179	843	8	See denial in related case.
180	846	5	Wrong Justice Court
181	851	5	Family Court Matter
182	855	5	Family Court Matter
183	857	5	Not S/H.
184	859	1	Incomplete application
185	862	8	Family Court Matter
186	875	8	Incomplete application
187	885	6	Not S/H.
188	898	6	Not S/H.
189	903	1	Not S/H.
190	906	5	Family Court Matter
191	914	1	Not S/H.
192	915	10	Family Court Matter
193	916	1	Not S/H.
194	924	6	Referral to mediation.
195	929	1	Incomplete application
196	930	3	Not S/H.
197	934	9	No reasons given.
198	935	9	Not S/H.
199	936	8	Not S/H.
200	937	1	Wrong Justice Court
201	940	8	Incomplete application
202	944	9	Not S/H.
203	948	1	Appl.is advised to contact LVMPD to investigate calls in order to ID person.

204	950	3	Not S/H.
205	953	7	Not S/H.
206	955	1	Not S/H AND Address in eviction case.
207	976	1	Not S/H.
208	982	6	Not S/H.
209	986	3	Not S/H.
210	987	10	Not S/H.
211	995	7	Not S/H AND Family Court Matter.
212	1006	6	Incomplete application
213	1012	9	Not S/H.
214	1019	4	Not S/H.
215	1022	6	Not S/H.
216	1025	8	Family Court Matter
217	1027	5	Family Court Matter
218	1028	6	Not S/H.
219	1030	9	Not S/H.
220	1031	1	Incomplete application
221	1033	4	Incomplete application
222	1034	4	Incomplete application
223	1035	4	Not S/H.
224	1036	4	Not S/H.
225	1042	6	Not S/H.
226	1049	1	Incomplete application
227	1051	6	Wrong individual filed for protection.
228	1054	1	Incomplete application
229	1062	4	Not S/H.
230	1067	9	Not S/H.
231	1070	10	Not S/H.
232	1077	5	Family Court Matter
233	1080	6	Not S/H.
234	1085	8	Incidents are too stale.
235	1086	9	Family Court Matter
236	1092	1	Incomplete application
237	1095	5	Family Court Matter

238	1099	7	Incomplete application
239	1101	9	Not S/H.
240	1102	10	Family Court Matter
241	1104	1	Not S/H AND Family Court Matter.
242	1105	9	Incomplete application
243	1109	8	Ruling in other TPO case instead.
244	1110	9	Not S/H.
245	1120	8	Incomplete application
246	1121	8	Incomplete application
247	1124	10	Not S/H.
248	1126	1	Not S/H AND Roommate issue.
249	1130	5	Family Court Matter
250	1143	6	Not S/H.
251	1144	7	Family Court Matter
252	1147	7	Withdrawn Application
253	1149	1	Incomplete application
254	1151	1	Not S/H.
255	1153	5	Withdrawn Application
256	1154	6	Wrong Justice Court
257	1155	7	Wrong individual filed for protection.
258	1158	1	Not S/H.
259	1161	1	Incomplete application
260	1165	5	Family Court Matter
261	1166	6	Not S/H.
262	1175	9	Withdrawn Application
263	1180	5	Wrong Justice Court
264	1181	6	Not S/H.
265	1185	9	Not S/H AND Incomplete.
266	1187	1	Not S/H AND Criminal Matter.
267	1190	4	Family Court Matter
268	1192	1	Not S/H.
269	1193	6	No reasons given.
270	1196	7	Not S/H.
271	1198	9	Not S/H.

272	1199	10	Not S/H.
273	1200	1	Incomplete application
274	1205	5	Not S/H AND Criminal Matter.
275	1208	1	Not S/H.
276	1210	3	Not S/H.
277	1211	9	Not S/H.
278	1212	10	Prior TPO denied.
279	1216	1	Incomplete application
280	1219	4	Incomplete application
281	1222	6	Not S/H AND Family Court Matter.
282	1223	7	Applicant should file a H2M TPO.
283	1224	8	Wrong Justice Court
284	1225	9	Family Court Matter
285	1226	10	Not S/H AND Family Court Matter.
286	1227	8	Related to a prior TPO case.
287	1228	1	No information given in Application.
288	1229	1	Incomplete application
289	1230	1	Incomplete application
290	1232	3	Not S/H AND Applicant needs to contact CPS.
291	1236	5	Incomplete application
292	1238	6	Not S/H AND Referred to Mediation.
293	1245	1	Incomplete application
294	1246	1	Incomplete application
295	1249	6	Not S/H.
296	1250	6	Not S/H.
297	1252	6	Not S/H.
298	1254	6	Not S/H.
299	1261	5	Incomplete application
300	1262	6	Not S/H.
301	1264	5	Incomplete application
302	1266	9	Not S/H.
303	1271	10	Withdrawn Application
304	1273	4	Not S/H.
305	1276	6	Not S/H.

306	1277	7	Incomplete application
307	1286	5	Family Court Matter
308	1287	6	Not H2M.
309	1288	5	Family Court Matter
310	1294	1	Incomplete application
311	1300	5	Family Court Matter
312	1305	6	Not S/H AND Wrong individual filed for protection.
313	1315	1	Incomplete application
314	1321	7	Family Court Matter
315	1323	6	Not S/H.
316	1331	6	Not S/H.
317	1336	4	Not S/H.
318	1345	6	Not S/H.
319	1350	1	Incomplete application
320	1351	1	Not S/H.
321	1352	1	Incomplete application
322	1357	8	Not S/H AND Issue needs to be raised with LVMPD.
323	1362	1	Not S/H.
324	1366	7	Incomplete application
325	1373	1	Incomplete application
326	1378	5	Wrong Justice Court
327	1379	6	Not S/H.
328	1381	1	Not S/H.
329	1382	9	Not S/H.
330	1383	10	TPO already in effect in another JD.
331	1386	1	Incomplete application
332	1388	3	Not S/H.
333	1394	1	Not S/H AND Incomplete.
334	1398	1	Incomplete application
335	1399	1	Incomplete application
336	1400	3	Not S/H.
337	1401	7	Family Court Matter
338	1404	6	Not S/H.
339	1413	1	Incomplete application

340	1417	3	Withdrawn Application
341	1418	6	Not S/H.
342	1420	3	Incomplete application
343	1421	7	Incomplete application
344	1424	5	Family Court Matter
345	1425	10	Incomplete application AND Eviction Matter
346	1426	7	Family Court Matter
347	1429	1	Incomplete application
348	1433	6	Not S/H.
349	1434	6	Not WPH.
350	1440	1	Incomplete application.
351	1444	5	Not S/H AND Criminal Matter.
352	1445	6	Not S/H.
353	1446	7	Landlord-Tenant Dispute
354	1451	1	Incomplete application.
355	1453	6	Not S/H.
356	1454	10	Family Court Matter
357	1456	1	Incomplete application.
358	1457	3	Family Court Matter
359	1459	3	Withdrawn Application
360	1462	6	Not S/H.
361	1464	5	If D still harasses P after D moves out, P can then file for a TPO.
362	1467	9	Not S/H.
363	1470	10	Not S/H AND Family Court Matter.
364	1474	6	Not S/H.
365	1475	7	Family Court Matter
366	1476	6	Not S/H.
367	1477	1	Not S/H.
368	1481	1	Incomplete application.
369	1482	1	Not S/H.
370	1486	5	Not S/H.
371	1488	6	Not S/H.
372	1489	7	Landlord-Tenant Dispute
373	1492	10	Incomplete application AND Family Court Matter.

374	1494	1	Not S/H.
375	1496	4	Not S/H.
376	1498	6	Not WPH.
377	1499	7	Not S/H AND Alleged acts are stale.
378	1506	1	Not S/H.
379	1513	5	Family Court Matter
380	1514	7	Family Court Matter
381	1515	6	Not S/H.
382	1522	1	Incomplete application.
383	1528	5	Not S/H.
384	1529	6	Not S/H.
385	1530	7	Landlord-Tenant Dispute
386	1532	5	P is the cause of the conflict.
387	1533	3	Not S/H.
388	1542	5	Family Court Matter
389	1543	6	Not S/H.
390	1546	6	Not S/H.
391	1553	5	Family Court Matter
392	1554	10	Roommates--can't enforce a TPO.
393	1556	7	Not S/H.
394	1559	9	Family Court Matter
395	1561	10	Not S/H AND Eviction Matter AND Roommates--can't enforce a TPO.
396	1562	1	Family Court Matter
397	1569	5	Not S/H AND P's only solution is to move.
398	1572	6	Not S/H.
399	1574	7	Landlord-Tenant Dispute
400	1579	1	Incomplete application.
401	1588	9	Not S/H AND Adverse Party is a minor.
402	1589	6	Referral to mediation.
403	1590	7	Resolve by parties' employer.
404	1594	1	Not WPH.
405	1595	3	Not repeated conduct.
406	1600	6	Withdrawn Application
407	1601	6	Not S/H.

408	1602	6	Not S/H.
409	1605	9	No reasons given.
410	1606	9	Not S/H.
411	1615	7	Landlord-Tenant Dispute
412	1619	7	Applicant should file a H2M TPO.
413	1620	10	Incomplete application.
414	1627	6	No reasons given.
415	1636	5	Not H2M.
416	1637	6	Not S/H.
417	1638	5	Not S/H.
418	1648	6	Not S/H AND Applicant should file a H2M TPO.
419	1651	3	Family Court Matter
420	1667	9	Not S/H.
421	1675	6	Incomplete application.
422	1677	9	Withdrawn Application
423	1683	6	Not S/H.
424	1700	9	Not S/H AND Family Court Matter.
425	1703	1	Incomplete application.
426	1705	9	Not S/H.
427	1707	5	Not S/H.
428	1715	1	Slapping is not stalking or harassment.
429	1721	8	Wrong Justice Court
430	1726	3	Family Court Matter
431	1751	6	Not S/H AND Applicant should file a H2M TPO.
432	1753	7	Related TPO request already approved.
433	1754	5	Not S/H.
434	1758	1	Not S/H.
435	1759	7	Not S/H AND No evidence that D did the alleged acts.
436	1762	7	Withdrawn Application
437	1764	3	Isolated incident.
438	1768	7	Not H2M.
439	1774	5	Not S/H AND Family Court Matter.
440	1775	6	Not S/H AND Family Court Matter.
441	1782	1	Not S/H.

442	1783	1	Not S/H.
443	1785	5	Family Court Matter
444	1788	3	Withdrawn Application
445	1791	6	Not S/H.
446	1792	4	Not S/H AND Incomplete application.
447	1794	7	Not S/H.
448	1798	10	Not S/H.
449	1803	5	Not S/H.
450	1804	6	Family Court Matter
451	1815	1	Not S/H AND Human Resources Dept. should handle.
452	1818	6	Not S/H.
453	1848	9	Not S/H AND No particularized allegation as to B defendant.
454	1853	5	Not S/H AND Criminal Matter.
455	1854	6	Not S/H.
456	1858	10	Not S/H AND parties live in the same residence.
457	1862	5	Not S/H.
458	1865	3	Not S/H.
459	1867	7	Landlord-Tenant Dispute
460	1872	1	Incomplete application.
461	1874	3	Not S/H.
462	1886	1	Incomplete application.
463	1887	1	Incomplete application.
464	1891	6	Not S/H.
465	1892	6	Not S/H.
466	1897	8	Matter should be handled as a State Bar Grievance.
467	1901	1	Incomplete application.
468	1905	6	Not S/H AND Family Court Matter.
469	1907	6	No reasons given.
470	1909	3	Incomplete application.
471	1912	1	Not S/H.
472	1913	5	Not S/H AND Criminal Matter.
473	1917	4	Not S/H.
474	1920	6	No reasons given.
475	1929	6	Not S/H.

476	1934	1	Incomplete application.
477	1935	3	Not S/H.
478	1936	6	Not S/H.
479	1937	6	Not S/H.
480	1938	4	Not S/H.
481	1939	5	Not S/H.
482	1940	6	Withdrawn Application
483	1941	7	Incomplete application.
484	1942	6	Not S/H.
485	1943	4	Not S/H.
486	1944	7	Incomplete application.
487	1947	4	Not S/H.
488	1953	10	Not S/H.
489	1958	3	Not S/H.
490	1963	6	Not S/H.
491	1966	8	Incomplete application.
492	1967	3	No reasons given.
493	1975	6	Not S/H.
494	1979	9	Not S/H.
495	1984	7	Refer to the DA and PD in existing criminal case.
496	1993	6	Not S/H.
497	1997	1	Not S/H.
498	1998	1	Family Court Matter
499	2001	9	Not S/H.
500	2004	1	Family Court Matter
501	2010	5	Family Court Matter
502	2011	6	Not S/H.
503	2015	8	Not S/H.
504	2023	6	Not S/H.
505	2025	3	Family Court Matter
506	2027	7	Civil Matter
507	2030	9	Not S/H.
508	2035	5	Not S/H.
509	2036	6	Not S/H.

APPENDIX O: CUSTOMER SERVICE SURVEY FOR TPO APPLICANTS

The Las Vegas Justice Court would like your feedback about the process for applying for a TPO. Please answer the questions below so that we can improve our service to the public. Your answers will be kept confidential and anonymous. *The survey should take no more than 3-5 minutes to complete.*

Section 1: The TPO Sought (Please check the box for the TPO type that you requested.)

<input type="checkbox"/>	Stalking and Harassment TPO	<input type="checkbox"/>	Sexual Assault TPO
<input type="checkbox"/>	Workplace Harassment TPO	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Harm to Minors TPO		_____

Section 2: Information About You (Please circle the correct answer.)

A.	What is your gender?	Male				Female			
B.	How do you identify yourself?	American Indian or Alaska Native	Asian	Black or African American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White	Mixed Race	Other _____
C.	What is your estimated annual household income?	Less than \$20,000	\$20,000 or more, but less than \$40,000	\$40,000 or more, but less than \$60,000	\$60,000 or more, but less than \$80,000	\$80,000 or more, but less than \$100,000	\$100,000 or more, but less than \$120,000	\$120,000 or more, but less than \$140,000	\$140,000 or more
D.	What is the highest level of education that you have completed?	Elementary school	Some high school	High school diploma	Some college	Associate's Degree	Bachelor's Degree	Advanced Degree	Technical school
E.	How many previous times have you been to the Regional Justice Center?	Zero--This is my first time here.				One time	Two times	Three times	Four or more times

Section 3: Access to the Court (Please circle the number that corresponds to your answer.)

Question	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Not Applicable
	1	2	3	4	5	
1. Finding the courthouse was easy.	1	2	3	4	5	N/A
2. The forms I needed were clear and easy to understand.	1	2	3	4	5	N/A
3. I felt safe in the courthouse.	1	2	3	4	5	N/A
4. The court makes reasonable efforts to remove physical and language barriers to service.	1	2	3	4	5	N/A
5. I was able to get my court business done in a reasonable amount of time.	1	2	3	4	5	N/A
6. Court staff paid attention to my needs.	1	2	3	4	5	N/A
7. I was treated with courtesy and respect.	1	2	3	4	5	N/A
8. Once inside the courthouse, I easily found the location to file a TPO in the Las Vegas Justice Court.	1	2	3	4	5	N/A
9. I found the Las Vegas Justice Court's Web Site to be a helpful source of information about TPO's.	1	2	3	4	5	N/A
10. The court's hours of operation made it easy for me to do my business.	1	2	3	4	5	N/A

Section 4. The Protection Order Process

Please circle the number that corresponds to your answer.

Question	Strongly Disagree 1	Disagree 2	Neither Agree nor Disagree 3	Agree 4	Strongly Agree 5	Not Applicable N/A
1. I understand the difference between the 5 types of Protection Orders (Domestic Violence, Stalking and Harassment, Workplace Harassment, Harm to Minors, and Sexual Assault).	1	2	3	4	5	N/A
2. I understand the difference between Justice Court jurisdiction and District Court jurisdiction for TPO's.	1	2	3	4	5	N/A
3. As I leave the court, I understand what will happen next in my TPO case.	1	2	3	4	5	N/A
4. I understand the requirements for "serving" a TPO upon the Adverse Party.	1	2	3	4	5	N/A
5. I understand the penalties involved if the Adverse Party violates a TPO that is granted by the Court.	1	2	3	4	5	N/A
6. I understand the difference between a Temporary Order and an Extended Order.	1	2	3	4	5	N/A
7. I understand the lengths of time for which a Temporary Order and an Extended Order can remain in effect.	1	2	3	4	5	N/A
8. I believe that I can pursue my TPO case effectively without having to retain an attorney.	1	2	3	4	5	N/A
9. I know what phone number I need to call if I have any questions about my TPO case.	1	2	3	4	5	N/A
10. I know how to get a copy of my TPO if the Court grants my request.	1	2	3	4	5	N/A

Section 5. General Comments

Please list any general comments that you may have about the TPO process in the Las Vegas Justice Court:

THANK YOU FOR TAKING THE TIME TO ANSWER THIS SURVEY.

APPENDIX P

TABULATION OF CUSTOMER SERVICE SURVEY RESULTS

Section 1: The TPO Sought

(Please check the box for the TPO type that you requested.)

	Number of Responses	Percentage of Responses
Stalking/Harassment TPO	105	71%
Workplace Harassment TPO	15	10%
Harm to Minors TPO	4	3%
Sexual Assault TPO	3	2%
Other	4 ¹	3%
No Response	16	11%
TOTAL	147²	100%³

¹ The responses were as follows:

- “restraining order”
- “assault/battery”
- “phone harassment and harm”
- “telephone”

² Some Applicants listed more than one TPO type sought.

³ The totals in each of these tables may not equal exactly 100% because the individual percentages were rounded to the nearest whole number.

Section 2: Information About You

A. What is your gender?

Gender	Number of Responses	Percentage of Responses
Male	36	28%
Female	82	63%
No Response	12	9%
TOTAL	130	100%

B. How do you identify yourself?

Ethnicity	Number of Responses	Percentage of Responses
American Indian or Alaska Native	3	2%
Asian	9 ⁴	7%
Black or African American	26	20%
Hispanic or Latino	17	13%
Native Hawaiian or Other Pacific Islander	1 ⁵	1%
White	54 ⁶	42%
Mixed Race	13 ⁷	10%
Other	1 (W. Indian)	1%
No Response	6	5%
TOTAL	130	100%

⁴ One Applicant did not circle “Asian” but wrote “Asian” in the “Other” Box. This response was counted as “Asian.”

⁵ This Applicant circled “Pacific Islander.”

⁶ One Applicant originally circled “White” and then circled the word “American” in “American Indian or Alaska Native.” Other Applicants simply circled the word “American.” These responses are counted as “White” since that was the apparent intent of the Applicants.

⁷ One Applicant circled “Hispanic or Latino” and “Mixed.” Other Applicants circled two distinct categories without circling “Mixed.” These responses were counted as “Mixed.” Also, one of the Applicants circled “Black,” “Mixed Race,” and an “other” category of “Jewish.” Again, this latter response was counted as “Mixed.”

C. What is your estimated annual household income?

Income Level	Number of Responses	Percentage of Responses
Less than \$20,000	35⁸	27%
\$20,000 or more, but less than \$40,000	30	23%
\$40,000 or more, but less than \$60,000	16	12%
\$60,000 or more, but less than \$80,000	18	14%
\$80,000 or more, but less than \$100,000	7	5%
\$100,000 or more, but less than \$120,000	7	5%
\$120,000 or more, but less than \$140,000	2	2%
\$140,000 or more	6	5%
No Response	9	7%
TOTAL	130	100%

⁸ One Applicant wrote in "0.00."

D. What is the highest level of education that you have completed?⁹

Level of Education	Number of Responses	Percentage of Responses
Elementary school	2 ¹⁰	2%
Some high school	11 ¹¹	8%
High school diploma	26	20%
Some college	43	33%
Associate’s Degree	12	9%
Bachelor’s Degree	16	12%
Advanced Degree	10	8%
Technical school	7	5%
No Response	5	4%
TOTAL	132 ¹²	100%

⁹ Several Applicants circled high school diploma and then another option relating to college or a degree. The statistics discussed here represent the highest level completed.

¹⁰ One Applicant wrote in “11th.”

¹¹ One Applicant noted “G.E.D. obtained.”

¹² Two Applicants listed a college-related choice and “Technical School.” These were accounted for separately so as to avoid prioritizing one over the other.

E. How many previous times have you been to the Regional Justice Center?

Number of Times	Number of Responses	Percentage of Responses
Zero--This is my first time here.	63	48%
One Time	22	17%
Two Times	18	14%
Three Times	9	7%
Four or More Times	10 ¹³	8%
No Response	8	6%
TOTAL	130	100%

¹³ One Applicant wrote in "< 25 = Landlord."

Section 3: Access to the Court

1. Finding the courthouse was easy.

	Number of Responses	Percentage of Responses
Strongly Disagree	6	5%
Disagree	3	2%
Neither Agree nor Disagree	9	7%
Agree	48	37%
Strongly Agree	61	47%
Not Applicable	0	0%
No Response	3	2%
TOTAL	130	100%

The Regional Justice Center is relatively easy to find because it is near the intersections of two major interstate highways. However, some Applicants may have assumed that this question encompassed the issue of whether parking for the courthouse was easy to find. Parking spaces are notoriously limited near the Regional Justice Center, and this may have affected the responses to this specific question.

2. The forms I needed were clear and easy to understand.

	Number of Responses	Percentage of Responses
Strongly Disagree	7	5%
Disagree	2	2%
Neither Agree nor Disagree	11	8%
Agree	42	32%
Strongly Agree	60	46%
Not Applicable	0	0%
No Response	8	6%
TOTAL	130	100%

The Las Vegas Justice Court uses the mandated AOC Standardized TPO Forms, so this survey result is essentially a reflection of customer attitudes toward those forms.

3. I felt safe in the courthouse.

	Number of Responses	Percentage of Responses
Strongly Disagree	7	5%
Disagree	0	0%
Neither Agree nor Disagree	3	2%
Agree	38	29%
Strongly Agree	77	59%
Not Applicable	0	0%
No Response	5	4%
TOTAL	130	100%

The language in this question asked if the Applicant “felt” safe in the courthouse, as opposed to whether the courthouse was actually safe based upon some objectively identifiable criteria. Considering that many TPO Applicants live in a constant state of terror and panic, this survey result is very respectable because the vast majority of TPO Applicants did, in fact, “feel” safe in the courthouse.

4. The court makes reasonable efforts to remove physical and language barriers to service.

	Number of Responses	Percentage of Responses
Strongly Disagree	5	4%
Disagree	2	2%
Neither Agree nor Disagree	8	6%
Agree	36	28%
Strongly Agree	65	50%
Not Applicable	5	4%
No Response	9	7%
TOTAL	130	100%

Exactly half of Applicants surveyed “strongly agreed” that the Court makes reasonable efforts to remove physical and language barriers to service. Another 28% “agreed” that the Court does so. Among the remaining Applicants surveyed, none of them offered any specific examples of physical or language barriers that impeded their access to the Court. Therefore, the Court should be pleased with this result.

5. I was able to get my court business done in a reasonable amount of time.

	Number of Responses	Percentage of Responses
Strongly Disagree	5	4%
Disagree	2	2%
Neither Agree nor Disagree	13	10%
Agree	43	33%
Strongly Agree	60	46%
Not Applicable	1	1%
No Response	6	5%
TOTAL	130	100%

Only seven Applicants “disagreed” or “strongly disagreed” that their Court business was completed in a reasonable amount of time. This result was more favorable than expected because TPO Applicants must utilize the same customer service counter as other Justice Court customers who may be present for civil, small claims, eviction, or criminal cases.

The Las Vegas Justice Court is the busiest Justice Court in Nevada. This fact, coupled with recent negative economic conditions in Clark County, means that the Court does not have sufficient resources to process its cases as effectively as it desires. Nevertheless, this survey

shows that TPO customers are largely pleased with the speed in which their TPO applications are processed.

6. Court staff paid attention to my needs.

	Number of Responses	Percentage of Responses
Strongly Disagree	5	4%
Disagree	1	1%
Neither Agree nor Disagree	8	6%
Agree	41	32%
¹⁴Strongly Agree	71	55%
Not Applicable	0	0%
No Response	4	3%
TOTAL	130	100%

This question relates to core customer service values and addresses how TPO Applicants perceive they are being treated by court staff. Several Applicants provided narrative statements about the fact that they were impressed with their treatment by specific court employees. The Court should take pride in such statements and with the overall result for this survey question.

¹⁴ One Applicant added the word “very.”

7. I was treated with courtesy and respect.

	Number of Responses	Percentage of Responses
Strongly Disagree	5	4%
Disagree	0	0%
Neither Agree nor Disagree	4	3%
Agree	35	27%
Strongly Agree	82	63%
Not Applicable	0	0%
No Response	4	3%
TOTAL	130	100%

Like the prior question, this question targets core customer service values. This result shows that employees who process TPO applications are sensitive to customer needs and provide a satisfying customer service experience. In fact, the Court received its highest survey result for the question relating to courtesy and respect by court employees.

8. Once inside the courthouse, I easily found the location to file a TPO in the Las Vegas Justice Court.

	Number of Responses	Percentage of Responses
Strongly Disagree	7	5%
Disagree	2	2%
Neither Agree nor Disagree	6	5%
Agree	35	27%
Strongly Agree	76	58%
Not Applicable	1	1%
No Response	3	2%
TOTAL	130	100%

A TPO Applicant who enters the courthouse can take an escalator to the second floor and then make an immediate right to enter the Justice Court Customer Service Counter. Conspicuous signage is placed on both the first and second floors of the courthouse, so customers have not had significant difficulty in finding where to file a TPO. Now that the Civil Law Self-Help Center is open to the public on the first floor of the Regional Justice Center, TPO customers will find that their access to the Las Vegas Justice Court will be facilitated even more.

9. I found the Las Vegas Justice Court’s Web Site to be a helpful source of information about TPO’s.

	Number of Responses	Percentage of Responses
Strongly Disagree	7	5%
Disagree	4	3%
Neither Agree nor Disagree	16	12%
Agree	23	18%
Strongly Agree	44	34%
Not Applicable	30	23%
No Response	6	5%
TOTAL	130	100%

This survey question reveals some opportunities for improvement.

For example, 23% of Applicants apparently did not consult the Las Vegas Justice Court’s website before coming to Court. If the Court disseminated more information about its website, common customer service concerns and questions may be able to be addressed before the customers even enter the building.

Also, 20% of Applicants surveys responded that they were ambivalent or had negative feelings about the Las Vegas Justice Court website. This author recommends that the website administrator be more proactive in soliciting feedback from those who access the website, in order to determine if specific improvements are needed.

One possible source of confusion is that the Las Vegas Justice Court and the Eighth Judicial District Court have integrated administrative services under the umbrella of the “Clark County Courts.” It is possible that some Applicants simply could not find the specific website for the Las Vegas Justice Court.

Finally, the result for this survey question can be interpreted to mean that some TPO Applicants are not finding necessary information about the TPO process when they log on to the Las Vegas Justice Court website. Consultation with the Civil Division Administrator may lead to enhancements in this regard.

10. The court's hours of operation made it easy for me to do my business.

	Number of Responses	Percentage of Responses
Strongly Disagree	6	5%
Disagree	3	2%
Neither Agree nor Disagree	9	7%
Agree	42	32%
Strongly Agree	64	49%
Not Applicable	3	2%
No Response	3	2%
TOTAL	130	100%

None of the narrative comments raised any issue about the Court's business hours.

Although the Court would obviously prefer to offer expanded customer service hours, current economic conditions inhibit the ability of the Court to do so. For example, additional evening shifts for staff are simply not feasible at the present time.

Section 4. The Protection Order Process

1. I understand the difference between the 5 types of Protection Orders (Domestic Violence, Stalking and Harassment, Workplace Harassment, Harm to Minors, and Sexual Assault).

	Number of Responses	Percentage of Responses
Strongly Disagree	4	3%
Disagree	1	1%
Neither Agree nor Disagree	14	11%
Agree	49	38%
Strongly Agree	45	35%
Not Applicable	1	1%
No Response	16	12%
TOTAL	130	100%

This overall result was higher than expected. Another surprising fact is that more than one-third of the TPO Applicants surveyed “strongly agreed” that they understand the different types of TPO’s, and approximately two-thirds of the TPO Applicants surveyed either “agreed” or “strongly agreed” that they understood the different types of protection orders. These responses

may be based upon the fact that the Las Vegas Justice Court has specific informational materials about the different types of protection orders.¹⁵

¹⁵ For example, the AOC Standardized TPO Forms include an informational packet which contains a chart that summarizes the distinguishing factors of each type of protection order.

2. I understand the difference between Justice Court jurisdiction and District Court jurisdiction for TPO's.

	Number of Responses	Percentage of Responses
Strongly Disagree	8	6%
Disagree	16	12%
Neither Agree nor Disagree	25	19%
Agree	35	27%
Strongly Agree	27	21%
Not Applicable	3	2%
No Response	16	12%
TOTAL	130	100%

This troubling result is the lowest of any of the survey questions. However, customer confusion can be attributed to the fact that Nevada law is, itself, confusing.

For one thing, protection orders are exclusive to neither Justice Court nor District Court. Justice Courts have exclusive jurisdiction over four of the five TPO types (Stalking and Harassment, Harm to Minors, Workplace Harassment, and Sexual Assault), while either Justice Court or District Court can have jurisdiction over Domestic Violence protection orders.

Compounding the confusion is the fact that some Justice Courts have jurisdiction over Domestic Violence TPO's, and some Justice Courts do not. NRS 4.370, the Justice Court jurisdictional statute, defines TPO jurisdiction for Justice Courts and then creates a complex exception.

A member of the public naturally has difficulty in understanding the multi-layered jurisdictional analysis for Domestic Violence TPO's. The analysis is no doubt beguiling to lawyers and judges as well.

From a practical perspective, the statutory construct hinders TPO Applicants from understanding whether they are in the correct court, or whether a TPO in one court will conflict with a TPO issued by another court.

To confound the issue even further, TPO Applicants are expected to understand that their ability to seek a Domestic Violence TPO in District Court is based upon their relationship to the Adverse Party, but their ability to seek other types of TPO's in Justice Court is based upon the acts alleged to have been committed by the Adverse Party.

Finally, Nevada law does not preclude multiple TPO types from being in effect at once.

All of these factors create a murky swamp of legal distinctions that pose frustrating obstacles to TPO Applicants.

3. As I leave the court, I understand what will happen next in my TPO case.

	Number of Responses	Percentage of Responses
Strongly Disagree	5	4%
Disagree	6	5%
Neither Agree nor Disagree	18	14%
Agree	38	29%
Strongly Agree	41	32%
Not Applicable	1	1%
No Response	21	16%
TOTAL	130	100%

This result was unexpected because 23% of TPO Applicants indicated that they were ambivalent or unclear about what will happen in their TPO cases after filing has occurred. Such information can easily be explained to Applicants, and this should be done in order to raise customer satisfaction as to this specific, fundamental issue.

4. I understand the requirements for “serving” a TPO upon the Adverse Party.

	Number of Responses	Percentage of Responses
Strongly Disagree	4	3%
Disagree	2	2%
Neither Agree nor Disagree	19	15%
Agree	42	32%
Strongly Agree	43	33%
Not Applicable	1	1%
No Response	19	15%
TOTAL	130	100%

This result was higher than expected. Approximately two-thirds of TPO Applicants agreed that they understood the requirements for serving a TPO, and approximately one-third strongly agreed that they understood. Still, 20% of TPO Applicants were ambivalent or unsure about this basic requirement in TPO cases. Greater care needs to be taken to explain this aspect of the process to TPO Applicants.

5. I understand the penalties involved if the Adverse Party violates a TPO that is granted by the Court.

	Number of Responses	Percentage of Responses
Strongly Disagree	5	4%
Disagree	3	2%
Neither Agree nor Disagree	13	10%
Agree	45	35%
Strongly Agree	43	33%
Not Applicable	1	1%
No Response	20	15%
TOTAL	130	100%

This result was also higher than expected and can be attributed to the fact that the AOC Standardized Forms contain an informational packet that outlines the penalties for violating each type of protection order.

6. I understand the difference between a Temporary Order and an Extended Order.

	Number of Responses	Percentage of Responses
Strongly Disagree	5	4%
Disagree	3	2%
Neither Agree nor Disagree	10	8%
Agree	45	35%
Strongly Agree	49	38%
Not Applicable	1	1%
No Response	17	13%
TOTAL	130	100%

More than two-thirds of the TPO Applicants surveyed understood the distinction between a “Temporary” and an “Extended” order. This distinction is also addressed in the Court’s informational materials. Nevertheless, more care may be needed to convey this basis aspect of the TPO process.

7. I understand the lengths of time for which a Temporary Order and an Extended Order can remain in effect.

	Number of Responses	Percentage of Responses
Strongly Disagree	4	3%
Disagree	3	2%
Neither Agree nor Disagree	10	8%
Agree	44	34%
Strongly Agree	50	38%
Not Applicable	2	2%
No Response	17	13%
TOTAL	130	100%

Applicants who file for TPO’s may be more immediately concerned with whether a TPO will be granted, as opposed to how long a granted TPO will remain in effect. Still, the lengths of time involved are critical pieces of information that must be conveyed clearly to Applicants. The review of the 2008 TPO Files for the Las Vegas Justice Court revealed many instances where

Applicants asked for protection orders that had a multi-year duration¹⁶ or were “permanent.” Since those types of protection orders are not allowed by Nevada law, the Court should be proactive in correcting this common misperception.

¹⁶ One TPO of “multi-year duration” should be distinguished from situations where a TPO is issued after a previous TPO expires.

For example, some Applicants ask for a “two-year” TPO. The Court cannot grant one Extended Order that has a duration of two years, but the Court can grant an Extended Order for one year and, then after it expires, grant another Extended Order for one year.

8. I believe that I can pursue my TPO case effectively without having to retain an attorney.

	Number of Responses	Percentage of Responses
Strongly Disagree	4	3%
Disagree	1	1%
Neither Agree nor Disagree	19	15%
Agree	43	33%
Strongly Agree	44	34%
Not Applicable	1	1%
No Response	18	14%
TOTAL	130	100%

Without a doubt, most Applicants who file for a protection order do so without the assistance of an attorney.¹⁷ This survey question reflects the fact that most of these Applicants are confident in their ability to navigate a TPO case successfully. With the opening of the Civil

¹⁷ The one exception involves Workplace Harassment TPO's. Businesses often have attorneys on staff who can apply for such protection orders. Nevertheless, a significant amount of Workplace Harassment TPO's are filed by business owners and owners who are still sophisticated enough to proceed without the assistance of counsel.

Law Self-Help Center in the Regional Justice Center, TPO Applicants can be expected to have more confidence, and ability, to proceed effectively in the future.

9. I know what phone number I need to call if I have any questions about my TPO case.

	Number of Responses	Percentage of Responses
Strongly Disagree	6	5%
Disagree	6	5%
Neither Agree nor Disagree	15	12%
Agree	36	28%
Strongly Agree	46	35%
Not Applicable	2	2%
No Response	19	15%
TOTAL	130	100%

This question revealed that 22% of the survey Applicants were either ambivalent or unsure of the telephone number to call for questions about their TPO cases. That figure was unexpectedly high. Fortunately, this is the type of issue that can resolved easily by simply adding conspicuous telephone information to the Court’s TPO forms and internet information.

10. I know how to get a copy of my TPO if the Court grants my request.

	Number of Responses	Percentage of Responses
Strongly Disagree	10	8%
Disagree	7	5%
Neither Agree nor Disagree	17	13%
Agree	37	28%
Strongly Agree	40	31%
Not Applicable	1	1%
No Response	18	14%
TOTAL	130	100%

This survey result was also unexpected, in that 26% of the surveyed TPO Applicants (or approximately 1 in 4 TPO Applicants) were ambivalent or unsure about how to get a copy of their granted TPO's. Like the telephone number information in the previous question, this is the type of ambiguity that can be resolved quickly and easily by amending the Court's TPO forms and internet information accordingly.

Section 5. General Comments

The following narrative comments were received on the Customer Service Surveys:

- (1) Orders being implemented quicker.
- (2) Tiffany and Aron [civil employees who work at the Customer Service Counter] were so wonderful. They did everything possible to help me get through this awful process with ease. They explained everything thoroughly so that it was easy to understand and they were warm and welcoming, treating me like a human, not just a number.
- (3) All the employees were professional and courteous toward me and my needs.
- (4) Ran smoothly, did not have to wait that long.
- (5) It's not that difficult! It was easier than I thought.
- (6) Great agents.
- (7) It was easy.
- (8) Courteous staff--pleasure compared to Florida.
- (9) Your staff has been very kind and helpful. Under my emotional state, they have been lifesavers.
- (10) They need to put in security cameras.
- (11) This is my first time and I don't really know anything about how it works except to keep him out of my property.
- (12) I haven't reviewed the yellow sheets [informational materials relating to protection orders] yet, is this information contained in them?
- (13) Very helpful with filing order, friendly staff.
- (14) She currently lives with me but my name is on the lease and she won't leave. I have nowhere else to go. No family or relatives out here in Vegas. And I don't wana go to jail behind her so please help me to remove her from my property.
- (15) Need to try to serve adverse parties in a more aggressive, timely manner. I understand it takes additional manpower, but people's lives are at stake.
- (16) Clerks were "AWESOME" and efficient!
- (17) Very easy and helpful customer service reps. :>

(18) Thank you so much for helping me. The person that took paperwork and helped me was astonishingly helpful and professional. I wish all the people in all forms of Govt. (DMV) were just half as kind and helpful as she is. Whoever hired her needs [picture of a star]'s as she needs to be promoted. Wonderful is an understatement. Andrea Davis. Window #6.

(19) The lady at the window was very helpful and answered all of my questions.

(20) Excellent employee! Very helpful!

APPENDIX Q
SURVEY TO OTHER COURTS¹

A. GENERAL QUESTIONS

(1) How many employees (expressed as full-time equivalents or “FTE’s”) are employed to process TPO’s in your court?

- (A) LAS VEGAS: 2 full-time employees.
- (B) RENO: 9 employees process TPO’s in our court.
- (C) HENDERSON: HJC does not have specific staff designated to exclusively process TPO’s. We have three (3) front counter FTE’s who handle the intake; and three (3) JEA’s who handle the processing of TPO’s after judicial review.
- (D) CARSON CITY: No response.
- (E) SPARKS: SJC has 3 FTE that rotate once a week.
- (F) NEW RIVER: 2 (2 CAN ASSIST).
- (G) PAHRUMP: 1 full-time civil clerk.
- (H) NORTH LAS VEGAS: No one is exclusively dedicated to processing TPO’s, but 11 FTE’s are trained to process them and may touch them at any point in the process.
- (I) CANAL: 4
- (J) EAST FORK: Did not respond to the survey.

¹ Narrative responses are reprinted verbatim.

(2) Does your court maintain statistics about the total number of TPO filings and dispositions in a given time period, such as a calendar year or a fiscal year, and are these statistics broken down by case type (DV/Stalking/Harm to Minors/Workplace Harassment/Sexual Assault)?

[] Yes [] No Other: _____

If “YES,” please provide the statistics: _____

(A) LAS VEGAS:

Yes. Our statistics are tracked and available through the USJR [Uniform System for Judicial Records] Excel spreadsheet.

(B) RENO:

Yes. 766 TPOs—2009.

(C) HENDERSON:

Yes. USJR requires the reporting of TPO Requests. We do not maintain a breakdown of the case types. FY 08-09 we reported 440 requests and 99 requests for extensions.

(D) CARSON CITY:

Yes. No sexual assault. Those are filed under DV. Protection order for children=16. DV Protective order=499. Stalking and harassment=323. Workplace=0. Appeals=1 (stalking and harassment).

(E) SPARKS:

Yes. Monthly in a Calendar year, they are NOT broken down by Case type.

	J	F	M	A	M	J	J	A	S	O	N	D
Stalking/Harrassment	4	7	21	16	19	17	18	18	25	13	24	19
Req Extend Stalking/Harr. Order	4	2	2	5	3	5	3	5	7	7	1	6
Stalking:Voluntary Dism.	0	0	0	0	0	0	0	0	0	0	0	0
Stalking:Dec w/o Hearing	4	7	17	9	14	11	13	12	19	7	18	10
Stalking:Dec w/Hearing	8	0	4	7	5	6	5	6	7	6	6	9
Stalking:Dec w/Trial/Evid	0	0	0	0	0	0	0	0	0	0	0	0
Stalking Order expired	3	2	8	2	6	3	8	5	9	2	7	3

(F) NEW RIVER:

No.

(G) PAHRUMP: Yes. Fiscal Year 7/1/08 – 6/30/09. Domestic Violence: 301. NON-Domestic Violence: 200.

(H) NORTH LAS VEGAS: Yes. 193 filings and dispositions for 2009; do not have case type numbers at this type; just started using CourtView for TPO's and will ultimately have this information in greater detail.

(I) CANAL: Other: Domestic Violence and Non-Domestic Violence (Stalking/Harassment)

Requests for Domestic Violence: 83

Requests for Non-Domestic Violence: 98

(J) EAST FORK: Did not respond to the survey.

(3) Does your court maintain any statistics about the number of TPO appeals filed in a given time period, such as calendar year or fiscal year?

Yes No Other: _____

If "YES," please provide the statistics: _____

- (A) LAS VEGAS:** **Yes. 1.**
- (B) RENO:** **Yes. One (1) appeal for the year 2009.**
- (C) HENDERSON:** **No. We have never had an appeal filed in this court.**
- (D) CARSON CITY:** **Yes. USJR stats are reported monthly to the Supreme Court.**
- (E) SPARKS:** **No.**
- (F) NEW RIVER:** **No.**
- (G) PAHRUMP:** **Yes. Fiscal Year 7/1/08 – 6/30/09. Domestic Violence: 0
Non-Domestic Violence: 0**
- (H) NORTH LAS VEGAS:** **No.**
- (I) CANAL:** **No.**
- (J) EAST FORK:** **Did not respond to the survey.**

(4) Does your court have any mandatory or aspirational time standard for processing a TPO application (for example, within X days)?

Yes No Other: _____

If “YES,” what is the time standard?

- (A) LAS VEGAS:** **Yes. 1-day turnaround.**
- (B) RENO:** **Yes. 24 hours for the judge to review.**
- (C) HENDERSON:** **Yes. TPO applications are given priority. They are generally reviewed by a judge within hours of receipt.**
- (D) CARSON CITY:** **No. These cases are considered priority cases. Usually completed within the same day.**
- (E) SPARKS:** **Yes. Same day.**
- (F) NEW RIVER:** **Yes. Judge decision 24 judicial hours, process immediately after Judge’s decision.**
- (G) PAHRUMP:** **Yes. Within 24 hours.**
- (H) NORTH LAS VEGAS:** **Yes. Goal is same day, or within 24 hours**
- (I) CANAL:** **Other: Processed as soon as a judge is available to review the application.**
- (J) EAST FORK:** **Did not respond to the survey.**

(5) Does your court have any mandatory or aspirational time standard for TPO dispositions generally?

Yes No Other: _____

If “YES,” what is the time standard?

- (A) LAS VEGAS: Yes. 3-5 business days.
- (B) RENO: Yes. 30 Days.
- (C) HENDERSON: Yes. We aspire to process approved TPO’s within an hour of approval.
- (D) CARSON CITY: No.
- (E) SPARKS: No.
- | | | | |
|---------------------|---------|---------------------------|---------------------|
| Temporary | 30 Days | Extended Protection Order | 1 Year |
| Temporary Workplace | 15 Days | Extended Workplace | 1 Year ² |
- (F) NEW RIVER: Yes. 24 Judicial hours
- (G) PAHRUMP: Yes. Within 24 hours.
- (H) NORTH LAS VEGAS: Same. Yes. Same day or within 24 hours.
- (I) CANAL: Yes. One judicial day.
- (J) EAST FORK: Did not respond to the survey.

² These are the durations for each of the TPO types.

(6) Are TPO's randomly assigned in your court, or are they assigned to a particular judge or judges?

Randomly assigned

Assigned to particular judge

Other

(A) LAS VEGAS:

Randomly assigned.

(B) RENO:

Randomly assigned.

(C) HENDERSON:

Other: All judges rotate reviewing responsibility based on signing weeks.

(D) CARSON CITY:

Other: Assigned by adverse party's last name.

(E) SPARKS:

Other. Rotated on a week-by-week [basis].

(F) NEW RIVER:

Other: We only have one Judge.

(G) PAHRUMP:

Other: By court caseload.

(H) NORTH LAS VEGAS:

Randomly assigned.

(I) CANAL:

Other: Our court has one judge. If he isn't available, we contact other judges in the county to review and decide on the application.

(J) EAST FORK:

Did not respond to the survey.

(7) Does your court track multiple TPO cases involving the same parties to the same judge?

[] Yes [] No Other: _____

If “YES,” what time period applies in this regard (for example, related cases within _____ months/years)?

- (A) LAS VEGAS:** Yes. Related cases within 2 years.
- (B) RENO:** No.
- (C) HENDERSON:** No. Adverse party applications for reciprocal TPO’s on active cases are tracked to the same judge as the original TPO.
- (D) CARSON CITY:** Yes. If cases are filed within a close proximity to one another, they will be assigned to the same judge.
- (E) SPARKS:** Yes. No time period, department assigned first TPO will be assigned any additional filings for same parties
- (F) NEW RIVER:** Other: We only have one judge.
- (G) PAHRUMP:** No.
- (H) NORTH LAS VEGAS:** Yes. Related cases within 2 years.
- (I) CANAL:** No.
- (J) EAST FORK:** Did not respond to the survey.

(8) What restrictions are placed upon public access to TPO files? (If applicable, please list specific documents that are presumptively not accessible to the public, and whether such documents can be obtained under special circumstances, such as by court order.)

- (A) LAS VEGAS:** All forms are available besides those documented as confidential.
- (B) RENO:** THE CONFIDENTIAL SHEET (FORM A-5)
- (C) HENDERSON:** Confidential information sheets are not made available for public viewing. The only circumstances under which the court would release this information would be by way of court order.
- (D) CARSON CITY:** No restrictions. If the files contain social security numbers, they are blacked out.
- (E) SPARKS:** Confidential sheet filled out by APPLICANT (A-5)
Confidential sheet filled out by ADVERSE PARTY (A-13)
Copy of Applicant or Adverse Party Identification
- (F) NEW RIVER:** Do not allow the Confidential Information Sheet to be reviewed.
- (G) PAHRUMP:** None.
- (H) NORTH LAS VEGAS:** TPO files can only be accessed by court order.
- (I) CANAL:** In general, everything in the file except for the confidential information sheet is available with very limited exceptions.
- (J) EAST FORK:** Did not respond to the survey.

(9) Are TPO hearings conducted on the record (ie., with a court reporter present, or a court recorder present who is using an audio-visual system like JAVS)?

Yes No Other: _____

If “YES,” who pays for the cost of the reporter’s/recorder’s time and the cost of the transcript, if a transcript is needed?

Court
 Applicant
 Other: _____

- (A) LAS VEGAS:** Yes. Court pays.

- (B) RENO:** Yes. Applicant. Other: **THE PARTY CAN APPLY FOR A FEE WAIVER FOR THE AUDIO RECORDING, BUT WOULD HAVE TO PAY FOR A TRANSCRIPT, WHICH WOULD BE TRANSCRIBED BY A PRIVATE COMPANY.**

- (C) HENDERSON:** No.

- (D) CARSON CITY:** Yes. Applicant pays for the cost of the transcript if they request.

- (E) SPARKS:** Other: Treated the same as Civil if a party requests a court reporter or recording they are responsible for the CD and or transcription fees.

Other: The party requesting the recording [pays].

- (F) NEW RIVER:** Other: **COURT CLK RECORDS ON JAVS. THE PARTY REQUESTING THE TRANSCRIPT PAYS FOR IT.**

- (G) PAHRUMP:** Yes. Other: The requesting party.

- (H) NORTH LAS VEGAS:** Yes. Court pays.

- (I) CANAL:** Yes. Other: JAVS is used to record hearings. Costs to transcribe from the recording would be paid by the party requesting the transcript or a copy of the recording on disk.

- (J) EAST FORK:** Did not respond to the survey.

(10) The Nevada Supreme Court’s Record Retention Manual refers to domestic violence TPO’s and indicates that the retention period is “2 years after expiration of [the] order.” The remaining types of TPO’s are not addressed in this manual.

In your court, what is the record retention period for non-domestic-violence TPO’s? Does the standard vary by TPO case type, or by documents within the TPO case file?

- (A) LAS VEGAS:** Same as DV Orders. 2 years.
- (B) RENO:** THE RECORD RETENTION PERIOD FOR ALL CASE TYPES WOULD BE FROM SEVEN TO TEN YEARS.
- (C) HENDERSON:** Two years after expiration of the order.
- (D) CARSON CITY:** Same as for domestic violence TPO’s.
- (E) SPARKS:** Six years from close. The court assigns the cases with a criminal case number through our CMS because we are unable to enter them in Civil due to the DMS structure. The court holds them for six years after date closed. This is the record retention period for Criminal and Civil cases.
- (F) NEW RIVER:** WE ARE SCANNING ALL FILES ONTO DISCS.
- (G) PAHRUMP:** Records retained for 2 years. The standard does not vary.
- (H) NORTH LAS VEGAS:** We follow the 2 years after the expiration of the order rule since they are not addressed.
- (I) CANAL:** 6 years.
- (J) EAST FORK:** Did not respond to the survey.

(11) Please describe how parties are notified of scheduled hearings (e.g., in writing, by phone, etc.). For example, does the process differ depending on the type of hearing (for example: hearings to determine whether a TPO should be issued versus hearings to determine whether a TPO should be modified or rescinded)? How is the notice documented?

(A) LAS VEGAS:

Plaintiff sent notice via regular mail.

(B) RENO:

HEARINGS TO DETERMINE IF A TPO SHOULD BE ISSUED OR A MODIFIED HEARING ARE BOTH DONE BY PHONE, CONSIDERING THEY ARE SET FOR HEARING IN A TWO-DAY TIME PERIOD.

(C) HENDERSON:

JEA's notify the applicant by telephone to advise if the TPO had been approved or denied. If approved, the adverse party is notified in writing by way of the service of the order and the returned proof of service is made part of the case file. If a hearing is set, the parties are notified in writing.

(D) CARSON CITY:

Notices for hearing are sent over to the Sheriff's Office for service.

(E) SPARKS:

The party requesting a hearing is notified in person at the court once the application/motion is approved. Adverse party is notified by personally or by phone if number is available, service or my mail.

(F) NEW RIVER:

IN BOTH SITUATIONS THE ADVERSE PARTY IS SERVED A HARDCOPY BY LAW ENFORCEMENT. THE APPLICANT PICKS UP THEIR COPY AT THE COURT OR REQUEST IT BE MAILED. IF ONE PARTY OR THE OTHER REQUESTS A HEARING TO MODIFY OR DISSOLVE SOMETIMES IT IS GIVEN AT THE COUNTER, BY THE TELEPHONE OR BY SHERIFF SERVICE.

(G) PAHRUMP:

The requesting party is notified by the court. The other party is personally served written notice of the hearing by law enforcement.

(H) NORTH LAS VEGAS:

Notification is first attempted by phone, then by certified mail if the parties can't be reached. Certificate of mailing is maintained.

(I) CANAL:

The judge may decide, after reviewing an application and depending on circumstances set forth in the application to have a hearing as soon as possible in which case the court tries to contact both parties by phone to confirm a court date and time. In all other cases, the applicant is notified by phone and mail. The adverse party is personally served notice of hearing.

(J) EAST FORK:

Did not respond to the survey.

(12) If written notices of hearing are required, do they have to be served upon the parties in a particular manner?

Yes; must be served by _____

No

Other:

(A) LAS VEGAS:

Yes. Must be served by personal service to adverse [party].

(B) RENO:

Yes. Must be served by PERSONAL SERVICE BY A LAW ENFORCEMENT AGENCY OR A LICENSED PROCESS SERVER, OR A DISINTERESTED PARTY TO THE CASE.

(C) HENDERSON:

Yes. Must be served by a sworn peace officer – usually the constable’s office performs service.

(D) CARSON CITY:

Yes. Must be served by a sheriff or marshal of the court.

(E) SPARKS:

No.

(F) NEW RIVER:

Other: See above.

(G) PAHRUMP:

Yes; must be served by law enforcement.

(H) NORTH LAS VEGAS:

Yes; must be served by certified mail.

(I) CANAL:

Yes; must be served by applicant by mail/personal service, adverse party by mail/personal service.

(J) EAST FORK:

Did not respond to the survey.

(13) If a particular judge wants to set a TPO application for hearing before deciding whether to grant or deny the TPO, does the Court notify the adverse party?

Yes No Other: _____

If "NO" (ie., the Court does not notify the adverse party before deciding whether to grant the Order), does the judge limit the length of the granted TPO to no more than 30 days?

Yes
 No
 Other: _____

- (A) LAS VEGAS: Yes.
- (B) RENO: No. Yes.
- (C) HENDERSON: NO RESPONSE.
- (D) CARSON CITY: Other: Notice is served on the Adverse Party.
- (E) SPARKS: Other: Judicial Discretion.
- (F) NEW RIVER: Yes.
- (G) PAHRUMP: Yes.
- (H) NORTH LAS VEGAS: Yes.
- (I) CANAL: Yes.
- (J) EAST FORK: Did not respond to the survey.

(15) If a request to modify a TPO is granted, does your court prepare a “modified” or “amended” TPO?

Yes No Other: _____

If “YES,” is that modified/amended TPO required to be served on the adverse party?

Yes
 No
 Other: _____

- | | |
|------------------------------------|---------------------------------------|
| (A) <u>LAS VEGAS:</u> | Yes. Yes. |
| (B) <u>RENO:</u> | Yes. Yes. |
| (C) <u>HENDERSON:</u> | Yes. |
| (D) <u>CARSON CITY:</u> | Yes. Yes. |
| (E) <u>SPARKS:</u> | Yes. Yes. |
| (F) <u>NEW RIVER:</u> | Yes. Yes. |
| (G) <u>PAHRUMP:</u> | Yes. Yes. |
| (H) <u>NORTH LAS VEGAS:</u> | Yes. Yes. |
| (I) <u>CANAL:</u> | Yes. Yes. |
| (J) <u>EAST FORK:</u> | Did not respond to the survey. |

(16) Does your court collect any fees relating to TPO actions (for example: filing fees, copy fees, service fees, etc.)?

Yes No Other: _____

If “YES,” please list the fees collected:

- (A) LAS VEGAS: No.
- (B) RENO: Yes. Other: Workplace--\$125.00 filing fee; \$250.00 security fee.
- (C) HENDERSON: Yes. \$250.00 bond fee for Workplace TPO’s.
- (D) CARSON CITY: No.
- (E) SPARKS: No.
- (F) NEW RIVER: No.
- (G) PAHRUMP: Yes. \$29.00 filing fee for Stalking/Harassment TPO.
\$ 0.00 filing fee for Domestic Violence TPO.
- (H) NORTH LAS VEGAS: No.
- (I) CANAL: No.
- (J) EAST FORK: Did not respond to the survey.

(17) In general, does your court use the AOC Standardized Forms for TPO's?

Yes No Other: _____

If "NO," what forms are generally used for TPO's?

Forms created by the Court.
 Forms created by the parties.
 Forms created by a legal aid organization.
 Other: _____

- (A) LAS VEGAS: Yes.
- (B) RENO: Yes.
- (C) HENDERSON: Yes.
- (D) CARSON CITY: Yes.
- (E) SPARKS: Yes.
- (F) NEW RIVER: Yes.
- (G) PAHRUMP: Yes.
- (H) NORTH LAS VEGAS: Yes.
- (I) CANAL: Yes.
- (J) EAST FORK: Did not respond to the survey.

(18) More specifically, does your court use the one-page AOC Standardized “Cover Sheet” that is meant to assist law enforcement?

[] Yes

[] No

Other: _____

(A) LAS VEGAS:

Yes.

(B) RENO:

Yes.

(C) HENDERSON:

No.

(D) CARSON CITY:

Yes.

(E) SPARKS:

Yes.

(F) NEW RIVER:

Yes. When sent to outside agencies.

(G) PAHRUMP:

Yes.

(H) NORTH LAS VEGAS:

No.

(I) CANAL:

Other: depends on what agency is attempting service.

(J) EAST FORK:

Did not respond to the survey.

(19) Does your court use TPO forms in addition to the AOC Standardized Forms?

Yes No Other: _____

If “YES,” please provide copies.

- | | |
|------------------------------------|--|
| (A) <u>LAS VEGAS:</u> | No. |
| (B) <u>RENO:</u> | No. |
| (C) <u>HENDERSON:</u> | Yes. Instructions to Serve. |
| (D) <u>CARSON CITY:</u> | No. |
| (E) <u>SPARKS:</u> | No. |
| (F) <u>NEW RIVER:</u> | No. |
| (G) <u>PAHRUMP:</u> | Yes. See attached. [This court provided a copy of the “Order Denying TPO,” which is actually an AOC standardized form.] |
| (H) <u>NORTH LAS VEGAS:</u> | Yes. Copy attached (a packet of the cover sheets that are prepared for the Sheriff’s Civil Bureau). |
| (I) <u>CANAL:</u> | No. |
| (J) <u>EAST FORK:</u> | Did not respond to the survey. |

(20) Which law enforcement agency in your jurisdiction is responsible for serving TPO's?

- Constable**
- Sheriff**
- DA Civil Division**
- Other: _____**

- (A) LAS VEGAS:** Sheriff.
- (B) RENO:** Sheriff.
- (C) HENDERSON:** Constable. Sheriff. Other: Henderson Police Department / Detention Center (If InCustody)
- (D) CARSON CITY:** Sheriff.
- (E) SPARKS:** Sheriff.
- (F) NEW RIVER:** Sheriff.
- (G) PAHRUMP:** Sheriff.
- (H) NORTH LAS VEGAS:** Sheriff.
- (I) CANAL:** Sheriff. Other: Court Bailiff.
- (J) EAST FORK:** Did not respond to the survey.

(21) How is the order sent to the law enforcement agency?

- By fax**
 Electronically
 E-Mail
 Paper delivery
 Other: _____

- (A) LAS VEGAS:** By paper delivery.
- (B) RENO:** By fax; paper delivery.
- (C) HENDERSON:** By fax.
- (D) CARSON CITY:** Paper delivery.
- (E) SPARKS:** By fax; by paper delivery.
- (F) NEW RIVER:** By fax; paper delivery.
- (G) PAHRUMP:** By fax if outside the local jurisdiction; paper delivery.
- (H) NORTH LAS VEGAS:** Paper delivery by our bailiffs.
- (I) CANAL:** By fax; paper delivery; other: mailed to out of county and state agencies.
- (J) EAST FORK:** Did not respond to the survey.

(22) How soon after the order is issued will the agency receive the order?

Within _____ [] days [] hours.

- (A) LAS VEGAS:** **Within 1-2 days.**
- (B) RENO:** **Within one to two days.**
- (C) HENDERSON:** **Within 1 hour.**
- (D) CARSON CITY:** **Within same day/next day.**
- (E) SPARKS:** **Within 1 hour.**
- (F) NEW RIVER:** **Within ONE day.**
- (G) PAHRUMP:** **Within 24 hours.**
- (H) NORTH LAS VEGAS:** **Next business day.**
- (I) CANAL:** **Depends on type of delivery.**
- (J) EAST FORK:** **Did not respond to the survey.**

(23) Does your court use any “quasi-judicial” officers for the processing of TPO cases (for example: referees or hearing masters, but not including “justices of the peace pro tempore”)?

[] Yes

[] No

Other: _____

(A) LAS VEGAS:

No.

(B) RENO:

No.

(C) HENDERSON:

No.

(D) CARSON CITY:

No.

(E) SPARKS:

No.

(F) NEW RIVER:

No.

(G) PAHRUMP:

No.

(H) NORTH LAS VEGAS:

No.

(I) CANAL:

No.

(J) EAST FORK:

Did not respond to the survey.

(24) Does your court require an applicant for a TPO to provide picture identification before the application will be filed?

[] Yes

[] No

Other: _____

(A) LAS VEGAS:

No.

(B) RENO:

No.

(C) HENDERSON:

No.

(D) CARSON CITY:

No.

(E) SPARKS:

Yes.

(F) NEW RIVER:

No.

(G) PAHRUMP:

No. Other: We prefer photo ID, but on some occasions the Adverse party has possession of the Applicant's identification.

(H) NORTH LAS VEGAS:

No.

(I) CANAL:

No.

(J) EAST FORK:

Did not respond to the survey.

(25) Who pays for interpreters that are needed to assist parties during scheduled TPO hearings?

- The Court**
- The County**
- The party requiring the interpreter**
- Costs split by the parties**
- Other: _____**

- (A) LAS VEGAS:** **The Court.**
- (B) RENO:** **Other: THE PARTIES ARE REQUIRED TO BRING THEIR OWN INTERPRETERS.**
- (C) HENDERSON:** **The County.**
- (D) CARSON CITY:** **The Court.**
- (E) SPARKS:** **Other: Court has a certified court interpreter/clerk.**
- (F) NEW RIVER:** **The party requiring the interpreter.**
- (G) PAHRUMP:** **The Court; the party requiring the interpreter; other: The court will provide if the party requiring the interpreter does not.**
- (H) NORTH LAS VEGAS:** **The Court.**
- (I) CANAL:** **The party requiring the interpreter.**
- (J) EAST FORK:** **Did not respond to the survey.**

(26) Does your court require TPO applications to be served upon the adverse party?

Yes

No

Other: _____

(A) LAS VEGAS:

No.

(B) RENO:

No.

(C) HENDERSON:

No.

(D) CARSON CITY:

Yes. Along with the served order.

(E) SPARKS:

No.

(F) NEW RIVER:

Yes.

(G) PAHRUMP:

Yes. Other: Most of our applications are for temporary or extended orders. Service of application is pursuant to NRS 33.060(2) [for DV TPO's].

(H) NORTH LAS VEGAS:

Yes.

(I) CANAL:

Yes, if hearing is set or TPO is issued, but not if application is denied.

(J) EAST FORK:

Did not respond to the survey.

(27) Does your court allow a TPO case file to be sealed?

[] Yes [] No Other: _____

If “YES,” please explain the procedure for doing so. (For example, is the case “super-sealed,” meaning that the court shows no proof to the public that the TPO file even exists?)

(A) LAS VEGAS: Yes. Motion submitted by requesting party. Once approved and signed, case is sealed. System modified to reflect such—no public access.

(B) RENO: No.

(C) HENDERSON: Yes. If so ordered. Case number will show case is sealed.

(D) CARSON CITY: Yes. Person asking to seal must fill out an application to seal and go through the process. Case shows sealed in system. CourtView users/court personnel can still see it.

(E) SPARKS: Other: This court has not had a request to seal a TPO to date. At this time the Court is reviewing ADKT. No. 410 issued 12/31/07 for follow for Civil Sealing Process.

(F) NEW RIVER: NEVER HAD A REQUEST.

(G) PAHRUMP: Yes. The only request this court has had to seal a protective order was handled by the applicant’s attorney. Before the order was approved, a motion was filed requesting that the application/order be sealed. The motion was granted by the court. Only the application and affidavit were sealed. The case file was not.

(H) NORTH LAS VEGAS: NEVER HAD A REQUEST.

(I) CANAL: Yes. Procedure of sealing records according to statute.

(J) EAST FORK: Did not respond to the survey.

(28) Is TPO case information and/or hearing information available online?

[] Yes

[] No

Other: _____

(A) LAS VEGAS:

Yes. The hearings are available if they do an accurate calendar search on the following link:

<http://redrock.co.clark.nv.us/jcCalendar/CalendarSearch.aspx>

(B) RENO:

No.

(C) HENDERSON:

No.

(D) CARSON CITY:

No.

(E) SPARKS:

No.

(F) NEW RIVER:

No.

(G) PAHRUMP:

Yes. Hearing information.

(H) NORTH LAS VEGAS:

No.

(I) CANAL:

No.

(J) EAST FORK:

Did not respond to the survey.

(29) Can an applicant domesticate a TPO from another state in your court?

- Yes, and the TPO is registered under the other state's case number**
- Yes, but the applicant has to file a new Nevada TPO action which generates a Nevada case number.**
- No, because this jurisdiction allows all out-of-state TPO's to be given Full Faith and Credit, without the need for intervention from a Nevada court.**
- Other: _____**

(A) LAS VEGAS:

Other: Only workplace orders.

(B) RENO:

No, because this jurisdiction allows all out-of-state TPO's to be given Full Faith and Credit, without the need for intervention from a Nevada court.

(C) HENDERSON:

No response.

(D) CARSON CITY:

Yes, and the TPO is registered under the other state's case number.

(E) SPARKS:

The court will allow the filing, Guidelines are being reviewed for procedure. The court has not had a request to date.

(F) NEW RIVER:

No, because this jurisdiction allows all out-of-state TPO's to be given Full Faith and Credit, without the need for intervention from a Nevada court.

(G) PAHRUMP:

Other: The existing order is entered in the case management system to generate a Nevada case number. All other pertinent information remains (expiration date, conditions) pursuant to NRS 33.085.

(H) NORTH LAS VEGAS:

No, because this jurisdiction allows all out-of-state TPO's to be given Full Faith and Credit, without the need for intervention from a Nevada court.

(I) CANAL:

No, because this jurisdiction allows all out-of-state TPO's to be given Full Faith and Credit, without the need for intervention from a Nevada court.

(J) EAST FORK:

Did not respond to the survey.

(31) With the exception of Workplace TPO cases, where awards of attorney's fees are explicitly allowed, does your court allow a prevailing party in other TPO actions to be awarded attorney's fees?

[] Yes

[] No

Other: _____

(A) LAS VEGAS:

Yes. Recently since a lot more attorneys have been involved they have been submitting motions for Attny fee's to be recovered-Judges have been setting them to be heard, and then adjudicating accordingly. Some such requests have been granted.

(B) RENO:

Yes.

(C) HENDERSON:

No.

(D) CARSON CITY:

No.

(E) SPARKS:

No.

(F) NEW RIVER:

No.

(G) PAHRUMP:

No.

(H) NORTH LAS VEGAS:

No.

(I) CANAL:

The court would consider attorney's fees to be awarded in certain circumstances but has not done so.

(J) EAST FORK:

Did not respond to the survey.

(32) Does your court allow “Reciprocal” or “Mutual” TPO’s?

Yes No Other: _____

Example: Applicant files for a TPO. The court schedules a hearing and wants to issue an order prohibiting the Adverse Party from contacting the Applicant, but also prohibiting the Applicant from contacting the Adverse Party. A “Reciprocal” or “Mutual” TPO would be ONE protection order that restricts the Applicant and the Adverse Party simultaneously.

If “YES,” is the Adverse Party required to fill out a TPO application against the Applicant, or required to fill out any other paperwork under penalty of perjury?

 Yes.
 No.
 Other: _____

- (A) LAS VEGAS: Yes. Other: Reciprocal orders can be given in open court with both parties present and parties’ info. collected.
- (B) RENO: Yes. Yes.
- (C) HENDERSON: No.
- (D) CARSON CITY: No.
- (E) SPARKS: Yes. Yes.
- (F) NEW RIVER: NO. THEY MUST APPLY.
- (G) PAHRUMP: No.
- (H) NORTH LAS VEGAS: YES; NO [not required to fill out a TPO application or to fill out any other paperwork].
- (I) CANAL: YES; NO [not required to fill out a TPO application or to fill out any other paperwork].
- (J) EAST FORK: Did not respond to the survey.

(33) If an Applicant files for a TPO, and the Court wants to issue TWO protection orders (one against the Adverse Party, and one against the Applicant), is the Adverse Party required to fill out a TPO application against the Applicant, or required to fill out any other paperwork under penalty of perjury?

[] Yes [] No Other: _____

- (A) LAS VEGAS:** **No. Other: If ordered in open court. Yes—if initiated.**
- (B) RENO:** **Yes.**
- (C) HENDERSON:** **No.**
- (D) CARSON CITY:** **Yes.**
- (E) SPARKS:** **Yes.**
- (F) NEW RIVER:** **NEVER HAD THIS SITUATION.**
- (G) PAHRUMP:** **Other: Judicial decision.**
- (H) NORTH LAS VEGAS:** **No.**
- (I) CANAL:** **No.**
- (J) EAST FORK:** **Did not respond to the survey.**

(34) Do you allow a minor (less than age 18) to file for any of the TPO types as an applicant?

Yes No Other: _____

If "YES," what is the minimum age for which a person will be allowed to file for a TPO as an applicant? _____ years old.

- (A) LAS VEGAS:** **No. The minimum age is 18.**
- (B) RENO:** **No.**
- (C) HENDERSON:** **No.**
- (D) CARSON CITY:** **No.**
- (E) SPARKS:** **Yes. Judicial discretion.**
- (F) NEW RIVER:** **No.**
- (G) PAHRUMP:** **Other: Parent or guardian may file on the minor child's behalf. (If guardian, proper documentation to be provided to the court.)**
- (H) NORTH LAS VEGAS:** **Other. Must have a parent or guardian present.**
- (I) CANAL:** **Other: Must have their legal guardian/parent file on behalf of the minor.**
- (J) EAST FORK:** **Did not respond to the survey.**

(35) Does your court have a procedure for appointing a guardian ad litem for a minor who wishes to apply for a TPO?

Yes

No

Other: _____

(A) LAS VEGAS:

No.

(B) RENO:

No.

(C) HENDERSON:

No.

(D) CARSON CITY:

Yes.

(E) SPARKS:

No.

(F) NEW RIVER:

No.

(G) PAHRUMP:

No.

(H) NORTH LAS VEGAS:

No.

(I) CANAL:

No.

(J) EAST FORK:

Did not respond to the survey.

(37) Does your court have a procedure for appointing a guardian ad litem for a minor who is named as an Adverse Party in a TPO action?

[] Yes [] No Other: _____

(A) LAS VEGAS: **No. If the application is approved, we prepare the order and Sheriff's instructions as: "To the Parent or Guardian of _____." That was per Sheriff Civil request, due to them having issues w/serving minors w/o parents being present.**

(B) RENO: **No.**

(C) HENDERSON: **No.**

(D) CARSON CITY: **No.**

(E) SPARKS: **No.**

(F) NEW RIVER: **No. MUST BE SERVED W/PARENT OR GUARDIAN PRESENT AND PRESENT AT ANY HEARINGS.**

(G) PAHRUMP: **No.**

(H) NORTH LAS VEGAS: **No.**

(I) CANAL: **No.**

(J) EAST FORK: **Did not respond to the survey.**

(38) Has your court ever sanctioned a TPO applicant for being a “vexatious litigant” by imposing court access restrictions?

Yes

No

Other: _____

(A) LAS VEGAS: Yes.

(B) RENO: No.

(C) HENDERSON: No.

(D) CARSON CITY: No.

(E) SPARKS: No.

(F) NEW RIVER: Yes.

(G) PAHRUMP: No.

(H) NORTH LAS VEGAS: No.

(I) CANAL: Yes.

(J) EAST FORK: Did not respond to the survey.

(39) Does your court have any procedure for accepting applications for TPO's beyond normal business hours and/or on non-judicial days?

Yes No Other: _____

If "YES," please explain the procedure:

- (A) LAS VEGAS:** **No.**
- (B) RENO:** **No.**
- (C) HENDERSON:** **No.**
- (D) CARSON CITY:** **Yes. Emergency TPO applications are faxed to judges after hours.**
- (E) SPARKS:** **No.**
- (F) NEW RIVER:** **Yes. DOMESTIC VIOLENCE INTERVENTION CAN BE REACHED AND I{F} THEY SEE THE NEED TO SUBMIT THEY HAVE LAW ENFORCEMENT CONTACT THE COURT PERSON[NEL].**
- (G) PAHRUMP:** **No.**
- (H) NORTH LAS VEGAS:** **Family court.**
- (I) CANAL:** **No.**
- (J) EAST FORK:** **Did not respond to the survey.**

(40) Does your court have any procedure in place for allowing one or more parties to a TPO action to appear via audiovisual means (i.e., by phone or by video)?

[] Yes [] No Other:

If “YES,” please explain the procedure:

(A) LAS VEGAS:

Yes. It would be arranged in chambers between the litigant and the JEA-it wouldn't come through us- or should I say it hasn't.

(B) RENO:

Yes. THE PARTY MUST APPLY IN WRITING TO THE ASSIGNED JUDGE FOR PERMISSION TO HAVE A TELEPHONIC HEARING.

(C) HENDERSON:

No.

(D) CARSON CITY:

Yes. By phone.

(E) SPARKS:

Yes. SJC has the means via a Video Conference unit. To date the court has not had a request of this nature.

(F) NEW RIVER:

Yes. AT THIS TIME WE ARE SET UP FOR COURTCALL, BUT THAT IS THE ONLY CURRENT OPTION.

(G) PAHRUMP:

Yes. Video appearance provided for a party in custody.

(H) NORTH LAS VEGAS:

Yes. Court has capability of use of JAVS system or teleconference, but has never had to do so.

(I) CANAL:

Yes. Either party may appear for a hearing via speaker phone while on the record with the approval of the judge.

(J) EAST FORK:

Did not respond to the survey.

(41) Does your court have any procedure in place for handling an applicant or an adverse party who comes to a court hearing and appears to be incompetent?

Yes No Other:

If “YES,” please explain the procedure:

- (A) LAS VEGAS: Yes. Handled by marshals/clerks in attendance.
- (B) RENO: Yes. THE JUDGE CAN ORDER A COMPETENCY EVALUATION.
- (C) HENDERSON: No.
- (D) CARSON CITY: Yes. Contact is made with Public Guardian.
- (E) SPARKS: No.
- (F) NEW RIVER: No response.
- (G) PAHRUMP: No.
- (H) NORTH LAS VEGAS: No.
- (I) CANAL: Yes. The judge would conduct an in-court interview with the party in question.
- (J) EAST FORK: Did not respond to the survey.

(42) Does your court require a police report as part of a TPO application?

Yes

No

Other: _____

(A) LAS VEGAS:

No.

(B) RENO:

Occasionally.

(C) HENDERSON:

No.

(D) CARSON CITY:

No.

(E) SPARKS:

No.

(F) NEW RIVER:

No.

(G) PAHRUMP:

No.

(H) NORTH LAS VEGAS:

No.

(I) CANAL:

No.

(J) EAST FORK:

Did not respond to the survey.

(43) Does your court have any Administrative Orders relating to TPO case processing?

[] Yes [] No Other: _____

If “YES,” please provide a copy of the order(s).

(A) LAS VEGAS: No response.

(B) RENO: No.

(C) HENDERSON: No.

(D) CARSON CITY: Yes. This “Administrative Order” is dated November 20, 2007, and is signed by two judges from the 1st Judicial District. The Order states the following:

WHEREAS the Legislature recently amended NRS 4.370 stating that a Justice Court does not have jurisdiction in an action for issuance of a temporary or extended order for protection against domestic violence if a District Court issues a written order to the Justice Court requiring that further proceedings relating to the action for the issuance of the order of protection be conducted before the District Court; and

WHEREAS this Court agrees to issue a standing order that the Justice Court has no further jurisdiction in temporary protection matters where a matter is currently pending before the District Court.

NOW, THEREFORE, IT IS HEREBY ORDERED that effective July 1, 2007 (pursuant to NRS 4.370) the Justice Court will immediately transfer to the District Court any temporary or extended protection order matters where there is currently a pending District Court action and forward the filings immediately for further review.³

(E) SPARKS: No.

(F) NEW RIVER: No.

(G) PAHRUMP: No.

(H) NORTH LAS VEGAS: No.

(I) CANAL: No.

(J) EAST FORK: Did not respond to the survey.

³ This Order is problematic because it is not limited to Domestic Violence TPO’s and presumably requires the Carson City Justice Court to immediately transfer all TPO filings to District Court if there is currently a pending District Court action. It is also unclear how the Carson City Justice Court is to determine if an action is “pending.” Finally, the Order arguably creates a jurisdictional defense for an Adverse Party who is subject to a Justice Court TPO at the time a related District Court action was pending; the Adverse Party can argue that the Justice Court was automatically divested of jurisdiction and was prohibited from issuing a TPO against him.

B. SPECIFIC QUESTIONS RELATING TO DOMESTIC VIOLENCE TPO'S

(44) Does your court process Domestic Violence TPO's?

Yes.

No. (If "NO," please skip to Section C below.

Other: _____

(A) LAS VEGAS:

No. However, we accept other types of applications from people who have a domestic relationship. We do not reject those other filings because of any relationship status. SKIPPED TO SECTION C AS INSTRUCTED.

(B) RENO:

No. SKIPPED TO SECTION C AS INSTRUCTED.

(C) HENDERSON:

No. SKIPPED TO SECTION C AS INSTRUCTED.

(D) CARSON CITY:

Yes.

(E) SPARKS:

No. SKIPPED TO SECTION C AS INSTRUCTED.

(F) NEW RIVER:

Yes.

(G) PAHRUMP:

Yes.

(H) NORTH LAS VEGAS:

No. [SKIPPED TO SECTION C AS INSTRUCTED].

(I) CANAL:

Yes.

(J) EAST FORK:

Did not respond to the survey.

(45) Do you believe that the distinction between Justice Court and District Court for Domestic Violence TPO's is problematic for court staff and/or the public?

[] Yes [] No Other: _____

If "YES," please list any specific concerns or examples relating to dual jurisdiction.

- (A) LAS VEGAS:** Yes. The public are a lot of times misinformed by law enforcement.

- (B) RENO:** [SKIPPED TO SECTION C AS INSTRUCTED].

- (C) HENDERSON:** [SKIPPED TO SECTION C AS INSTRUCTED].

- (D) CARSON CITY:** No.

- (E) SPARKS:** [SKIPPED TO SECTION C AS INSTRUCTED].

- (F) NEW RIVER:** NOT IN THIS JURISDICTION.

- (G) PAHRUMP:** Yes. Even when a divorce petition has been filed in District Court, the applicant is often referred back to the Justice Court to file for a TPO.

Protective orders when both parties are minors. The District Court will not issue, but the Justice Court does not have jurisdiction over minors.

- (H) NORTH LAS VEGAS:** [SKIPPED TO SECTION C AS INSTRUCTED].

- (I) CANAL:** Yes. In cases in which divorce or custody matter is pending in District Court, this court's policy is generally to transfer the request for TPO's to the District Court.

- (J) EAST FORK:** Did not respond to the survey.

(46) Does your court have victim advocates available to help applicants fill out TPO paperwork and/or to attend scheduled hearings with applicants?

[] Yes [] No Other: _____

- (A) LAS VEGAS: No.
- (B) RENO: [SKIPPED TO SECTION C AS INSTRUCTED].
- (C) HENDERSON: [SKIPPED TO SECTION C AS INSTRUCTED].
- (D) CARSON CITY: Yes.
- (E) SPARKS: [SKIPPED TO SECTION C AS INSTRUCTED].
- (F) NEW RIVER: No.
- (G) PAHRUMP: Yes.
- (H) NORTH LAS VEGAS: [SKIPPED TO SECTION C AS INSTRUCTED].
- (I) CANAL: Yes. Other: Information is available to the public for victim advocates.
- (J) EAST FORK: Did not respond to the survey.

(47) NRS 33.020(3) requires a hearing on an application for an extended order to be held “within 45 days after the date on which the application for the extended order is filed.” Does your court apply this standard?

Yes **No** **Other:** _____

If “YES,” are any exceptions to this standard allowed (for example: by written court order of the assigned judge, by order of the chief judge, etc.)?

Yes
 No
 Other: _____

(A) LAS VEGAS: **[SKIPPED TO SECTION C AS INSTRUCTED].**

(B) RENO: **[SKIPPED TO SECTION C AS INSTRUCTED].**

(C) HENDERSON: **[SKIPPED TO SECTION C AS INSTRUCTED].**

(D) CARSON CITY: **Yes. No.**

(E) SPARKS: **[SKIPPED TO SECTION C AS INSTRUCTED].**

(F) NEW RIVER: **Yes. Yes—if stipulated by both parties to continue.**

(G) PAHRUMP: **Yes. No.**

(H) NORTH LAS VEGAS: **[SKIPPED TO SECTION C AS INSTRUCTED].**

(I) CANAL: **Yes. No.**

(J) EAST FORK: **Did not respond to the survey.**

(48) NRS 33.020(4) requires the court to rule upon an application for a temporary order “within 1 judicial day” after the application is filed. Does your court apply this standard?

Yes No Other: _____

If “YES,” are any exceptions to this standard allowed (for example: by written court order of the assigned judge, by order of the chief judge, etc.)

Yes: _____
 No
 Other: _____

- (A) LAS VEGAS: [SKIPPED TO SECTION C AS INSTRUCTED].
- (B) RENO: [SKIPPED TO SECTION C AS INSTRUCTED].
- (C) HENDERSON: [SKIPPED TO SECTION C AS INSTRUCTED].
- (D) CARSON CITY: Yes. No.
- (E) SPARKS: [SKIPPED TO SECTION C AS INSTRUCTED].
- (F) NEW RIVER: Yes. No [exceptions].
- (G) PAHRUMP: Yes. No [exceptions].
- (H) NORTH LAS VEGAS: [SKIPPED TO SECTION C AS INSTRUCTED].
- (I) CANAL: Yes. No [exceptions].
- (J) EAST FORK: Did not respond to the survey.

(49) NRS 4.370 provides that a Justice Court may be divested of jurisdiction over a Domestic Violence TPO action if the District Court issues a written order to the Justice Court, requiring that further proceedings be conducted in District Court. Has this occurred in your jurisdiction?

Yes No Other: _____

If “YES,” how was the District Court order communicated to your court?

- E-Mail
- Fax
- Paper delivery
- Oral notice
- Other: _____

- | | |
|------------------------------------|--|
| (A) <u>LAS VEGAS:</u> | [SKIPPED TO SECTION C AS INSTRUCTED]. |
| (B) <u>RENO:</u> | [SKIPPED TO SECTION C AS INSTRUCTED]. |
| (C) <u>HENDERSON:</u> | [SKIPPED TO SECTION C AS INSTRUCTED]. |
| (D) <u>CARSON CITY:</u> | Yes. E-Mail/oral notice. |
| (E) <u>SPARKS:</u> | [SKIPPED TO SECTION C AS INSTRUCTED]. |
| (F) <u>NEW RIVER:</u> | Yes. Paper delivery; oral notice. |
| (G) <u>PAHRUMP:</u> | Yes. Paper delivery; oral notice. |
| (H) <u>NORTH LAS VEGAS:</u> | [SKIPPED TO SECTION C AS INSTRUCTED]. |
| (I) <u>CANAL:</u> | No. |
| (J) <u>EAST FORK:</u> | Did not respond to the survey. |

(50) NRS 33.031 allows a court to include in an extended order a prohibition on possessing a firearm. When such a restriction is ordered by the court, which of the following options under NRS 33.033 does your court utilize? (Please check all that apply.)

- Requiring the adverse party to surrender the firearm to a specific local law enforcement agency; specifically:**

- Requiring the adverse party to surrender the firearm to a person designated by the court; specifically:**

- Requiring the adverse party to sell or transfer the firearm to a licensed firearm dealer**
- Other:** _____

- (A) LAS VEGAS:** [SKIPPED TO SECTION C AS INSTRUCTED].
- (B) RENO:** [SKIPPED TO SECTION C AS INSTRUCTED].
- (C) HENDERSON:** [SKIPPED TO SECTION C AS INSTRUCTED].
- (D) CARSON CITY:** Requiring the adverse party to surrender the firearm to a specific local law enforcement agency; specifically: SHERIFF'S OFFICE
- (E) SPARKS:** [SKIPPED TO SECTION C AS INSTRUCTED].
- (F) NEW RIVER:** Requiring the adverse party to surrender the firearm to a person designated by the court; specifically: FRIEND OR FAMILY MEMBER NOT LIVING IN SAME RES[IDENCE].
- (G) PAHRUMP:** Other: Has not been utilized in this court.
- (H) NORTH LAS VEGAS:** [SKIPPED TO SECTION C AS INSTRUCTED].
- (I) CANAL:** Other: Voluntary surrender.
- (J) EAST FORK:** Did not respond to the survey.

C. SPECIFIC QUESTIONS RELATING TO WORKPLACE HARASSMENT TPO'S

(51) NRS 33.270(2) declares that “[a] temporary order for protection against harassment in the workplace must not be issued without the giving of security by the employer in an amount determined by the court to be sufficient to pay for such costs and damages as may be incurred or suffered by the person who allegedly committed the harassment if the person who allegedly committed the harassment is found to have been wrongfully enjoined or restrained.”

In your court, what is the amount of this “security”? \$_____

- | | |
|------------------------------------|--|
| (A) <u>LAS VEGAS:</u> | \$100.00. |
| (B) <u>RENO:</u> | \$250.00. |
| (C) <u>HENDERSON:</u> | \$250.00. |
| (D) <u>CARSON CITY:</u> | \$250.00. |
| (E) <u>SPARKS:</u> | \$125.00. |
| (F) <u>NEW RIVER:</u> | WE HAVE NOT DONE ANY OF THESE. |
| (G) <u>PAHRUMP:</u> | \$ 0.00. |
| (H) <u>NORTH LAS VEGAS:</u> | Have never had one of these cases, so following questions do not apply. |
| (I) <u>CANAL:</u> | No response. |
| (J) <u>EAST FORK:</u> | Did not respond to the survey. |

(52) Is the security amount required to be made in cash?

[] Yes

[] No

Other: _____

(A) LAS VEGAS:

No. We take cash, credit, or check now. It's receipted through criminal intake.

(B) RENO:

Yes.

(C) HENDERSON:

No.

(D) CARSON CITY:

Other: Cashier's check.

(E) SPARKS:

Yes.

(F) NEW RIVER:

WE HAVE NOT DONE ANY OF THESE.

(G) PAHRUMP:

Other: N/A.

(H) NORTH LAS VEGAS:

Have never had one of these cases, so following questions do not apply.

(I) CANAL:

Yes.

(J) EAST FORK:

Did not respond to the survey.

(53) Has your court ever granted a motion to increase or decrease the security amount?

[] Yes

[] No

Other: _____

(A) LAS VEGAS:

No.

(B) RENO:

No.

(C) HENDERSON:

No.

(D) CARSON CITY:

No.

(E) SPARKS:

No.

(F) NEW RIVER:

WE HAVE NOT DONE ANY OF THESE.

(G) PAHRUMP:

No.

(H) NORTH LAS VEGAS:

Have never had one of these cases, so following questions do not apply.

(I) CANAL:

No.

(J) EAST FORK:

Did not respond to the survey.

(54) Have you ever encountered a case where a judge in your court awarded any portion of the security amount to the adverse party?

[] Yes

[] No

Other: _____

(A) LAS VEGAS:

No.

(B) RENO:

No.

(C) HENDERSON:

No.

(D) CARSON CITY:

No.

(E) SPARKS:

No.

(F) NEW RIVER:

WE HAVE NOT DONE ANY OF THESE.

(G) PAHRUMP:

No.

(H) NORTH LAS VEGAS:

Have never had one of these cases, so following questions do not apply.

(I) CANAL:

No.

(J) EAST FORK:

Did not respond to the survey.

(56) NRS 33.270(6) requires an application for an extended workplace protection order to be heard “as soon as reasonably possible and not later than 10 days after the date on which the application is filed with the court, unless the court determines that there are compelling reasons to hold the hearing at a later date.”

How is this standard applied in your court?

- This standard is routinely satisfied.
- This standard is rarely or never satisfied.
- In individual cases, the judge will extend the 10-day period by making a finding of specific “compelling reasons” and entering those reasons into the record.
- In individual cases, the judge will extend the 10-day period by making a finding that the court’s caseload requires the extension.
- Other: _____

(A) LAS VEGAS: This standard is routinely satisfied.

(B) RENO: This standard is routinely satisfied.

(C) HENDERSON: This standard is routinely satisfied.

(D) CARSON CITY: This standard is routinely satisfied.

(E) SPARKS: In individual cases, the judge will extend the 10-day period by making a finding of specific “compelling reasons” and entering those reasons into the record.

(F) NEW RIVER: WE HAVE NOT DONE ANY OF THESE.

(G) PAHRUMP: We have not had a request for this type of protective order since I have been doing civil (over two years). We would certainly set the hearing “as soon as reasonably possible.” With the addition of our second Judge, civil hearings are conducted twice a week (once in each court).

(H) NORTH LAS VEGAS: Have never had one of these cases, so following questions do not apply.

(I) CANAL: Other: Have not had an application filed at this time.

(J) EAST FORK: Did not respond to the survey.

D. SPECIFIC QUESTIONS RELATING TO SEXUAL ASSAULT TPO'S

(57) AB 120 became effective on May 11, 2009. The new law allows for “Orders for Protection Against Sexual Assault.” Does your court have forms for this TPO type?

[] Yes [] No Other: _____

(A) LAS VEGAS: Yes.

(B) RENO: No.

(C) HENDERSON: Yes.

(D) CARSON CITY: No.

(E) SPARKS: No.

(F) NEW RIVER: WE HAVE NOT DONE ANY OF THESE.

(G) PAHRUMP: No.

(H) NORTH LAS VEGAS: We were waiting for Joe Tommasino to develop one, have not had a request yet.⁴

(I) CANAL: No.

(J) EAST FORK: Did not respond to the survey.

⁴ The author did develop draft forms and presented them at Court Staff Legislative Trainings in 2009. However, the AOC TPO Forms Committee has modified these drafts, and the revisions have not yet been distributed officially by the Committee.

(58) Have you processed any applications for this type of TPO?

[] Yes [] No Other: _____

If "YES," approximately how many have you processed? _____

- (A) LAS VEGAS: Yes. 2.
- (B) RENO: No. Other: THESE ARE PROCESSED AS
CRIMINAL COMPLAINTS, NOT TPO'S.
- (C) HENDERSON: No.
- (D) CARSON CITY: No.
- (E) SPARKS: No.
- (F) NEW RIVER: WE HAVE NOT DONE ANY OF THESE.
- (G) PAHRUMP: No.
- (H) NORTH LAS VEGAS: No.
- (I) CANAL: No.
- (J) EAST FORK: Did not respond to the survey.

(60) Will your court take any heightened precautions relating to this case type? (For example: prohibiting public access to the case file; allowing the victim to use a pseudonym; etc.)

[] Yes [] No Other: _____

If “YES,” please list the precautions: _____

- (A) LAS VEGAS:** **Other: We haven’t come across any request [for heightened precautions].**

- (B) RENO:** **Yes. REMOVAL OF THE CONFIDENTIAL SHEET WHEN THE PUBLIC REQUESTS TO SEE THE FILE.**

- (C) HENDERSON:** **Other: Unknown at this time.**

- (D) CARSON CITY:** **Yes.**

- (E) SPARKS:** **Yes. The case would be flagged as sealed/victim.**

- (F) NEW RIVER:** **WE HAVE NOT DONE ANY OF THESE.**

- (G) PAHRUMP:** **Yes. This court has allowed an applicant to use a pseudonym in an application/order for domestic violence TPO.**

- (H) NORTH LAS VEGAS:** **Haven’t discussed as we haven’t had a request.**

- (I) CANAL:** **Yes (not specified).**

- (J) EAST FORK:** **Did not respond to the survey.**

E. SPECIFIC QUESTIONS RELATING TO FUTURE CHANGES IN THIS AREA

(61) Do you find that the AOC Standardized TPO Forms are generally helpful?

[] Yes [] No Other: _____

(A) LAS VEGAS: Yes.

(B) RENO: Yes.

(C) HENDERSON: Yes. Other: Too lengthy and combersome.

(D) CARSON CITY: Yes.

(E) SPARKS: Yes.

(F) NEW RIVER: Yes.

(G) PAHRUMP: Yes.

(H) NORTH LAS VEGAS: Yes.

(I) CANAL: Yes.

(J) EAST FORK: Did not respond to the survey.

(62) Are there specific changes that the AOC Forms Committee should consider in future versions of the forms?

[] Yes [] No Other: _____

If “YES,” please list below, or list the changes in a separate attachment.

- (A) LAS VEGAS:** **Yes. The distinction between relations and the full faith and credit act where applicable.**
- (B) RENO:** **No.**
- (C) HENDERSON:** **Yes. Less lengthy and cumbersome; Remove the ability of the plaintiff to request a hearing at the time of applying for the protective order. Include language: “Is the adverse party incarcerated? If so, do you know where?”**
- (D) CARSON CITY:** **No.**
- (E) SPARKS:** **Yes. Due to the time frame for responding to this survey the request for attachments can not be fulfilled.**
- (F) NEW RIVER:** **No.**
- (G) PAHRUMP:** **No.**
- (H) NORTH LAS VEGAS:** **Yes. Space for more information on the adverse party.**
- (I) CANAL:** **No.**
- (J) EAST FORK:** **Did not respond to the survey.**

(63) Are there specific legislative changes that you would like the AOC to support, in order to clarify or improve the processing of TPO cases?

[] Yes [] No Other: _____

If “YES,” please list below, or list the changes in a separate attachment.

(A) LAS VEGAS:

Yes. Perhaps check boxes helping to deem the relationship DV versus non-DV.

(B) RENO:

Yes. MORE INSTRUCTIONS ON SERVING MINOR CHILDREN.

(C) HENDERSON:

No response.

(D) CARSON CITY:

No.

(E) SPARKS:

Yes. Due to the time frame for responding to this survey the request for attachments can not be fulfilled.

(F) NEW RIVER:

Yes. ONE TPO FOR ALL TYPES WOULD BE MORE EFFICIENT. IT WOULD ALSO BE HELPFUL IF THERE WAS A QUESTION AS TO WHETHER OR NOT THERE IS A CURRENT TPO ISSUED OUT OF DISTRICT COURT.

(G) PAHRUMP:

Yes. Jurisdiction of TPO’s regarding minors (applicant and /or adverse party). We believe these fall under the jurisdiction of Juvenile court. The Justice Courts do not have the authority to enforce orders against minors.

(H) NORTH LAS VEGAS:

No.

(I) CANAL:

Yes. If there is a pending divorce or custody action in District Court between the parties, the application for TPO should be filed in District Court. The Applicant be refrained [sic] from contacting the Adverse Party if an order for protection is active.

(J) EAST FORK:

Did not respond to the survey.

(65) Do you have any suggestions for achieving coordination between Justice Courts, and between Justice Court and District Court, for the processing of TPO actions?

Yes No Other: _____

If “YES,” please list the suggestions below:

- (A) LAS VEGAS:** **Yes. Parties sometimes file in both courts. It would be great to be able to track that for documentation.**
- (B) RENO:** **No.**
- (C) HENDERSON:** **No response.**
- (D) CARSON CITY:** **Yes. See administrative order to assist with avoiding contradictory court orders.**
- (E) SPARKS:** **Yes. Due to the time frame for responding to this survey the request for attachments can not be fulfilled.**
- (F) NEW RIVER:** **No.**
- (G) PAHRUMP:** **Yes. Let District Court have jurisdiction over all the protective orders. It would free up a lot of time for us, and keep all records in one place. (And, at least in Pahrump, they seem to have a lot of time on their hands!)**
- (H) NORTH LAS VEGAS:** **No.**
- (I) CANAL:** **No response.**
- (J) EAST FORK:** **Did not respond to the survey.**

APPENDIX R

Legislative History Relating to TPO's in Nevada

In order to better understand the legislative intent behind the series of TPO statutes in Nevada, one must review “legislative history,” embodied in committee discussions for the various proposed bills before they became law or died in committee.

An overview of the various histories is presented below.

I. Harassment

a. AB 281

In 1989, the Nevada Legislature proposed to create the crime of harassment.

During a hearing in the Assembly Committee on Judiciary, Speaker Joe Dini read a statement into the record and said that the need for a harassment statute was brought to his attention by a family from Yerington, Nevada.¹ Speaker Dini's statement indicates that he requested the drafting of this bill “in response to the concerns of constituents that [Nevada's] criminal laws do not adequately address certain types of conduct which society should not condone: Threats to cause bodily injury or to perpetrate damage to property, as well as other types of oral statements intended to cause the victim to be in reasonable fear of harm.”² Further, he described the “aggravating” situation where an individual has decided to terrorize a person or his family on a continuing basis by making unwanted phone calls or messages with the intent to frighten or intimidate.³ He noted that “while individuals may have a civil cause of action against perpetrators of these types of acts, the criminal laws do not adequately define this type of activity

¹ *Minutes from the Assembly Committee on Judiciary (March 2, 1989)*, at p.2.

² *Id.* at Exhibit C.

³ *Id.*

as a crime.”⁴ Whereas law enforcement officials are more inclined to respond to a complaint where there has been actual harm or physical damage perpetrated by another, AB 281 was intended to be “preventive medicine,” designed to stop or curtail violent acts *before* they occur.⁵

Speaker Dini’s statement emphasized the importance of a provision of AB 281 which gave the judge “specific authority for orders prohibiting further contact by an offender with the victim.”⁶ This language would later evolve into a mechanism for a private individual to request such relief in the form of a TPO action.

During the same committee hearing, Lt. Randy Oaks from the Las Vegas Metropolitan Police Department testified that it was difficult to prosecute individuals for making obscene and threatening phone calls, and that some judges were concerned about the use of vague language to define the crime of harassment.⁷

At a later hearing, the Assembly Committee on Judiciary considered language that would have made a person guilty of harassment “if without lawful authority a person invades the privacy of one or more by repeated non-permissive intrusions.”⁸ Additional vague language was suggested, such as the following proposed definition of harassment: “Any act which is a violation of federal law which is detrimental to the victim or victims, repeated permissive communications by any means which annoy or irritate the victim or victims. . .[or] repeated telephone calls where the caller refuses to identify himself or refuses to speak.”⁹

Fortunately, the Assembly retreated from such broad language during a subsequent committee hearing. Assemblyman Robert Gaston classified the above language as “too broad”

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id. at p.3.

⁸ *Minutes from the Assembly Committee on Judiciary (April 11, 1989)*, at p.9.

⁹ Id.

and warned that when a law is conceived, “it had to be considered who would be caught in the net.”¹⁰ He proposed that the harassment at issue should have to be “documented, “ but this change was not adopted.¹¹

Eventually, the Legislature decided that AB 281 would not be the bill to create the harassment statute; instead, a different bill from the same legislative session—AB 629—was used to enact the harassment statute.¹²

b. AB 629 (1989)

As introduced, AB 629 had no reference to harassment at all. Instead, the bill proposed to prohibit the following:

A person who intentionally damages property which is used primarily:

1. By persons of a particular race, color, creed, or religion as a place to hold assemblies;
2. For religious purposes;
3. For educational purposes;
4. As a memorial;
5. For charitable purposes;
6. As a residence; or
7. As a cemetery,

by placing or symbol or object on the property, or defacing the property in any other way which is intended to cause another person to be exposed to threats of violence, contempt, or hatred because of his race, color, creed, or religion, is guilty of a gross misdemeanor.”¹³

During the first hearing on AB 629, the Chairman recognized the “significant language problems in the bill.”¹⁴ He appointed a subcommittee to make the bill “clearer.”¹⁵

Subsequently, the bill evolved from “institutional vandalism” to focus on “intimidation.”

On May 4, 1989, the Committee on Judiciary proposed an amendment which included language

¹⁰ *Minutes from the Assembly Committee on Judiciary (April 27, 1989)*, at p.6.

¹¹ *Id.* at pp. 6-7.

¹² *See Minutes from the Senate Committee on Judiciary (June 9, 1989)*, at p.6 (“Senator Wagner noted [that] AB 281 (which prohibits harassment and provides a penalty) would be integrated into AB 629.”).

¹³ AB 629 (1989) (as introduced).

¹⁴ *Minutes of the Assembly Committee on Judiciary (May 4, 1989)*, at p.3.

¹⁵ *Id.*

that is substantially similar to that which currently appears at NRS 200.571.¹⁶ AB 629 provided that a person is guilty of harassment if:

- (a) Without lawful authority, the person knowingly threatens:
 - (1) To cause bodily injury in the future to the person threatened or to any other person;
 - (2) To cause physical damage to the property of another person;
 - (3) To subject the person threatened or any other person to physical confinement or restraint; or
 - (4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; and
- (b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.¹⁷

In addition to this change, AB 629 was revised to include the following mechanism for a court to protect victims:

- 1. If a defendant charged with a crime involving harassment is released from custody before trial or is found guilty at the trial, the court may issue an order or provide as a condition of the release or sentence that the defendant:
 - (a) Stay away from the home, school, business, or place of employment of the victim of the alleged offense and any other location specifically named by the court.
 - (b) Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim of the alleged offense and any other person, including a member of the family or the household of the victim, specifically named by the court.¹⁸

This language includes the components that would later be incorporated into the protection order statutes.

II. Stalking

Stalking, both as a crime and as a TPO type, has had a detailed history with the Nevada Legislature. The most significant milestones in this history are set forth below.

¹⁶ *Journal of the Assembly (May 31, 1989)*, at p. 1375; AB 629 (1989) (first reprint). The bill was also modified to address vandalism or defacement of property generally. AB 629 (1989) (first reprint). That language would eventually be enacted in NRS 206.125.

¹⁷ NRS 200.571(1). The essence of the crime of harassment is a threat, and whether it would create reasonable fear on the part of the recipient.

¹⁸ *Journal of the Assembly (May 31, 1989)*, at p.1376; AB 629 (1989) (first reprint).

a. AB 199 (1993)

This bill created the crime of stalking. As introduced, the bill would have prohibited the following:

A person who, without lawful authority, willfully engages in a course of conduct involving repeated or continuing unconsented contact that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested, commits the crime of stalking.¹⁹ [*Emphasis added*].

This original version of the bill would have provided that in a prosecution for stalking, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim “after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, creates a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.”²⁰

In addition to this convoluted language, the original version of the bill would have defined “unconsented contact” as follows:

“Unconsented contact” means any contact with another person that is initiated or continued without the other person’s consent, or in disregard of the other person’s expressed desire that the contact be avoided or discontinued. The term includes, without limitation:

- (1) Following or appearing within the sight of the person;
- (2) Approaching or confronting that person in a public place or on private property;
- (3) Appearing at the workplace or residence of the person;
- (4) Entering onto or remaining on property owned, leased, or occupied by the person;

¹⁹ AB 199 (1993) (as introduced) [*Emphasis added*].

²⁰ AB 199 (1993) (as introduced).

- (5) Contacting the person by telephone;
- (6) Sending mail or electronic communication to the person;
- (7) Placing an object on, or delivering an object to, property owned, leased, or occupied by the person.²¹

The original version of the bill also created the modern TPO construct for stalking cases, allowing a person to request “an order” restricting a person’s behavior.²²

As in the context of harassment, the Legislature was attempting to focus on conduct before it escalated into serious crime. During a rare Joint Hearing of the Assembly Judiciary Committee and the Senate Judiciary Committee, Senator Mark James said that a change was needed because of “the perceived inadequacy of criminal law to address threatening and intimidating behavior which did not fall within existing definitions of criminal conduct.”²³ The newly devised legislation “attempted to focus the criminal law apparatus on the conduct in the early stages in order to curb such conduct and most importantly, to prevent the subsequent tragedy of a violent assault.”²⁴ Senator James warned that legislators needed to “be mindful of the scope of the law in order to avoid addressing constitutionally protected behavior.”²⁵

Assemblyman Bill Gregory testified that the language for the stalking bill was modeled after laws in Michigan, California, and Florida.²⁶

During this hearing, private citizens testified about acts perpetrated against them.²⁷ A common theme was that the perpetrators received little or no punishment, often merely having to

²¹ Id.
²² Id. This order was not subject to any time duration and was, theoretically, capable of remaining in effect in perpetuity.
²³ *Minutes of the Joint Assembly Committee on Judiciary and Senate Committee on Judiciary (February 17, 1993)*, at p.2.
²⁴ Id.
²⁵ Id. at p.3.
²⁶ Id.

attend counseling or to pay a small fine.²⁸ The stalkers also had a pattern of intimidation that robbed a person of his or her dignity and self-esteem.²⁹

In response to such stories, Senator James expressed a concern that victims would have to bear “the legal expense, time, and energy of obtaining a civil [restraining] order which was difficult to enforce.”³⁰

Opponents to the bill raised a variety of concerns. For example, the original version of the bill could have been construed to restrict the lawful activities of “private investigators, security guard services, repossession officers, process servers, and polygraph examiners.”³¹ Others were concerned that the bill was vague in that it could be construed to prohibit conduct that was merely “annoying.”³²

At a later hearing, people testified that the proposed bill would restrict the freedom of the press.³³ In response, Noel Waters, District Attorney from Carson City, and Ben Graham, Legislative Representative from the Nevada District Attorney’s Association, attempted to draft new language to fix the problems in the proposed bill. For example, Mr. Waters attempted to redraft acts “without lawful authority” to exclude acts “not otherwise authorized by specific constitutional or statutory law.”³⁴ Mr. Waters also focused on “intent” and argued that “[m]any stalkers do not have any specific intent to injure or harm, nor are they motivated by ill will or hatred.”³⁵ Instead, “they are obsessed with the victim; they feel great affection or love for their

²⁷ Id. at pp. 3-13. For example, one woman who owned a cat received a box with a cat’s severed head in it, along with a note that said “Meow, you’re next.” Id. at p.4.

²⁸ Id. at pp. 3-5.

²⁹ Id. at p.6.

³⁰ Id. at p.7.

³¹ Id. at p.9.

³² Id. at p.16.

³³ *Minutes of the Joint Assembly Committee on Judiciary and Senate Committee on Judiciary (March 15, 1993)*, at p.5.

³⁴ Id. at p.13.

³⁵ Id. at Exhibit N.

target and want only to make the victim respond in kind[,but they] just don't take 'no' for an answer.”³⁶

As the bill evolved, the Legislature clarified that stalking did not apply to “picketing which occurs during a strike, work stoppage, or any other labor dispute.”³⁷ The Legislature also clarified that the bill did not apply to acts “otherwise authorized by specific constitutional or statutory law, regulation, or order of a court of competent jurisdiction.”³⁸ Further, the Legislature ensured that the stalking law did not apply to “[a]ctivities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.”³⁹ Finally, the Legislature clarified that stalking does not apply to “[a]ctivities by any person that are carried out in the normal course of his lawful employment,” and “[a]ny activities carried out in the exercise of constitutionally protected rights of freedom of speech and assembly.”⁴⁰

³⁶

Id.

³⁷

Assembly Daily Journal (March 31, 1993), at p.10; AB 199 (1993) (first reprint). This language now appears at NRS 200.575(6)(g)(1).

³⁸

Assembly Daily Journal (March 31, 1993), at p.10; AB 199 (1993) (first reprint). Similar language now appears in NRS 200.575. See NRS 200.575(6)(g) (excluding from the definition of “stalking” any “acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction”).

Senator James later described his approach to constitutional issues:

[A] person has the right to freedom of speech, but not to shout “fire” in a crowded building. A person has the right to wave his or her arm in the air, but not to wave it if someone’s face is there. A person has the right to privacy, but not if it interferes with someone else’s rights. . . .If the act is protected under the constitution, it is not stalking. However, at the point at which it interferes with someone else’s right, it is no longer protected.

³⁹

Minutes of the Senate Committee on Judiciary (April 19, 1993), at p.18. AB 199 (1993) (second reprint). Substantially similar language currently appears at NRS 200.575(6)(g)(2).

⁴⁰

AB 199 (1993) (second reprint). Substantially similar language currently appears at NRS 200.575(6)(g)(3)-(4).

Later, the Legislature changed the stalking law so that actions for Stalking TPO's would be heard exclusively in Justice Court.⁴¹

The final, and enacted, version of AB 199 contained most of the currently existing elements for the stalking criminal offense and the Stalking TPO, with specific exceptions discussed below.

b. SB 114 (1995)

In 1995, the Legislature added language so that Temporary Orders would last for no more than 30 days, and Extended Orders would last for no more than 1 year.⁴² The Legislature indicated that Temporary Orders may be granted with or without notice to the adverse party, but an Extended Order may only be granted after notice to the adverse party and a hearing on the petition.⁴³

Moreover, the Legislature added language authorizing an appeal of an Extended Order to District Court.⁴⁴

Whereas the prior Stalking bill (AB 199 from 1993) had indicated that violation of any court order relating to stalking was a gross misdemeanor, SB 114 (1995) changed the law so that violation of a Temporary Order is a gross misdemeanor and violation of an Extended Order is a felony.⁴⁵

⁴¹ AB 199 (1993) (third reprint). This language currently appears at NRS 4.370(1)(q).

⁴² SB 114 (1995) (as enacted). This language currently appears at NRS 200.594. Interestingly, the period of one year was apparently chosen because "that would provide enough time for the resolution of [a] conflict, either by criminal justice means, or by the proceeding of [a] divorce." *Minutes of the Senate Committee on Judiciary (January 24, 1995)*, at p.5.

⁴³ SB 114 (1995) (as enacted). Similar language currently appears at NRS 200.591(3).

⁴⁴ SB 114 (1995) (as enacted). This language currently appears at NRS 200.591(4).

⁴⁵ SB 114 (1995) (as enacted). This language currently appears at NRS 200.591(5). The basis for the distinction in penalties is that

a temporary order can be issued without a hearing at all. However, in an extended order, there has been a hearing and the person has been told to stay away and they have had an opportunity to present their evidence to the judge.

Minutes of the Assembly Committee on Judiciary (March 6, 1995), at p.4.

Additionally, the Legislature added language to allow motions for dissolution and modification of TPO's.⁴⁶

The Legislature also considered the argument that the Stalking TPO should involve specific evidentiary requirements in order to discourage false claims.⁴⁷ However, this suggestion was not adopted.⁴⁸

c. AB 82 (2001)

In 2001, the Nevada Legislature responded to the fact that the Las Vegas Justice Court had begun charging fees for Stalking TPO's.⁴⁹ The Court had taken this step because TPO's were listed as "civil actions" in NRS 4.370, and NRS Chapter 4 required filing fees to be paid for "civil actions."⁵⁰ The Legislature was concerned that the imposition of fees might have limited the number of requests for TPO's.⁵¹ The Legislature was also concerned that Nevada might lose federal funding based upon the fact that Nevada law required a victim to bear the cost of filing for a TPO.⁵²

The Legislature encountered a potential roadblock to reform in the Nevada Constitution, which requires that the Legislature "provide by law, that upon the institution of each civil action, and other proceedings, and also upon the perfecting of an appeal in any civil action or proceeding, in the several Courts of Record in this State, a special Court fee, or tax shall be advanced to the Clerks of said Courts, respectively by the party or parties bringing such action or

⁴⁶ SB 114 (1995) (as enacted). This language currently appears at NRS 200.594(2).

⁴⁷ *Minutes of the Senate Committee on Judiciary (January 19, 1995)*, at p.5.

⁴⁸ *See id.* at p.8 (Deputy Attorney General Frances Doherty argued that "the judges in these matters were credible and capable of discerning the truthfulness of the victims").

⁴⁹ *Minutes from the Assembly Committee on Judiciary (February 21, 2001)*, at p.2. *See New Filing Fee for Harassment Victims Draws Complaints*, Las Vegas Sun (July 22, 1999) (citing statements from judges in different courts who did not want to place any impediments against the filing of TPO applications).

⁵⁰ *Minutes from the Assembly Committee on Judiciary (February 21, 2001)*, at p.2; *see, e.g.*, NRS 4.060(1) (requiring fees to be paid upon the filing of a civil action).

⁵¹ *Minutes from the Assembly Committee on Judiciary (February 21, 2001)*, at p.2.

⁵² *Id.* at p.3.

proceeding, or taking such appeal and the money so paid in shall be accounted for by such Clerks, and applied towards the payment of the compensation of the Judges of said Courts, as shall be directed by law.”⁵³

To circumvent this issue, the Legislature created a mechanism for deferring filing fees and imposing them against adverse parties after a hearing.⁵⁴

Notably, the original version of AB 82 would have required the following:

The clerk of the court or other person designated by the court shall assist a person who petitions the court for a temporary or extended order pursuant to NRS 200.591 and the adverse party in completing and filing the application, affidavit, and any other paper or pleading necessary to initiate or respond to an application for such a temporary or extended order. This assistance does not constitute the practice of law, but the clerk shall not render any advice or service that requires the professional judgment of an attorney.⁵⁵

This language was not enacted.⁵⁶

d. AB 400 (2001)

AB 400 (2001) clarified the location where stalking and harassment is deemed to occur.⁵⁷

The bill also eliminated specific gross misdemeanor prohibitions against stalking a person with whom a person has a child in common, and stalking a spouse while a proceeding for dissolution of marriage is pending or within six months after entry of the final decree of dissolution.⁵⁸ The Legislature clarified the law so that aggravated stalking would always be a felony whenever a person “commits the crime of stalking and in conjunction therewith threatens

⁵³ Nevada Constitution, Article 6, Sec. 16.

⁵⁴ AB 82 (2001)(as enacted). This language currently appears at NRS 200.592(1).

⁵⁵ AB 82 (2001) (as introduced).

⁵⁶ AB 82 (2001) (as enacted).

⁵⁷ AB 400 (2001) (as enacted). Now, harassment and stalking are deemed to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred. NRS 200.581.

⁵⁸ AB 400 (2001) (as enacted).

the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm.”⁵⁹

e. SB 450 (2005)

In 2005, the Legislature considered SB 450, a bill offered by the AOC’s Committee to Standardize Protection Order Forms.⁶⁰ Joe Tommasino, Staff Attorney for the Las Vegas Justice Court, testified about the specific measures of this TPO “cleanup bill.”⁶¹ Specifically, the bill proposed the following:

- (1) To clarify that all TPO remedies are “in addition to any other remedy provided by law”;
- (2) To clarify that victims named in a TPO had to be specifically “named”;
- (3) To ensure that all TPO’s allowed a judge to order miscellaneous relief⁶²;
- (4) To clarify that TPO penalties apply unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order;
- (5) To clarify that temporary Workplace TPO’s remain in effect until the hearing on the extended order is held;
- (6) To clarify that all TPO violations must be “intentional” as opposed to accidental; and
- (7) To clarify that a peace officer may arrest a person violating a TPO if the officer has “probable cause,” rather than “reasonable cause,” to believe that the person has “been served” with a TPO rather than just “receiving” it.⁶³

The Legislature adopted each of these changes.⁶⁴

⁵⁹ AB 400 (2001) (as enacted). This clarification is codified in substantially the same form at NRS 200.575(2).

⁶⁰ *Minutes of the Senate Committee on Judiciary (April 13, 2005)*, at p.3.

⁶¹ *Id.*; *Minutes of the Assembly Committee on Judiciary (May 11, 2005)*, at p.3.

⁶² When the Nevada Legislature enacted the Workplace Harassment TPO, discussed *infra*, it included language which allowed the Court to “[o]rder such other relief as the court deems necessary to protect” specified individuals. NRS 33.280(1)(c). This language allows a judge to use creative means as a remedy even if such means are not specifically enumerated in the TPO statutes.

⁶³ SB 450 (2005) (as enacted).

⁶⁴ *Id.*

The Legislature also adopted an additional requirement that an Extended Order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.⁶⁵

Moreover, the Legislature rejected a proposed requirement that would have increased the penalties for committing a violent physical act in violation of a Domestic Violence TPO.⁶⁶

Instead, the Legislature amended NRS 193.166 so that any person who commits a felony in violation of any of the TPO types would be subject to “imprisonment in the state prison . . . for a term equal to and in addition to the term of imprisonment prescribed by statute for that crime.”⁶⁷

f. AB 112 (2007)

AB 112 (2007) requires Domestic Violence TPO’s and Stalking TPO’s to include a specific notice in Temporary and Extended Orders. The language, in its current form, provides as follows:

A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person’s arrest if:

- (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;
- (b) The person has previously violated a temporary or extended order for protection; or
- (c) At the time of the violation or within 2 hours after the violation, the person has:

⁶⁵ Id. This requirement currently appears at NRS 200.591(3) and was subsequently incorporated into the Harm to Minors TPO and the Sexual Assault TPO. NRS 33.400(4); NRS 200.378(3).

⁶⁶ See SB 450 (2005) (as introduced) (proposing to amend NRS 33.100 to that effect).

⁶⁷ SB 450 (2005) (as enacted). The Legislature also removed the “violent physical act” language from NRS 33.350, a Workplace TPO statute, which the original version of SB 450 would have copied for Domestic Violence TPO’s. Id. Thus, all of the TPO types are now subject to NRS 193.166, and none of them are subject to the “violent physical act” language.

- (1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or
- (2) An amount of a prohibited substance in his or her blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.⁶⁸

The purpose of this change was to “eliminate officer discretion when the violator is under the influence of alcohol or a controlled substance, or if they have previously violated a TPO or an extended order for protection.”⁶⁹

The Legislature consciously structured the priority of factors so that “a direct or indirect threat of harm” is listed first, even though no one factor is meant to have more weight than any other factor.⁷⁰

g. AB 309 (2009)

The original version of AB 309 (2009) would have expanded the definition of stalking as follows:

1. A person who, without lawful authority, willfully, or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, [or] harassed [,] *or fearful for the safety of a third person or to suffer other emotional distress*, and that actually causes the victim to feel terrorized, frightened, intimidated, [or] harassed [,] *or fearful for the safety of a third person or to suffer other emotional distress*, commits the crime of stalking. Except where the provisions of subsection 2 or 3 are applicable, a person who commits the crime of stalking:
 - (a) For the first offense, is guilty of a *gross* misdemeanor.
 - (b) For any subsequent offense, is guilty of a **[gross misdemeanor.]** *category D felony and shall be punished as provided in NRS 193.130.*

...

⁶⁸ NRS 33.030(5) (Domestic Violence TPO’s); NRS 200.591(7) (Stalking TPO’s). In 2009, the Nevada Legislature imposed a similar requirement for Sexual Assault TPO’s. NRS 200.378(7). It is unclear why this notice requirement was not extended to Workplace TPO’s or Harm-to-Minors TPO’s.

⁶⁹ *Minutes of the Assembly Committee on Judiciary (March 2, 2007)*, at p.3. Cf. 1986 Nev. Op. Atty. Gen. No. 1 (January 15, 1986) (concluding that a statutory twelve-hour “cooling off” period before an individual arrested for domestic battery can be admitted to bail does not violate the right to bail clause of the Nevada Constitution since it merely delays admission to bail for a brief period of time, nor does it violate article 1, section 8 of the Nevada Constitution by depriving an individual of liberty without due process of law).

⁷⁰ *Minutes of the Assembly Committee on Judiciary (March 30, 2007)*, at p.7. Notably, a direct or indirect threat of harm would allow an officer to detain a person who is not at the required 0.08 alcohol level.

6. *In any prosecution under this section, it is not a defense that the person:*
 (a) *Was not given actual notice that the course of conduct was unwanted; or*
 (b) *Did not intend to cause the victim to feel terrorized, frightened, intimidated, harassed or fearful for the safety of a third person or to suffer other emotional distress.*
7. As used in this section:
 . . .
 (b) *“Emotional distress” means significant mental or psychological suffering, whether or not medical or other professional treatment or counseling is required. . . .*⁷¹

The original version of AB 309 (2009) would have also amended NRS 200.591, in pertinent part, as follows:

3. A temporary order may be granted with or without notice to the adverse party [.] *and without holding a hearing, unless a hearing is requested by the adverse party.* An extended order may be granted only after:
 (a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and
 (b) A hearing is held on the petition [.], *if requested by the adverse party.*

The Legislature addressed many issues with all of this proposed language. For example:

- (1) The reference to being fearful for the safety of a “third person” was simply too broad;⁷²
- (2) The enhancement of criminal penalties for stalking was not clearly warranted⁷³;

⁷¹ AB 309 (2009) (as introduced). Proposed new language appears in blue italics; bracketed language in red represents proposed language to be deleted.

⁷² Lee Rowland, Northern Coordinator for the American Civil Liberties Union of Nevada, argued that the reference to “third person” should be limited to a member of the victim’s family or household, for the following reasons.

With only four exceptions, there are dozens of states that say immediate family, household member, close family relation, or something like that. I think the problem of going beyond an existing relationship is that you get to the point where somebody stands up in a crowd and says, “I am going to assassinate a political individual.” Every single listener at that event would potentially have been [sic] standing under the stalking statute, because any reasonable person would feel terrorized, but they have no relationship with the person who has been threatened. Clearly, you want there to be some relationship to that third person so there is a meaningful threat.

⁷³ *Minutes of the Assembly Committee on Judiciary (March 25, 2009)*, at p.55.
 See *Minutes of the Senate Committee on Judiciary (May 13, 2009)*, at p.25 (Chairman Terry Care indicated that he “was not convinced that the crime [of stalking] should be elevated”).

(3) An adverse party should not be precluded entirely from raising a defense relating to his intent; instead, the judge should hear and consider such a defense⁷⁴; and

(4) The language relating to Extended Order hearings was too problematic to enforce.⁷⁵

In the end, the Legislature limited AB 309 to two TPO changes⁷⁶:

(1) The definition of stalking in NRS 200.575 has now been expanded to include conduct that would cause a reasonable person to feel “fearful for the immediate safety of a family or household member”⁷⁷ and that actually causes the victim to feel “fearful for the immediate safety of a family or household member”; and

(2) A person who commits the crime of stalking with the use of “text messaging”⁷⁸ is subject to an enhanced penalty.⁷⁹

III. Workplace Harassment

The Workplace Harassment TPO construct has remained relatively untouched by the Nevada Legislature since its creation. Thus, the main source of legislative history is contained in the bill which created Workplace Harassment TPO’s—AB 370 from 2001.

⁷⁴ See *Minutes of the Assembly Committee on Judiciary (April 3, 2009)*, at p. 42 (passionately arguing that a person should be able to use “lack of notice” as a defense, even though the jury or judge may eventually find that person guilty anyway).

⁷⁵ If an Extended Order could not be issued unless an Adverse Party requested one, then the Court would be at the mercy of the Adverse Party in its decision about whether or not to schedule a hearing.

⁷⁶ Somewhat paradoxically, the Legislature used AB 309 as a vehicle to amend the Nevada Clean Indoor Air Act, which is codified at NRS 202.2483. The enacted version of AB 309 amends the Act to authorize the smoking of tobacco in certain convention facilities during certain meetings and trade shows. AB 309 (2009) (as enacted). It is questionable whether smoking regulations were properly included in a bill dealing with TPO’s, as they relate to completely different subjects.

⁷⁷ This term is defined as “a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.” NRS 200.575(6)(b).

⁷⁸ This term is defined as “a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person’s telephone or computer by addressing the communication to the recipient’s telephone number.” NRS 200.575(6)(f).

The Legislature heard testimony from Assemblywoman Ellen Koivisto who indicated that, according to a study by the United States Justice Department’s Bureau of Justice Statistics, “in 23 percent of stalking or harassment cases in 2006, the antagonist had used some form of cyberstalking, text messaging, or e-mail.” *Minutes of the Assembly Committee on Judiciary (March 25, 2009)*, at p. 49. In her words, “[c]yberstalkers use the faceless avenue of cell phones, computers, or home or office phones to perpetuate the harassment,” and “[t]ext messaging appears to be a stalker’s new favorite tool.” Id.

⁷⁹ See NRS 200.575(3) (declaring that a person who commits the crime of stalking with the use of text messaging in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a Category C felony).

The original version of AB 370 (2001) would have defined harassment in the workplace to include a requirement that the threat or act of the adverse party must “cause a reasonable person to be seriously alarmed or annoyed.”⁸⁰

The bill also contained the following problematic language:

If the court denies a verified application for an order for protection against harassment in the workplace, the court may schedule a further hearing within 10 days after the denial if the notice of hearing is provided to the person who allegedly committed the harassment.⁸¹

Neither of these provisions became law.⁸²

On April 5, 2001, the Assembly Committee on Judiciary held the first hearing on AB 370. Assemblywoman Sheila Leslie presented the bill, on behalf of the Northern Nevada Human Resources Association.⁸³ She indicated that the bill was developed in response to the growing problem of workplace violence.⁸⁴

She stated that there were four categories of perpetrators of workplace violence:

(1) Violence by strangers; (2) violence by clients or customers; (3) violence by co-workers; and (4) violence through personal relationships.⁸⁵ She also indicated that homicide was the second leading cause of death on the job, second only to motor vehicle crashes, and while robbery was

⁸⁰ AB 370 (2003) (as introduced).

⁸¹ *Id.* It was never clear why a court should be allowed to retain jurisdiction over a case once the allegation of workplace harassment was definitively rejected.

⁸² AB 370 (2001) (as enacted). In addition, the original version of the bill would have allowed Workplace TPO's to be accorded Full Faith and Credit in Nevada. AB 370 (2001) (as introduced). The Legislature chose instead to create a system for registering out-of-state workplace TPO's. AB 370 (2001) (as enacted); NRS 33.310.

Finally, Section 23 of the original bill would have created a “repository” for information concerning workplace TPO's, and this repository would have contained “a complete and systematic record of all orders for protection against harassment in the workplace issued or registered” in Nevada, with information concerning such orders entered into the repository within 8 hours of receipt by the Central Repository for Nevada Records of Criminal History. AB 370 (2001) (as introduced). This language was not enacted. AB 370 (2001) (as enacted).

⁸³ *Minutes of the Assembly Committee on Judiciary (April 5, 2001)*, at p.6.

⁸⁴ *Id.* She noted that, on average, 20 people were murdered in the workplace in the United States every week, according to the most recent statistics. *Id.*

⁸⁵ *Id.*

the primary motive, disgruntled workers or customers or domestic violence caused other murders.⁸⁶ She cited high-risk workplaces such as liquor stores, detective or protective services, gas stations, and jewelry stores.⁸⁷ She further stated that 18,000 nonfatal assaults occurred in the workplace each week, and 12 percent of the incidents resulted in an injury to the victim, with 40 percent of the victims reportedly knowing their offenders.⁸⁸ The most common acts of violence were threats or pushing and shoving, and the most common motives behind the violence were personality conflicts, family or marital problems, and work-related stress.⁸⁹ In her words, the cost of workplace violence was “enormous.”⁹⁰

Her intent in advocating for AB 370 was to give employers another tool to complement existing environmental, administrative, and behavioral prevention strategies available to reduce the risk of workplace violence.⁹¹ She said that the legislation was modeled after Arizona legislation⁹² and that California⁹³ had enacted similar legislation.⁹⁴

⁸⁶

Id.

⁸⁷

Id.

⁸⁸

Id.

⁸⁹

Id.

⁹⁰

Id. She cited a report by the Bureau of Justice which reflected that 1.8 million work days were lost each year resulting in over \$55 million in lost wages. Id.

⁹¹

Id.

⁹²

The current version of Arizona’s law is codified at A.R.S. § 12-1810.

⁹³

The current version of California’s law provides, in pertinent part, as follows:

West’s Ann.Cal.C.C.P. § 527.8. Employees subject to unlawful violence or threat of violence at the workplace; temporary restraining order; injunction; constitutional protections for speech and activities

(a) Any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an injunction on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

(b) For the purposes of this section:

(1) "Unlawful violence" is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.

(3) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to

Mark S. Sertic, private attorney, and Chairman, Legislative Affairs Committee, Northern Nevada Human Resources Association, told the Assembly Committee on Judiciary that human resource personnel frequently encountered situations involving disgruntled former employees or current employees who were involved in domestic situations where threats were being made, and the employer was reasonably concerned about the possible outcome of the threats.⁹⁵ Mr. Sertic stated that, under then-current law, the remedy available to employers was very limited and only allowed for the filing of a lawsuit based on an underlying tort in order to appear in court to seek an injunction.⁹⁶ If an injunction was granted by the court, the employer would be required to post a bond before the injunction became effective, and this process was cumbersome and ineffective.⁹⁷ He noted that employers often did not have legal standing to bring a lawsuit because the threats were not made against the employer entity but against an individual, which required that individual to undertake the filing of the complaint.⁹⁸ The purpose of AB 370 was to provide a vehicle for the employer to obtain TPO relief “in a quick, inexpensive, and simple manner by filing a verified application in Justice Court.”⁹⁹ An employer could then take a proactive role to prevent acts of workplace violence.

or from the place of work; entering the workplace; following an employee during hours of employment; making telephone calls to an employee; or sending correspondence to an employee by any means, including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail. . . .

⁹⁴ *Minutes of the Assembly Committee on Judiciary (April 5, 2001)*, at p.6.

⁹⁵ *Id.* at 7.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.* At a later hearing, Mr. Sertic described the process as requiring a complaint to be filed, along with a motion for an injunction with points and authorities, in order to get a temporary restraining order after a bond was posted. *Minutes of the Senate Committee on Judiciary (May 9, 2001)*, at p.14. He described the situation as “awkward” and that a hearing would be held within 15 days or else the order would expire. *Id.* Despite this awkwardness, the enacted Workplace TPO law contains a similar requirement for a security deposit and a similar requirement that a Temporary Workplace TPO must expire within 15 days of issuance. NRS 33.270(2); NRS 33.270(5). No other TPO type has this 15-day limitation.

⁹⁹ *Minutes of the Assembly Committee on Judiciary (April 5, 2001)*, at p.7.

Mr. Sertic emphasized that AB 370 should not be construed to change the obligations of an employer to provide a safe work environment.¹⁰⁰

In response to a question from Assemblywoman Sharron Angle, Mr. Sertic clarified that AB 370 was intended to apply to federal employees, public servants, and press organizations.¹⁰¹ He added that “any employee in the state of Nevada, public or private” would be protected by the bill, and that employees in both state and federal courts in Nevada could seek this relief in state court.¹⁰²

During a subsequent hearing on AB 370, Mr. Sertic again testified and said that he anticipated that attorneys would not usually be involved in the process for petitioning for a workplace TPO and that human resource directors would be the individuals filing for such relief.¹⁰³

A critical distinguishing feature of the Workplace TPO is that it fills the gap when an employee refuses to seek relief on his own behalf. According to Mr. Sertic:

One of the reasons for the bill is because individuals who are the target of harassment sometimes, for whatever reason, do not want to obtain an injunction. He noted the problem for employers is a potentially violent person entering the premises who is endangering, not only one specific employee, but every other employee and customer on the site. Consequently, the employer is put in a bit of a spot. . . . [T]he proper avenue for the employer is to attempt to do everything that can be done, and, at the present time, the law is rather limited; however, should AB 370 be enacted, [a Workplace TPO] could be obtained.¹⁰⁴

¹⁰⁰ Id. This policy is now embodied in NRS 33.360, which states that the Workplace TPO statutes do not “[m]odify the duty of an employer to provide a safe workplace for the employees of the employer and other persons present at the workplace of the employer.”

¹⁰¹ *Minutes of the Assembly Committee on Judiciary (April 5, 2001)*, at p.7.

¹⁰² Id.

¹⁰³ *Minutes of the Senate Committee on Judiciary (May 9, 2001)*, at p.14. However, the vast number of Workplace TPO applications actually filed in Justice Court are filed by attorneys.

¹⁰⁴ Id. at 15.

IV. Harm to Minors

Because the “Harm to Minors” TPO’s are patterned after Stalking/Harassment TPO’s, the legislative history applicable to Stalking/Harassment TPO’s applies directly to the “Harm to Minors” TPO type. Thus, the only true representation of legislative intent directed to the “Harm to Minors” TPO type is contained in the bill which created it--AB 331, enacted in 2003.

As introduced, the bill would have allowed the scope of the TPO to be extremely broad.

Specifically, the bill would have allowed the following:

A person who reasonably believes that a crime established pursuant to [NRS Chapter 200 or Chapter 201] has been committed or is being committed against him may petition any court of competent jurisdiction for a temporary or extended [TPO]. . . .¹⁰⁵

Moreover, the introduced version of the bill proposed to allow the parent or legal guardian of a child to obtain this new TPO on behalf of the child.¹⁰⁶

In an attempt to narrow the scope of AB 331, the Legislature decided that the parent or guardian of a child should be allowed to petition the Justice Court on behalf of a child for a Temporary or Extended Order against a person who is 18 years or older¹⁰⁷ and who the parent or guardian reasonably believes has committed or is committing a crime involving:

¹⁰⁵ AB 331 (2003) (as introduced). Although this construct would encompass such offenses as sexual assault and kidnapping, it would have also applied to less serious offenses such as indecent exposure or bigamy. Also, because the crime of stalking appears in NRS Chapter 200, this version of AB 331 would have deleted the Stalking TPO entirely as a distinct remedy. AB 331 (2003) (as introduced).

Assemblyman Bob McCleary testified that the drafting of the bill was rushed because a deadline was approaching, and the language was intentionally “all-inclusive” because he wanted to have “everything in this bill draft.” *Minutes of the Assembly Committee on Judiciary (March 27, 2003)*, at p.29. His true intent was to “give children and their parents the right to have [TPO’s].” *Id.* at 31. He noted that “[w]hat is happening is [that] crimes are being perpetrated against children and, pending trial, there is no way for these children to have [TPO’s] on their behalf at this time.” *Id.* He then read testimony from Judge Robert Gaston whose main focus in requesting the bill was to allow a TPO for “[c]hildren, who have been sexually abused by an individual not living in their home or related to them.” *Id.*

¹⁰⁶ AB 331 (2003) (as introduced).

¹⁰⁷ Chairman Amodei commented that the adverse party should be of the age of majority because “[s]hould there be a situation at school, we do not want parents to avail themselves under this provision to attain a TPO against another juvenile.” *Minutes of the Senate Committee on Judiciary (May 1, 2003)*, at p.10.

As a part of this project, this author has argued that Nevada law needs to be amended or clarified to allow a

- (a) Physical or mental injury to the child of a nonaccidental nature; or
- (b) Sexual abuse or sexual exploitation of a child.¹⁰⁸

The intent was to limit the bill to crimes that were comparable to “child abuse.”¹⁰⁹

V. Sexual Assault

During the 2009 Legislative Session, the Legislature enacted AB 120, a bill that allows for TPO relief when a person “reasonably believes that the crime of sexual assault has been committed” against him by another person.”¹¹⁰ Curiously, the new law contains no time limitation as to the recency of the sexual assault, so the TPO can be issued even if the requesting party is in no actual danger or imminent harm.¹¹¹

victim to obtain TPO relief against someone who is a minor. Acts necessitating the issuance of a TPO do not suddenly spring into being only after a person reaches the age of majority. For example, it is very easy to conceive that a teenage gang member could be terrorizing a community and causing residents to feel frightened and intimidated; there is simply no good reason why those residents should have to wait until the gang member turns 18 years old before a TPO can be obtained.

Also, the problem of teen dating violence has been well documented. *See* Pamela Saperstein, *Teen Dating Violence: Eliminating Statutory Barriers to Protection Orders*, 39 Fam. L. Q. 181, 181 (2005) (citing statistics to the effect that forty percent of adolescent girls between the ages of fourteen and seventeen knew at least one girl their own age who had experienced dating violence, and, according to another study, about one in five teenage girls had been “physically and/or sexually abused” in a dating relationship). It is not clear why the Legislature will classify a sexual assault upon a teenager as “domestic violence” (under NRS 33.018(1)(d)), but it will not classify that same sexual assault upon a teenager as an act “harmful to minors” for purposes of NRS 33.400 if the perpetrator is a minor. In effect, a person victimized by a sexual assault that is committed by a minor is barred from the enhanced TPO penalties in NRS 33.400, and relegated to the less strict penalties of a Domestic Violence TPO, for no logical reason.

¹⁰⁸ AB 331 (2003) (as enacted); NRS 33.400(1). The Legislature also heard testimony about relaxing the service requirements for TPO’s, but such proposals were not adopted. *Minutes of the Assembly Committee on Judiciary (March 27, 2003)*, at pp. 33-34.

¹⁰⁹ *Id.* at p. 36.

¹¹⁰ AB 120 (2009) (as enacted); NRS 200.378.

¹¹¹ *Id.* As an example, if a person is sexually assaulted as a teenager in Nevada, and the perpetrator moves across the country with no intent to ever contact the victim again, the victim can still apply for the Sexual Assault TPO many years later. A judge reviewing the TPO application is not prohibited from granting the TPO even though the danger to the victim has already passed.

The language in the Sexual Assault TPO also differs from the “Harm to Minors” TPO statute. *See* NRS 33.400(1) (allowing a for a “Harm to Minors” TPO when a parent or guardian reasonably believes that the adverse party “has committed or is committing a crime involving . . . [s]exual abuse or sexual exploitation of the child”). The “is committing” language suggests an obvious degree of urgency, whereas the “has committed” language is not bound by any time constraints. On the other hand, both the Sexual Assault TPO and the “Harm to Minors” TPO have the advantage of creating proactive protection in the event that the victim who evaded the perpetrator encounters him again later in life.

The first hearing on AB 120 occurred on February 23, 2009.¹¹² Andrea Sundberg, Executive Director for the Nevada Coalition Against Sexual Violence, testified in support of the bill.¹¹³ She stated the following:

Under current law, a victim of sexual assault, which is perpetrated upon by a family or household member, would qualify for a protection order under the domestic violence statute. They would also qualify if the behavior of the perpetrator rose to a level of stalking and harassment. Unfortunately, for about 50 percent of the victims who are sexually assaulted in our community, a gap exists where they are not afforded protection. AB 120 would fill that gap by allowing victims of sexual assault, who are often assaulted by an acquaintance, to apply for a protection order in justice court to insure the perpetrator would be sent a very clear message: they are not to have contact with the victim. Further, if they did have contact with the victim, that contact could be subject to jail time, fines, and further sanctions. We stand in support of this bill and feel it would fill an important gap that exists for many victims within our community.¹¹⁴

Orrin Johnson from the Washoe County Public Defender's Office testified about one concern related to the bill and involving the burden of proof:

Finally, the burden of proof is somewhat unclear. It should certainly not be a criminal burden of proof. Once someone is accused and once a protecti[on] order is granted citing sexual assault, the realistic consequence is that now there is a court order saying that someone has a protection order against him because he is accused of having committed a sexual assault. That is a very difficult bell to unring. That is something we must be cautious about, and due process demands that the moving party explicitly be required to show some standard of evidence.

...

We are worried that some of the language could be stretched a little too far, and too wide of a net could be cast, and the protection orders become too easy to get with too little oversight. Although that is not the intent of this bill, we understand and agree with that. We are just hoping that maybe we can tweak some of the language and tighten it up to ensure those issues are addressed without accidentally sweeping up some other people, to minimize its ability to be used as a weapon by people who would apply for these unscrupulously, which unfortunately happens all too often.¹¹⁵

¹¹² *Minutes of the Assembly Committee on Judiciary (February 23, 2009).*

¹¹³ *Id.* at p.7.

¹¹⁴ *Id.* at p.8.

¹¹⁵ *Id.* at pp.15, 18.

The final version of AB 120 does not contain any precautions or references to the burden of proof of the applicant.¹¹⁶

During a hearing on March 26, 2009, Jennifer Chisel, Committee Policy Analyst, announced that Chairman Bernie Anderson had received “a request to expand the provisions in AB 120 to all victims of a crime of violence, which does still include sexual assault victims.”¹¹⁷

A conceptual proposed amendment would have replaced the phrase “sexual assault” with the phrase “crime of violence” in AB 120.¹¹⁸ Assemblyman Tick Segerblom described the origin of this proposal:

The amendment came to us through a criminal defense attorney in Las Vegas who is one of my constituents. One of her neighbors had a child who had committed violence towards my constituent's family. He was going to be let out of prison, and my constituent was trying to find a way to stop him from moving back into the neighborhood. The police said that there was nothing they could do. This is why we are attempting to expand the bill from just sexual assault crimes to crimes of violence. It would have to be a crime that is more than a misdemeanor. It would have to be a felony violent crime.¹¹⁹

Assemblyman Segerblom indicated that he would support such an amendment even though it had not been previously discussed.¹²⁰ However, the Assembly Committee on Judiciary did not move forward with the proposal.¹²¹

Nevertheless, the proposal to expand TPO law to incorporate violent offenses is an idea that is worth pursuing. The idea is also similar to one of the recommendations contained in this project.

¹¹⁶ AB 120 (2009) (as enacted); NRS 200.378.

¹¹⁷ *Minutes of the Assembly Committee on Judiciary (March 26, 2009)*, at p.15.

¹¹⁸ Id.

¹¹⁹ Id. at 16.

¹²⁰ Id.

¹²¹ See id. (Assemblyman Ty Cobb commented that the applicant would have to know that the specific act of violence was a felony, and the applicant’s conclusion might not be reasonable); id. at p.17 (Assemblyman John Carpenter said that it would leave him “with a bad feeling” to expand AB 120 beyond sexual assault as proposed with the new amendment).

VI. Related Legislation Not Tied to a Specific TPO Type

a. AB 107 (2003)

In 2003, the Legislature enacted AB 107 and created a penalty for committing a felony in violation of a TPO.¹²² The idea was to create a “prosecutorial tool” in the form of a sentencing enhancement.¹²³

b. SB 34 (2007)

In 2007, the Nevada Legislature closed a loophole in AB 107 and clarified that the felony committed in violation of a “Harm to Minors” TPO had to be an act separate from the mere violation of the TPO.¹²⁴

The bill also simplified the distinction between Justice Court and District Court for jurisdiction over Domestic Violence TPO’s.¹²⁵

¹²² The original enacted language in NRS 193.166 provided that when a person commits a crime that is punishable as a felony in violation of a TPO, that person must be punished by imprisonment for a term equal to and in addition to the term of imprisonment prescribed by statute for that crime.

¹²³ See *Minutes of the Assembly Committee on Judiciary (March 10, 2003)*, at pp.18-19 (Cheryl Kosewicz, Deputy District Attorney from the Clark County District Attorney’s Office, compared the mere violation of a TPO, which was generally a misdemeanor in certain contexts, with a violation that constitutes a felony by itself, such as “home invasion”); *id.* at p.19 (Abbi Silver, Chief Deputy District Attorney from Clark County argued that “we need to send out a message to perpetrators that they better think twice before committing a new felony in violation of a TPO”).

¹²⁴ The enacted language of SB 34 changed the introductory language for NRS 193.166 as follows:

1. Except as otherwise provided in NRS 193.169, a person who commits a crime that punishable as a felony, other than a crime that is punishable as a felony pursuant to **subsection 6 of NRS 33.400 or** subsection 5 of NRS 200.591, in violation of [a TPO is subject to an enhancement].

See NRS 33.400(6)(b) (declaring that “[u]nless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates . . . [a]n extended order is guilty of a category C felony”); NRS 200.591(5)(b) (same).

Thus, if a person violates either of these Extended TPO’s by, for example, contacting the applicant, that mere act is a felony only because it violates an Extended TPO. However, if a person commits home invasion in violation of an Extended Order, the home invasion is, itself, a felony as defined in NRS 205.067 and, therefore, would implicate the enhancement in NRS 193.166.

¹²⁵ Prior to SB 34, a Justice Court was divested of jurisdiction over a Domestic Violence TPO “if a party to the [Justice Court TPO] action [was] a party to another action pending in the district court in which such an order [could] be granted by the district court.” NRS 4.370(1)(m) (2005). This language was problematic for several reasons: (1) No definition of “pending” was contained in the law; (2) Justice Court staff had no convenient way of knowing if other actions were pending in District Court; and (3) Justice Court staff had

c. AB 510 (2007)

In 2007, the Nevada Legislature enacted AB 510, a bill which contained many changes relating to offenders. One of those changes involved an alteration to the sentencing provisions in NRS 193.166. Specifically, AB 510 amended NRS 193.166, in pertinent part, as follows:

1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 5 of NRS 200.591, in violation of:

- (a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;
- (b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;
- (c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;
- (d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or
- (e) A temporary or extended order issued pursuant to NRS 200.591,

shall, *in addition to the term of imprisonment prescribed by statute for the crime*, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a ~~[term equal to and in addition to the]~~ *minimum* term of ~~[imprisonment prescribed by statute for that crime.]~~ *not less than 1 year and a maximum term of not more than 20 years*. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

- (a) The facts and circumstances of the crime;*
- (b) The criminal history of the person;*
- (c) The impact of the crime on any victim;*
- (d) Any mitigating factors presented by the person; and*
- (e) Any other relevant information.*

The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

no way of knowing if TPO relief was the type of relief that could have been granted in a specific District Court action.

Thus, SB 34 amended NRS 4.370(1)(m) so that Justice Court would be divested of a Domestic Violence TPO case otherwise within its jurisdiction if the District Court “issued a written order to the Justice Court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the District Court.” SB 34 (2007) (as enacted); NRS 4.370(1)(m)(3). This allows for the Justice Court to have a “bright-line” objective basis for transferring a Domestic Violence TPO action to District Court.

3. The sentence prescribed by this section ~~runs~~ :
(a) *Must not exceed the sentence imposed for the crime; and*
(b) *Runs* concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.¹²⁶

d. AB 63 (2009)

Under current law, a Justice Court is authorized to utilize a referee in actions for the issuance of Workplace TPO's.¹²⁷ The Las Vegas Justice Court does not utilize referees for this purpose for two reasons: (1) The threat of harassment in the workplace can be sufficiently serious that a formal determination by a justice of the peace is preferable to that of a referee; and (2) the formal objection process is not convenient or practical for TPO actions.¹²⁸

In 2009, the Nevada Legislature enacted AB 63 and created a procedure for Justice Courts to have hearing masters. The bill enacted the following language in NRS 4.357:

¹²⁶ AB 510 (2007) (as enacted); NRS 193.166(1)-(3). As of 2009, NRS 193.166 also applies to Sexual Assault TPO's. AB 120 (2009) (as enacted); NRS 193.166(1)(f).

¹²⁷ See NRS 4.355(1)(b) ("A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment . . . [i]n any action filed pursuant to NRS 33.200 to 33.360, inclusive"). A referee's decision is subject to a "formal objection" process by which a justice of the peace can review the referee's decision in a "trial de novo." See NRS 4.355(4) ("Within 5 days after receipt of the findings of fact, conclusions of law and recommendations [of the referee], a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.").

A referee must meet the qualifications of the justice of the peace for the township. See NRS 4.355(2) (declaring that the referee is subject to the qualifications for justices of the peace in NRS 4.010); see also NRS 4.010(1)-(2) (imposing, among other qualifications, the requirements that "[i]n a county whose population is 400,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his election or appointment"). Thus, referees in the Las Vegas Justice Court must be licensed attorneys who satisfy these guidelines.

¹²⁸ As to the second point, the Las Vegas Justice Court uses referees exclusively for small claims cases under NRS Chapter 73. The parties present their evidence before the referee, and the referee then makes findings of fact, conclusions of law, and recommendations for a judgment. While this approach allows parties to refine their arguments in anticipation of a possible trial de novo before a justice of the peace, the approach lacks the degree of finality and definitiveness that a TPO action requires.

NRS 4.357. Master: Conditions for appointment; qualifications; duties; compensation.

1. In any county in which the appointment of masters by a justice court is authorized by the board of county commissioners, the local rules of practice adopted in a justice court within the county may authorize the appointment of one or more masters to perform certain duties that the Supreme Court has approved. If the justice court elects to appoint a master or masters, the local rules of practice adopted in that court must set forth the selection process for choosing a master.
2. A master appointed pursuant to subsection 1 must possess qualifications that are equal to or greater than the qualifications required of the justice of the peace for the township in which the master is appointed as set forth in NRS 4.010.
3. The Supreme Court shall provide by rule for a course of instruction in the elements of substantive law relating to the duties of any master appointed pursuant to subsection 1. A master appointed pursuant to subsection 1 may not perform any duties of a master until he or she has completed the course of instruction described in this subsection.
4. A master appointed pursuant to subsection 1 may not preside over:
 - (a) Any trial for a misdemeanor constituting:
 - (1) An act of domestic violence pursuant to NRS 33.018¹²⁹; or
 - (2) A violation of NRS 484B.657¹³⁰, 484C.110¹³¹ or 484C.120¹³²; or
 - (b) Any preliminary hearing for a gross misdemeanor or felony.
5. A person appointed as a master must take and subscribe to the official oath before acting as a master.
6. A master is entitled to receive a salary or a per diem salary set by the board of county commissioners. The annual sum expended for salaries of masters must not exceed the amount budgeted for those expenses by the board of county commissioners.

The Nevada Supreme Court has not yet created guidelines for what types of actions the Justice Court master will be able to hear. Therefore, it remains to be seen what impact this legislation will have on the processing of TPO's.¹³³

¹²⁹ It is important to emphasize that this subsection only applies to misdemeanor trials for Domestic Violence TPO's. It would not prevent a master from hearing an action for a Domestic Violence TPO.
¹³⁰ This is the "vehicular manslaughter" statute.
¹³¹ This is the DUI statute.
¹³² This is the commercial vehicle DUI statute.
¹³³ One potential hurdle for the Supreme Court involves NRS 33.019, which states the following:

NRS 33.019. Masters: Appointment; qualifications; powers and duties.

1. In an action to issue, dissolve, convert, modify, register or enforce a temporary or extended order pursuant to NRS 33.017 to 33.100 to inclusive, the court may appoint a master to take testimony and recommend orders.
2. The master must be an attorney licensed to practice in this State.
3. The master shall:
 - (a) Take testimony and establish a record; and

e. AB 335 (2009)

In 2009, the Nevada Legislature enacted AB 335, which allows for “gang injunctions” to be issued. In pertinent part, the bill enacted the following language in NRS 244.35705:

NRS 244.35705. Ordinance concerning criminal gang activity and certain buildings and places harboring such activity: Injunctions; damages, fees and costs; violation of injunction; immune entities.

1. Notwithstanding the provisions of any other law or ordinance, each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file a civil action in a court of competent jurisdiction to seek any or all of the following relief:
 - (a) A temporary or permanent injunction against any specific member of a criminal gang to enjoin his or her activity which is associated with the criminal gang and which is occurring within the county.
 - (b) The recovery of money damages, attorney’s fees and costs from:
 - (1) Any member of a criminal gang that is engaging in criminal activities within the county; and
 - (2) The owner of a building or place located within the county that has been found to be a public nuisance because the building or place is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang, but only if the owner has actual notice that the building or place is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang.
2. Any money damages awarded in an action brought pursuant to this section must be:
 - (a) Paid by, or collected from:
 - (1) Any assets of the criminal gang or its members that were derived from the criminal activities of the criminal gang or its members;
 - (2) Any assets of the owner of a building or place that has been found to constitute a public nuisance; or
 - (3) Any combination of the assets described in subparagraphs (1) and (2).
 - (b) Deposited into a separate, segregated fund in the county treasury, to be used solely for the benefit of the specific community or neighborhood that has been injured by the criminal activities of the criminal gang or the existence of the building or place that constitutes a public nuisance.
3. A member of a criminal gang who is subject to a temporary or permanent injunction

(b) Make findings of fact, conclusions of law and recommendations concerning a temporary or extended order.

The Nevada Legislature did not account for this specific master statute when it enacted a generalized master statute for Justice Court. Therefore, it is unclear whether the Nevada Supreme Court will omit any reference to NRS 33.019 when it publishes its generalized master rules, or whether the Court will expand the scope of NRS 33.019 by creating additional parameters for masters hearing Domestic Violence TPO actions in Justice Court.

granted pursuant to this section and who knowingly and intentionally commits a material violation of the terms of that injunction is guilty of a misdemeanor. If the violation also constitutes a criminal offense under another provision of law, the violation may be prosecuted pursuant to this section or the other provision of law, or both.

4. An action may not be brought pursuant to this section against:

(a) Any governmental entity; or

(b) Any charitable or nonprofit organization that is conducting, with ordinary care and skill, activities relating to prevention or education concerning criminal gangs.

5. As used in this section, “criminal gang” has the meaning ascribed to it in NRS 193.168.¹³⁴

VII. TPO Legislation That Did Not Pass

a. SB 398 (2003)

In 2003, the Nevada Legislature considered SB 398. The bill contained many provisions that were later incorporated into SB 450 (2005) and enacted. However, one important component of SB 398 has never been enacted into law in any form.

Sections 2, 3, and 10 of SB 398 proposed the following:

Sec. 2. [Proposing to create a new statute in NRS Chapter 33]

1. Five years after the date of the expiration or rescission of a temporary or extended order issued pursuant to NRS 33.020 [Domestic Violence TPO’s] or 33.270 [Workplace Harassment TPO’s], the adverse party to the order may petition the court in which the order was obtained to seal all records relating to the order.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the criminal history of the petitioner from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the order for protection was obtained;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the temporary or extended order and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

¹³⁴ Under NRS 193.168(8), “criminal gang” means “any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:

(a) Has a common name or identifying symbol;

(b) Has particular conduct, status and customs indicative of it; and

(c) Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense.”

3. *Upon receiving a petition pursuant to this section, the court shall notify the prosecuting attorney for the county in which the temporary or extended order was obtained. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.*
4. *If the court finds during the hearing that, during the 5-year period prescribed in subsection 1, the petitioner has not been charged with any offense that is pending or convicted of any offense, except for minor traffic violations, the court may order sealed all records of the temporary or extended order which are in the custody of the court, of another court in this state or of a public or private agency, company or official in this state.*

Sec. 3. [Proposing to create a new statute in NRS Chapter 33]

1. If the court orders sealed a record pursuant to section 2 of this act, a copy of the order to seal records must be sent to:

- (a) The Central Repository for Nevada Records of Criminal History; and*
- (b) Each public or private agency, company or official named in the order to seal records.*

2. Each public or private agency, company or official receiving a copy of an order to seal records shall:

- (a) Seal the records in its custody as directed by the order to seal records;*
- (b) Advise the court of compliance with the order to seal records; and*
- (c) Seal the copy of the order to seal records.*

Sec. 10. [Proposing to create a new statute in NRS Chapter 200]

Five years after the date of the expiration or rescission of a temporary or extended order issued pursuant to NRS 200.591 [Stalking/Harassment TPO's], the adverse party to the order may petition the court in which the order was obtained to seal all records relating to the order. Such records may be sealed in the manner set forth in sections 2 and 3 of this act for the sealing of records relating to a temporary or extended order for protection against domestic violence or against harassment in the workplace.¹³⁵

SB 398 was heard exactly once, on April 3, 2003. During that hearing, Susan J.

Meuschke, Lobbyist for the Nevada Network Against Domestic Violence, questioned the need

¹³⁵ SB 398 (2003) (as introduced). These provisions are patterned after existing language in NRS Chapter 179 that allows for criminal convictions to be sealed. Prior to 2003, NRS 179.245 allowed for records of a misdemeanor conviction to be sealed after 3 years, and records of a gross misdemeanor conviction to be sealed after 7 years. NRS 179.245 (2001). That is presumably what motivated the drafters of SB 398 to fix the sealing period for TPO's at 5 years, a period of time halfway between the time periods mentioned.

for TPO records to be sealed.¹³⁶ She also asked whether convictions outside Nevada would be relevant to a determination of whether to seal a Nevada TPO record.¹³⁷

Nancy Hart, Deputy Attorney General in the Civil Division of the Attorney General's Office, also expressed her view that sealing TPO records might affect custody determinations in divorce cases.¹³⁸

Chairman Terry Care indicated that he did not know "what the purpose would be" to seal TPO records.¹³⁹ And, because the explanation for doing so was not adequately presented to the committee, no further action was taken on the bill.

b. AB 17 (2007)

As mentioned above, Nevada law now contains a specific provision of law allowing a Justice Court to utilize hearing masters.¹⁴⁰

In a prior legislative session, the Nevada Judges Association requested AB 17, a bill which would have authorized hearing masters for Stalking TPO's only. The bill would have enacted the following language in NRS Chapter 200:

¹³⁶ *Minutes of the Senate Committee on Judiciary (April 3, 2003)*, at p.2. She stated, "When an order expires, it expires and, theoretically, it goes away. Truly, all court records are public records, and are always available, but they do not live on in any electronic registry after expiration, in my understanding." *Id.* In 2009, however, the Internet has revolutionized the way the people access court records, and electronic case management systems are the norm. Therefore, TPO records do live on and can pose problems, if, for example, a potential employer is conducting a background check on a person and discovers that he has had one or more TPO's issued against him. This can be especially troubling for the job applicant if the TPO was a temporary order issued *ex parte*, without his input. Under Nevada law, there is no general statute that allows a court to "expunge" (*ie.*, *purge*) TPO information from the court's records. Therefore, such records do, in fact, "live on."

This author believes that the Legislature should seriously consider why TPO records should never be sealed. Because a TPO can theoretically be obtained by a vexatious litigant under false pretenses, the Legislature needs to create statutory precautions that will prevent TPO records from becoming a permanent blemish on a person's court records.

¹³⁷ *Id.* at p.2.

¹³⁸ *Id.* at p.3.

¹³⁹ *Id.*

¹⁴⁰ AB 63 (2009) (as enacted); NRS 4.357.

1. *In an action in justice court to issue, dissolve, convert, modify, record or enforce a temporary or extended order pursuant to NRS 200.591 to 200.601, inclusive, the justice of the peace may appoint a master to take testimony and recommend orders.*
2. *The master must possess qualifications that are equal to or greater than the qualifications required of the justice of the peace for the township in which the master is appointed as set forth in NRS 4.010.*
3. *The master shall:*
 - (a) *Take testimony and establish a record; and*
 - (b) *Make findings of fact, conclusions of law and recommendations concerning a temporary or extended order.*¹⁴¹

During the committee discussions on the proposed bill, Ann Price McCarthy, a Nevada attorney, testified as follows:

The State Bar of Nevada and other organizations have worked very hard to halt any expansion of the unauthorized practice of law. You are all aware that there are still some areas in the NRS that do allow referees, masters, et cetera, who are non-lawyers. We have a huge problem in the State of Nevada with the unauthorized practice of law, and we do not want to see it expanded.¹⁴²

This testimony alludes to NRS 4.010, a statute which sets forth qualifications for justices of the peace. NRS 4.010 states the following:

NRS 4.010 Qualifications of justice of the peace.

1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.
2. A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education and:
 - (a) In a county whose population is 400,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.
 - (b) In a county whose population is less than 400,000, a justice of the peace in a township whose population is 250,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law

¹⁴¹ AB 17 (2007) (as introduced).

¹⁴² *Minutes of the Assembly Committee on Judiciary (February 14, 2007)*, at pp. 8-9.

in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

3. Subsection 2 does not apply to any person who held the office of justice of the peace on June 30, 2001.

Under this statute, justices of the peace in certain smaller townships do not have to be attorneys. Thus, when the Legislature enacts provisions for quasi-judicial officers, such as referees and hearing masters, and when the Legislature says that those quasi-judicial officers have to have the same qualifications as that of the justice of the peace in the particular township, the result is that quasi-judicial officers in smaller townships do not have to be attorneys. Because the selection process for these quasi-judicial officers varies from court to court, there is a real danger that an unelected non-attorney can be chosen to fill a role for which he or she may lack the necessary competence. Therefore, the Legislature may eventually decide that quasi-judicial officers all must be attorneys, even if the justice of the peace himself or herself is not required to be an attorney.¹⁴³ This could affect the processing of TPO's on a statewide level.

¹⁴³ In Blanton v. North Las Vegas Municipal Court, 103 Nev. 623 (1987), the Nevada Supreme Court praised non-attorney *judges* for their work in this state:

Finally, we note that in Nevada's outlying communities, due to the demographic and economic realities of our rural areas, municipal courts have for the most part been staffed by non-lawyer judges. Some of these judicial posts are part-time positions. Attorneys are scarce and, historically, the few present have chosen to pursue other endeavors -- with the result that the lower judicial posts have devolved upon intelligent and popular laypersons.

In our view, as it has developed, Nevada's court system has been successful. Our legislature has provided adequate funding for judicial education, and has mandated that all non-lawyer judges must attend The National Judicial College, located in Reno. *See* NRS 5.025; 5.026 [provisions relating to municipal court judges]. In addition, at least twice yearly, our court conducts seminars on continuing legal education for such judges. We also send a number of them out-of-state each year, for seminars of the American Academy of Judicial Education and the American Judges Association, and for other programs focused on the needs of non-lawyer judges. As a result, over time, Nevada has developed a cadre of lay municipal court judges who, in this court's opinion, are conscientious, well trained in the substantive law of the misdemeanor offenses that are within their jurisdiction, and competent to conduct non-jury trials relating to such offenses -- including DUI matters. In short, we believe Nevada's system works, and works well.

Id. at 635-36.