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SENATE JUDICIARY COMMITTEE

MINUTES

March 17, 1971

Chairman Monroe called the meeting to order at 8:45 a.m.

Committee Members Present: Chairman Monroe
Senator Close
Senator Foley
Senator Dodge
Senator Wilson
Senator Young

Absent : Senator Swobe

Others Present: Joseph M. Kadens
Grant Davis - Legislative Counsel Bureau
Press

S.B. #311 - Provides for chief judge in districts having more than one judge and requires certain information to be reported, Senator Foley.

Chairman Monroe explained the amendment which would take out the four year time period and put in one year so that they will rotate.

Senator Dodge asked if the reporting provision would place an undue burden on this office, Senator Wilson felt that most of the information would be submitted by the district judges as a matter of policy.

Senator Dodge made a motion to amend and "do pass." Senator Wilson seconded the motion, Motion carried.

S.B. #527 - Enlarges eligibility for examination to practice law, Committee on Judiciary.

Mr. Joseph Kadens testified on this bill. The bill was requested by him because although he has practiced law in two states, he is not able to take the state bar examination in Nevada because the law school he attended the University of Baltimore School of Law in Maryland, was not accredited by the American Bar Association. Mr. Kadens statement is attached hereto. He feels that not being allowed to take the bar examination has been a cloud on his reputation. He has filed suit through the supreme court but felt they would not change this rule by recommendation of the state bar. He also stated that he had filed several suits with the state and had been turned down, so he filed a suit in federal court which is pending right now. Senator Dodge felt the committee should hear testimony from the State Bar regarding this rule.

No final action was taken pending further testimony from the state bar.

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S.B. #252 - Provides for allowance of attorneys' fees in civil actions.
Committee on Judiciary.

Senators Dodge and Wilson felt the bill should be killed. Senator Close suggested the language "plaintiff or prevailing party has not sought more than \$10,000" since as the bill reads the plaintiff can preclude the defendant from getting attorneys' fees by suing for \$10,100 no matter what he receives. Senators Dodge and Wilson had no objections.

Senator Close made a motion to amend and "do pass." Senator Foley seconded the motion. Motion carried.

S.B. #226 - Requires deposit of security for bail bonds before release from custody.
Senators Walker and Herr.

Senator Dodge made a motion to hold the bill in committee. Senator Wilson seconded the motion. Motion carried.

S.J.R. #19 - Proposes to amend Nevada Constitution by prohibiting commutations of life sentences without possibility of parole.
Senator Young.

Senator Young explained that this bill would make "life, without the possibility of parole" mean exactly that. Chairman Monroe pointed out that if the death sentence were repealed, this would provide us with something we need for severe penalties.

Senator Young made a motion to "do pass." Senator Wilson seconded the motion. Motion carried.

S.B. #300 - Requires arbitration of civil actions in certain motor vehicle accident cases.
Senator Monroe.

Chairman Monroe and Senator Dodge felt this bill should be referred to the Commerce Committee for hearing.

Senator Dodge made a motion to re-refer to Commerce Committee without recommendation. Senator Close seconded the motion. Motion carried.

S.B. #315 - Changes method of computing payment of delinquent taxes for reconveyance.
Committee on Judiciary.

Senator Dodge explained that this bill was designed to provide for payment of delinquent taxes during the hiatus period before the property can be redeemed by the person who lost the property for non-payment. Senator Close pointed out that the bill provides that the computation be based on the amount of the tax for the last year it was on the tax rolls, multiplied

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by the number of years since the delinquency accrued. He felt the taxes could be increased between the time of delinquency and redemption, and that the property should be assessed each year and charged accordingly. Senator Dodge felt that was going too far.

The committee will hear further testimony from the county treasurer.

Senator Foley advised the committee that he was involved in litigation that this bill may have an effect upon, and was being accused of putting it through for the benefit of that case.

Senator Dodge stated that he asked for committee introduction on this bill. Mike Evans had asked him to introduce it, and he felt it had merit and asked for committee introduction. Senator Foley informed the committee that he would abstain from voting on this bill.

S.B. #324 - Provides for hearing officer in
state personnel matters.
Committee on Judiciary.

Chairman Monroe advised the committee that this bill was introduced because the personnel advisory board, which was set up to meet on a quarterly basis, have been meeting 2 to 4 days a month for hearings. They would like to hire an attorney as a hearing officer to hear cases and relieve them of that responsibility. They would keep the right to grant an appeal if the person were not satisfied with the decision of the hearing officer. Senator Dodge wondered whether the hearing officer should make the final decision or just a recommendation to the board. The committee felt they should have further testimony from the State Personnel Office.

S.B. #332 - Provides that notice of delinquent
property taxes shall be given
regardless of amount due.
Committee on Judiciary.

Chairman Monroe explained that this would provide notice to everybody who is delinquent with their taxes. Senator Dodge felt that there should be a provision for notice by mail, and not only by publication. Senator Close pointed out that in Las Vegas they publish these notices by parcel number. The committee felt they should hear further testimony on this bill.

S.B. #346 - Makes it illegal to give or turn
in false bomb threat or alarm.
Committee on Judiciary.

The bill provides for a penalty of a gross misdemeanor if the bomb threat is in a sparsely populated area, and a felony in a heavily populated area. Senators Young and Foley felt the felony penalty should apply in all cases. Chairman Monroe felt that most of the threats are turned in by young people, and a felony would be a harsh penalty. Senator Young wondered if a real bomb threat was covered under another section.

Grant Davis will check the statutes and draft some language for the committee to look over.

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S.B. #414 - Requires a fee for advance sheets
of Nevada Reports.
Senator Pozzi.

Senator Close requested that the University of Nevada libraries be added to the list of those who receive copies free of charge. Senator Foley wondered if the cost and bother of setting up the subscription and bookkeeping procedures would be worth the charge they would receive for these advance sheets.

The committee will hear further testimony from the introducer.

S.B. #459 - Clarifies indexing requirements
for county recorders.
Senator Swobe.

Grant Davis explained that this bill would help tie the two indexes together. Senator Close felt that was a good idea.

Senator Foley made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

S.B. #460 - Makes permissive retention of child under
jurisdiction of juvenile court until age 21.
Senator Pozzi.

Grant Davis explained that this bill was introduced because the courts don't always want to have jurisdiction over juveniles until they are 21. Senator Dodge felt this would be changed if the 18-year old vote goes through.

No final action was taken.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____

3519 Thom Boulevard
Las Vegas, Nevada 89106

March 15, 1971

To: Members of the Nevada Legislature.

Re: Need for revision of law admission requirements.

Your cooperation and assistance is solicited in obtaining a revision of the Nevada requirements for admission to the practice of law. The need is not for revision of the law with regard to new graduates of law schools but with regard to older and experienced attorneys from other states who move to Nevada to practice law.

In my own case, I moved to Nevada exactly nine years ago and for nine years I have been trying to be allowed to take the Nevada bar examination. This has been denied to me on the ground that the law school I attended in 1940-1943 was not a law school approved by the American Bar Association, despite the fact that my law school, the University of Baltimore School of Law, was approved by the State of Maryland and when I graduated in June 1943 I took the Maryland bar examination, passed it and was admitted to the Maryland bar in December 1943 and have practiced law since that time, until arriving in Nevada in 1962.

State law has given the Supreme Court of Nevada the final word in the determination of rules for admission to practice law, as follows:

N.R.S. 7.490. "With the approval of the supreme court, and subject to the provisions of NRS 7.270 to 7.600, inclusive, the board of governors of the State Bar shall have power to fix and determine the qualifications for admission to practice law in this state, and to constitute and appoint a committee of not more than seven members with power to examine applicants and recommend to the supreme court for admission to practice law those who fulfill the requirements."

This statute gives a blank check to members of a professional group to make whatever rules they wish for entry into the profession and the statute sets no standards or guides for them to follow. Consequently, they have chosen to make the rules so strict that even a lawyer who has passed a State-approved law school, and who has written law books, and who has taught in two law schools is not allowed to take the Nevada bar examination.

A man should not be arbitrarily deprived from his means of livelihood and the State of Nevada should not say to a man who wishes to enter Nevada that he may not continue in his life's work if he moves to Nevada. This is a basic unfairness that no legislator should tolerate.

There are many people who want me to have my license to practice law in Nevada so that I may help them with legal problems. I have been active in many organizations and have met many people and they all are appalled at the thought of Nevada being a state that prevents me from practicing my profession.

I have written several law books and have taught in a fully accredited law school and have practiced law honorably in Maryland and Michigan, since 1943. Prior to practicing law, I served with the U. S. Government for 12 years in law enforcement activities as an inspector and special agent with the U. S. Interstate Commerce Commission. I have also served honorably in World War II. With this background, I should certainly be allowed to take the Nevada Bar Examination to prove my competence in the law.

However, the bar association and the Supreme Court will not change the present rules unless the law is changed. The law should be changed to allow lawyers from other states to move to Nevada and practice law here if they are able to pass the bar examination. Almost all other states allow lawyers to move from state to state without having to take any bar examination whatever. All I am asking for is a chance to take the bar examination.

I am sure that thousands of voters in Nevada would sign petitions to legislators to change the law to allow me to take the bar examination so I can serve the public. It should not be necessary to obtain such petitions but rather changes in the law should be based upon good common sense.

Note: I am in good standing as a lawyer in the Maryland Bar, the Michigan Bar and the Bar of the Supreme Court of the United States.

Respectfully,
Joseph M. Kadans