

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

February 5, 1975

Chairman Robert R. Barengo called to order the meeting of the Assembly Judiciary Committee at the hour of 9:32 a.m. on Wednesday, February 5, 1975.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY
HICKEY, POLISH, SENA, Mrs. HAYES
and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Mr. Barengo opened the meeting and passed out copies of a letter dated October 3, 1974 from William P. Thompson, Stated Clerk of the United Presbyterian Church, relative to the Equal Rights Amendment. This letter is attached.

Guests of the Committee at this meeting were Judge Roy Torvinen, Washoe County District Judge, Dennis Baughman, Las Vegas Review-Journal, Frank Fahrenkopf, a Reno attorney and newly-elected Chairman of the State of Nevada Republican Central Committee, Keith Ashworth, Speaker of the Assembly, and Brenda Baxter, from the State of Nevada Planning Coordinator. The Guest Register from this meeting is attached.

Mr. Barengo introduced Judge Torvinen to the Committee, and he proceeded to testify as follows:

Judge Torvinen basically explained the history of the bills which were being considered at this meeting to the Committee. The bills were A.J.R.10, A.J.R.14, A.J.R.15, A.J.R.16, A.J.R.17 and A.J.R.18. They were introduced in the 57th Session, and they were originally presented in one "package".

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At this point, Mr. Hickey entered the meeting.

Judge Torvinen commented that the two committees proposed by A.J.R.14 and A.J.R.17 would be, in fact, the same committee. Judge Torvinen explained the Missouri plan, which is where a judge runs against his own record and not in a contested race. If there are a lot of negative votes, the governor would then appoint a new judge to replace the incumbent judge.

1973

Minutes
Page 2.

February 5, 1975

Judge Torvinen stated that he is definitely in favor of court reform, but most of the people thought the "package" as presented was too complicated, or maybe they just didn't understand it. He pointed out that some judges are not too happy with the measures.

As regards A.J.R.14, Judge Torvinen explained that the selection committee proposed would consist of a justice of the Supreme Court, 3 members from the State Bar, and three people from the general public appointed by the Governor. He also suggested that if there occurred a vacancy and a district judge needed to be appointed--that one be appointed from a general area or district--not statewide.

As regards, A.J.R.15, the one main issue, which is non-controversial, is the matter of paying the Justices of the Peace a small sum of money while he is attending the Trial Judges College. In a small or medium sized community, Justices of the Peace have taken hold and tried to improve the quality of justice in the legal field. Often there is no availability of an attorney, or very seldom.

Judge Torvinen stated that if the compensation for Justices of the Peace was raised, they could take the place of at least one district judge.

Mrs. Wagner questioned the merit of the Missouri plan. Judge Torvinen explained that only the Supreme Court would run on the Missouri plan. Mrs. Wagner then questioned how many judges have been turned out under this plan. It was Judge Torvinen's comment that he has heard of very few.

Judge Torvinen then testified regarding A.J.R.16, which relates to the discipline of judges. The district judges felt this was unfair because it gave the Supreme Court the Missouri plan and took away from them. However, it increases their terms from four to six years. This commission for the discipline of judges would be made up of lawyers and non-lawyers. This legislation is basically patterned after the California law regarding judges. Basically, this legislation would provide that judges do their job, and those who do not would be removed.

As to A.J.R.17, which pertains to the Missouri plan for the Supreme Court, Judge Torvinen thinks maybe there is some merit in having judges run for election. He notes that there were two incumbent judges turned out in Las Vegas. The Judge then noted that running a statewide campaign for a judge is extremely difficult, and it might be an answer to have judges run in just a particular section or area.

Minutes

Page 3.

February 5, 1975

In regards to A.J.R.18, Judge Torvinen testified that this bill is not too controversial. This gives the Chief Justice the distinction of being head of the others and being able to assign the work load. This would also give the proper legislation to enable recalling a retired judge into service.

Numerous questions were asked of Judge Torvinen about the practical application of all of the measures mentioned in all of the proposed legislation. It was suggested that James R. Brooke, Esq., a representative of the State Bar of Nevada, be asked to come and testify before this Committee, as it would be interesting to hear how the attorneys feel about these pieces of legislation.

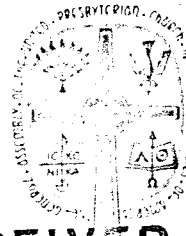
Another matter which this above legislation deals with is the matter of whether the Supreme Court can hear cases out of Carson City. It was mentioned by Judge Torvinen that with the costs involved for attorneys and people involved in the cases heard by the Supreme Court, and with the delays accompanying this, that it would be extremely beneficial for the Supreme Court to hear cases in another city.

Mr. Hickey then testified regarding A.J.R.10. The real intent is to allow the Supreme Court to hear cases in Clark County. At the present time they are being heard in Carson City. He stated that there is a hardship on the attorneys and the Clark County area and the people involved in these cases if they live in the southern part of the state. He also stated that a further expense results if the cases are continued.

Mr. Barengo then reminded Committee members that there would be a meeting tomorrow, and that A.B.42 would be discussed. He also advised that there would be a lot of people to testify and listen to the matters regarding this bill.

There was a motion to adjourn the meeting, and it was seconded. The meeting was adjourned at 10:26 a.m.

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19
William P. Thompson, Stated Clerk
Otto K. Finkbeiner, Associate Stated Clerk and Treasurer
Rev. Robert F. Stevenson, Associate Stated Clerk
Rev. Robert P. Johnson, Associate Stated Clerk

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LEGISLATIVE COUNSEL BUREAU October 3, 1974

OCT 9 1974

Ms. Mouryne Landing
Chief Clerk of the Assembly
State Capitol
Carson City, Nev. 89701

ROUTE: AUDIT DIVISION ()
RESEARCH DIVISION ()
LEGAL DIVISION (✓)

OCT 8 1974

Dear Ms. Landing:

The General Assembly of The United Presbyterian Church in the U.S.A., the highest representative governing body of a communion with 2.8 million members, met in June of this year and took action to endorse the Equal Rights Amendment and to urge its ratification by the several states.

The General Assembly instructed me, as its Stated Clerk, to communicate this action to the legislatures of the several states to encourage the ratification of this amendment.

The action of this 186th General Assembly (1974) is a reaffirmation of the position taken by the 182nd General Assembly (1970) and supports the position taken on this issue in that same year by United Presbyterian Women, the official national organization for women within the United Presbyterian Church.

The passage of the Equal Rights Amendment is essential to assure equal justice under law. This equal justice is now denied both women and men. Redress of this grievance has been sought by women and by resolutions presented to the United States Congress since 1923. The time for action has long since come.

May I point out that the Equal Rights Amendment attempts to guarantee equality of rights under law. It does not legislate social mores. It would permit the extension of meaningful protective labor laws to men as well as women. It would make illegal the denial or abridgment on account of sex of equality of rights under law.

I encourage your support of this legislation for justice too long denied.

Sincerely,

William P. Thompson

WPT:pf

