ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

April 10, 1975

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo on Thursday, April 10, 1975.

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

MEMBERS ABSENT: NONE.

A Guest Register from this meeting is attached to these Minutes.

Secretary of State William Swackhamer testified regarding A.B.447. This bill moves some of the work regarding notaries public from the Governor's Office to the Secretary of State's Office. That would result in the Secretary of State handling the complete operation dealing with the notaries public in Nevada. Mr. Swackhamer previously wrote a letter in this regard to the Assembly Judiciary Committee; however, the Committee requested that he personally appear to testify and answer questions. Mr. Swackhamer stated that as to the change of the offices handling certain procedures, as proposed by A.B.447, his office was not seeking it, but would have no objection to it. He told this Committee that if the Secretary of State's Office was responsible for all activities regarding the notaries public, they would need another staff person to handle it. As to the employer being liable for the official acts of a notary public, Mr. Swackhamer stated that this was part of the uniform act, which is being incorporated. He told this Committee what the costs are presently for becoming a notary public, and what amounts would change with the passage of A.B.447.

Mr. Heaney questioned Mr. Swackhamer as to the change in the amount of the bond which a notary public would have to post. Mr. Swackhamer explained the application procedure for a person who wished to become a notary. This act would require a fee of no more than $2.00 for notarization of documents, and these fees have to be published. Under this act, the notary has to report his new address to the Secretary of State's Office every time he moves. Discussion was had as to the official seal, which at present in Nevada is a rubber stamp. Mr. Swackhamer requested that if A.B.447 passes this Committee, that it be referred to the Assembly Ways and Means Committee for the approval of another staff position within the Secretary of State's Office.

Next, testifying regarding A.B.461 was Judge Keith Hayes and Judge Paul Goldman. With them was Clark County Public Defender, Morgan Harris. They were in support of A.B.461, which would add judges to the Eighth Judicial District. The Judges presented to this Committee copies of statistics of cases filed in all the judicial districts of Nevada, together with other supportive data, as well as a copy of the Amended Supplemental Rules of the Eighth Judicial District, hereinafter referred to as the ASR. Each member of this Committee received copies of the aforementioned data, and this is attached to the original Minutes only.

Judge Paul Goldman is the Chief Judge in Clark County, and he explained that the new Rules of the Court were designed to expedite matters now. He gave examples of some of the problems they have in Clark County with over-crowded court calendars. He said the ASR were designed to eliminate some of these problems, but they will not eliminate them entirely. Judge Goldman said in the very near future if some of the cases are not resolved and if the Grand Jury comes out with a number of indictments, they will have to declare a civil moratorium in Clark County, and he indicated that this is, indeed, a very unfortunate thing to have happen. He explained to this Committee some of the various duties of the various judges. At the present time, in order to conform with statistics and growth, Clark County needs more than two new district judges, but he hopes the Legislature will approve at least two. This would be the minimum needed to alleviate the problem.

Clark County Public Defender Morgan Harris advised the Committee of statistics in the increases of case loads during the past twelve months. He told of the time it takes for a judge to sentence a number of cases, to preside over the Juvenile Court, and he advised that each judge takes two or three weeks off a year.

Judge Goldman said he and Mr. Harris went to Denver to look into their court situation before they drafted the new rules. He said, in considering the voluminous case loads, that the judges cannot get through that much material in the time period alloted. He said it takes up to two years to get some people to trial.

Judge Goldman said they are presently accepting application and resumes for a Court Administrator who would handle scheduling and other administration regarding the courts.

Judge Hayes commented that a Court Administrator does not function as a judge--he does the paper work.

After questioning from Mrs. Wagner, Judge Goldman commented on the judges' salaries. They come out of a state fund. He also told the Committee about what part the counties must finance in regard to appointing a new judge. Judge Goldman said that if two new judges were appointed, no new office space would be needed. It was pointed out that Washoe County was convicting more people, and that county had only 40% of Clark's case load.

Judge Goldman testified that if Clark County had 14 judges, it would bring that county up to standard. Judge Hayes commented that one solution toward easing the backlog would be that any judgment from a tort liability bear interest at 10% from the date the complaint was filed. That would make the defense attorney and the defendant take a hard look at settlement. If these people knew that they had to pay 10% or 12% on that amount, it would make these people try to settle before a trial date is set.

Chairman Barengo commented that there was presently a bill in the Assembly (S.B.404) which would raise Clark County's filing fees and the additional monies would go to the Legal Aid Society.

Lengthy discussion on A.B.461 followed.

Bob Broadbent, Clark County Commissioner, stated that in regards to A.B.461, he cannot speak on the case load of the courts, but he is speaking to the County Commission's problems. He read a Resolution of the Commissioners, and stated that a copy of this Resolution would be placed on desks of the Committee members today. This Resolution asks that the Committee carefully inspect the situation before passing A.B.461. Clark County's budget is very tight, and they have authorized no pay raises at all in their budget, except for just a couple people. Mr. Broadbent said the Commissioners do not quarrel with the problems the courts have, but four years ago when four new judges were given to the county, it resulted in a huge expense for Clark County to provide the necessary staffing and quarters for the new judges. Physically and financially Mr. Broadbent does not see the capability of Clark County to meet the needs of two additional district court judges, unless they are given additional revenue or additional revenue sources. Other services would have to be cut back.

Mr. Hickey commented on the rising crime rate in Clark County and stated that the first priority is the protection of the public. He spoke to the responsibility of the State and of Clark County. He said the Supreme Court can direct additional judges in Clark County. He said he becomes disturbed when talk about cutting back services begins.

Mr. Broadbent stated that they are not only faced with a problem in the courts, but in the police departments, public defender's office, etc. They have not been able to give these organizations any reasonable budget amount. Their budget cuts 100 police officers off the force. They do not have funds or resources to fund anything new.

Mr. Banner pointed out that when the Clark County Delegation met, Gordon Hawkins presented a package for court reform. Mr. Banner said he is 100% for this type of legislation, but he does not think it will pass because the lawyers will not be happy with it.

The Committee quesioned Mr. Broadbent at length about the expenses Clark County would have to cover if two new district judges are appointed in Clark County.

Robert Legakes, Clark County Justice of the Peace testified regarding A.B.461. He said he has never been able to accept the fact that justice is equated with money. He gave this Committee an example of a case which might take two years to go to a jury. The defendants in the criminal cases are the ones who benefit from this situation. The judicial system should be independent and should not have a price tag on it. He is not proud of the way the judicial system is working in Clark County.

Next, the Committee began to hear testimony relative to A.B.457. Assemblyman Robert Benkovich testified. He is the author of the bill. He handed out to the members of this Committee a written copy of a study on Revision of State Bail Laws by John J. Murphy, Professor of Law, University of Cincinnati, a copy of which is attached to the original Minutes only. He got the idea for this bill from a Sertoma Club meeting where a bail bondsman spoke. This was a meeting in Carson City. Last session, Assemblymen Fry and Capurro had a bill of this type, and the minutes of last session's meeting show that every bail bondsman in the state showed up to testify on the bill. This study which was passed out answers about every question you could have on bail bonds. Mr. Benkovich then quoted from various parts of the study. He then gave this Committee some examples of what the opposition to this bill would be. These arguments were raised in seven states, and each of these states adopted some alternative method of securing bonds. Mr. Benkovich was asked how many more people would be needed to be hired should A.B.457 pass and the county take care of the bail bond situation. Mr. Benkovich said he doesn't see any argument in this regard because the bail bondsmen operate at a profit.

Dale Murphy, Public Defender in Washoe County, testified regarding A.B.457. Mr. Fry, who was the initial author of the bill last Session, asked him to testify before the Committee. Mr. Murphy stated that as far as this bill is concerned, it does not answer his questions totally. He said that there should be a broader system of releasing people on their own recognizance. And, he does agree with some of the provisions in the bill. If a person obtains release by supplying strictly cash, you are still depriving him of his property. But, they do not wish to deprive the bail bondsmen from earning a living. He just feels that people who are responsible should be released on their own recognizance. He told this Committee that he was here to testify neither for nor against passage of A.B.457. He said that it has been found that the people released on their own recognizance who do not appear is minimal. He said that this bill does not assist the defendants to the degree that he would like to see it done, and it deprives the bail bondsmen. In his opinion, this bill does not cure the problems.

Judge Seymour Brown, Municipal Court, City of Las Vegas, testified in opposition to A.B.457. He says that presently in effect is a system which works. He wondered why it was so difficult for people to realize that the courts do have the discretion to release people on their own recognizance or to regulate the bail accordingly. When any facts are brought before the court by an employer or friend of the family, the judges act accordingly. To implement the procedure proposed in A.B.457 would result in justice courts having to cope with additional problems. If a person who is out on bail does not appear, the surety company will assist the court in finding the person. The courts do have the right to release a person on his own recognizance and the discretion to lower bail accordingly. Judge Brown feels that there are other priority items which must come first this legislative session, before this type of program is instituted. The present system does work in most instances. He pointed out in Clark County there is a unique situation where most of the crimes are not committed by residents of the community. Judge Brown feels that this bill places the Clerk's Office in the position of being a bondsman.

Chairman Barengo read a letter he received today from Justice of the Peace Richard Minor, Reno Township, which stated that he feels it would not be practical to put into practice what is proposed by A.B.457, and it would result with more staff being added to the Washoe County Clerk's Office. This letter is attached hereto.

William F. Sandbach testified next in opposition to A.B.457. His written statement is attached. Mr. Sandbach is Executive Director of the California Advisory Board of Surety Agents. He said that passage of this bill would result in virtually eliminating the bonding business in the State of Nevada. In short, it replaces a bail system which is conducted at no expense to the taxpayer. The defendant acts as his own bonding agency. "A cash-deposit system similar to that proposed by AB 457 is now in use in Illinois." He cited the Illinois example frequently during his testimony. He stated that the Illinois system has actually worked to the detriment of the poor and low income families. The bail jumping figure has gone up, and in Philadelphia the District Attorney had to hire 61 investigators to pursue bail jumpers. Mr. Sandbach was questioned by this Committee.

Mrs. Hayes questioned regarding a policing or governing body for the bail bondsmen. Jane Ladowick responded, saying the Nevada Insurance Commission comes in at any time, and they can check files or deposits, and the bail bondsman can be brought up for hearing if any irregularities occur. She said she has never heard of any case being heard before the Insurance Commission. She advised the Committee that the Surety Agents Society was one organized and formed from among bail bondsmen. She also told this Committee that there were approximately 10 agents in Clark County.

Next to testify was Mr. Jay McIntosh, who stated that he has been in the bail business in Nevada for a number of years. He said Section 3 of A.B.457 seems to serve no purpose in relation to the thrust of the bill, and Mr. Barengo commented that he agrees.

Mr. Benkovich commented that this bill was suggested by the industry to clear up present court problems in regard to this situation.

Mr. McIntosh proceeded to go over this bill in detail with the Committee. He suggested many amendments to the bill, and Chairman Barengo requested that Mr. McIntosh collaborate with some of his colleagues and draw up appropriate amending language to this bill and then present it to this Committee for approval.

As to A.B.518, Mr. Hickey requested that someone from the Nevada State Insurance Commissioner's Office be present to testify, and it was decided that the Justice Court in Las Vegas be advised of the next hearing date.

Next, testifying on A.B.456 was Douglas County District Attorney Howard McKibben, President of the Nevada District Attorney's Association. He stated that he is in support of this bill only if an amendnent is added. The Association supports the bill to increase penalties to certain specified crimes against the person. He suggested that the penalty should be changed from 1 to 20 years to 1 to 10 years. He personally feels it should be from 1 to 6 years; however, certainly not 1 to 20. The Association feels that Subsection B of Page 1 should be deleted entirely. They want a felony penalties as to crimes against the person--all others would be a gross misdemeanor. Mr. Barengo commented that he received written testimony from Humboldt County District Attorney Bill Macdonald, a copy of which is attached, and which is the same as Mr. McKibben's testimony. This Committee proceeded to question Mr. McKibben.

Jim Gerow, Department of Parole and Probation, spoke in support of A.B.456. He agrees with the amendment proposed by Mr. McKibben. He would like to explain that certain "sophisticated criminal types" who are on probation have had the good fortune to be prosecuted under the gross misdemeanor language, and the Probation Department has the problem with supervision when the person on probation faces the possibility of a revocation. In fact, there are more crimes against property (forgers, burglers, etc.), and Mr. Gerow feels that these crimes should also be included in this amendment suggested by Mr. McKibben. When a person is facing a prison term, he is much more responsible than one who is not.

Mr. Heaney commented that he feels the District Attorney's Association should be consulted as to their feeling on the inclusion in this bill of crimes against property.

Mr. McKibben commented from the audience that the District Attorneys feel only to include crimes against the person.

Virgil Anderson,AAA, spoke in opposition to A.B.460. He gave the background on this regarding the law of contributory negligence. The effect of this bill would make a defendant liable, and they think that this bill would shift to the insured defendant, even though he may have contributed to a very minor portion of the particular accident. Mr. Anderson feels that this is unfair. He knows that there is concern in the Legislature about the number of insured drivers.

Chairman Barengo commented that this bill came from an attorney in Las Vegas.

Mr. Banner was excused from the meeting at this point to chair a meeting of the Assembly Labor Committee.

Next to comment on A.B.460 was Attorney George Vargas, Reno, who said he was interested as to who introduced the bill. He represents the American Insurance Association, and his firm is largely a defense firm which normally does not take plaintiffs' cases. Mr. Vargas stated that the contingent fee system in Nevada is great to cause one to forget one's ethics. Mr. Vargas stated that if the Defendant is 51% negligent and the Plaintiff is 49% negligent, then the Plaintiff is entitled to recover his damages to that percentage. It becomes more complicated when you get more Defendants. The jury gets instructions that they are to determine the particular negligence of a Defendant. Mr. Vargas suggested that if the Legislature wants to do something constructive, it should take a look at the lawyers' contingency fee basis.

Daryl Capurro, Nevada Motor Transport Association, testified on A.B.460 by stating that Mr. Vargas made an opening for his remarks. They are in opposition to this bill. He stated that the members of their organization must by law carry much higher liability coverage for their operation. He gave an example where his people may be 100% insured, compared to a co-defendant who holds less insurance. This would put the Motor Transport Association people right in the middle of A.B.460. This bill is highly discriminatory because it would work to the detriment of their people, because the Defendant might be a lot less liable than the Plaintiff. The members of their organization would be a bad target. Mr. Capurro stated that it has been his understanding that when you jointly tie people together, there is some kind of relationship, whether it is economic,social or whatever, and in this kind of situation there would be no relationship among the parties other than that they were in the same accident. Passage of this bill would result in higher costs to their people, and this would result in higher costs to the consumer.

As to A.B.462, Pat Bates, Bureau of Alcohol and Drug Abuse, testified. They support the intent of this bill; however, they would like to comment on a few points. One point is that they feel Section 2 is in contradiction with the existing language in S.B.359.

The staff of the Bureau feels that A.B.462 allows special privileges to drug addicts which are not given to alcoholics. The Bureau requests that "alcoholic persons" be added into A.B.462. On Page 2, there is a maximum of three years of supervision in a treatment facility. They would also suggest that the three year period be a maximum and the three year period remain in force as a probation--in case there was a violation, the person could then be tried. Ms. Bates discussed other minor changes to the bill. The Committee questioned Ms. Bates, and Mr. Heaney asked whether or not she would be able to prepare the amendments she was requesting in writing.

Mrs. Blaine Rose commented from the audience on the waiver of jury trial as regards A.B.462.

Mr. Lowman moved DO PASS A.B.461, and Mr. Sena seconded. Discussion was had by members of this Committee as to referring this bill to Assembly Ways and Means Committee. A vote was taken with 7 in favor of passage and referral, Mrs. Hayes abstained, and Mr. Banner was absent for the vote. Legislation Action Form is attached to these Minutes.
MOTION CARRIED DO PASS A.B.461 AND REFER TO ASSEMBLY WAYS AND MEANS COMMITTEE.

As to A.B.457, Mr. Sena moved for INDEFINITE POSTPONEMENT, and Mrs. Hayes seconded. A vote indicated 8 Committee members in favor of indefinite postponement. Mr. Banner was absent for the vote. Form attached.
MOTION CARRIED INDEFINITELY POSTPONE A.B.457.

As to A.B.456, Mrs. Wagner moved DO PASS WITH AMENDMENTS, which were basically as presented by Mr. McKibben. Mr. Heaney seconded. Chairman Barengo opened the floor to discussion. A vote showed 8 Committee members in favor of the motion, and Mr.Banner was absent for the vote. Form attached.
MOTION CARRIED DO PASS A.B.456 AS AMENDED.

Mr. Lowman requested that the Chairman appoint him to a subcommittee to look into what is proposed by A.B.462.

Mr. Hickey commented that he would like to have the Committee take action on A.B.451 and A.B.331 in the near future.

Chairman Barengo announced that the film on the death penalty, which Mr. Heaney obtained for the Committee's review, will be shown tomorrow afternoon in the Committee room.

Seeing no further business, and after a motion and a second, Chairman Barengo adjourned this meeting of the Assembly Judiciary Committee.

ASSEMBLY JUDICIARY COMMITTEE

GUEST REGISTER

DATE: April 10, 1975

NAME	BILL NO.	SPEAKING	REPRESENTING
[illegible]	AB447	✓	Sec of State
Seymore H Brown	AB 457	✓	Mun. Court Las Vegas
[illegible]	AB 461	✓	8th JUDICIAL DISTRICT
Rusty D'Anna	AB457	✓	Bail Industry
William F. SANDERS	AB457	✓	" "
DARYL E. CAPURRO	AB460	✓	NEVADA MOTOR TRANSPORT ASSOCIATION
ROBERT LEGAKES	457	✓	CLARK COUNTY J.C.
James R Ewing	AB456	✓	Parole & Prob. Dept
Mrs. Joy McIntosh	457		
Mrs. Joe Andre	457		
Keith C. Hayes	AB461	✓	Clark County Dist. Court
MORGAN HARRIS	AB 461	✓	Clark County Pub. Def.
Dale Murphy	AB 457	✓	Washoe Co. Pub. Def.
Pat Bates	AB 462	✓	Bur. Alcohol & Drug Abuse
Joy Henriksson	AB 462		WNCC
Susan Redford	AB 462		WNCC
Natalie Henriksson	AB 462		Wooster High School
ANNETTE BJERKE	AB 462		WNCC
Brooke Smith	AB 462		WNCC
Clinton D Watkins	AB 462		WNCC
R.V. HUFFAKER			WNCC
Kim Boardman	AB 462		WNCC
Arlene Roettger	AB 462		WNCC

April 10, 1975

Centúl.

Blanche Rose AB 462 Rehabilitation
Pat Bates " "

RICHARD C. MINOR
JUSTICE OF THE PEACE

JUSTICE OF THE PEACE

RENO TOWNSHIP
DEPARTMENT 2
WASHOE COUNTY COURT HOUSE
RENO, NEVADA
89505

ADDRESS CORRESPONDENCE TO
P. O. BOX 2173

April 9, 1975

Mr. Robert R. Barengo
Chairman, Judiciary Committee
P. O. Box 1074
Reno, Nevada 89504

Re: Assembly Bill 457

Dear Bob:

I regret that I will be unable to attend the hearing of the Assembly Judiciary Committee on April 10th when Assembly Bill 457 is considered.

This bill, if inacted in its present form, would create a number of very serious problems for the Justices Court of Reno Township.

I understand and appreciate the thought behind this bill since it raises policy which has been approved by the American Bar Association Committee on Criminal Law.

However, from a practical standpoint, it would require at least two or three additional clerks in this office to administer the law, and place an unreasonable amount of responsibility with respect to the handling of money, the determination of the value of stocks and bonds put up for security, and would present problems relative to the value of securities in case such securities were to decline in value, which is a realistic consideration with the general economic situation in the country.

At this time when we are attempting to operate our office with the maximum amount of economy, I would like to go on record as being opposed to this legislation.

Very truly yours,

RICHARD C. MINOR

RCM/bf

Testimony of
WILLIAM F. SANDBACH
before the
ASSEMBLY COMMITTEE on JUDICIARY
State of Nevada
in opposition to AB 457
April 10, 1975

My name is William Sandbach, and I am the Executive Director of the California Advisory Board of Surety Agents. My purpose in appearing before this committee is to speak in opposition to AB 457. If written into law, it would virtually eliminate the bail bond industry in Nevada. In addition, it would require that untold large amounts of public money be raised for additional court and law enforcement costs and associated administrative expenses. In short, it would replace a portion of the private sector with a court-operated, publically administered, tax-supported bail system.

Assembly Bill 457 ostensibly provides "alternative methods of securing bail bonds". It permits an individual charged with a crime to post bail with the court in an amount equal to 10% of the bail. What this does in reality is to reduce the amount of the bail by 90%. There is no requirement for collateral or security beyond the amount initially posted by the defendant. In effect, the defendant acts as his own bonding agent, guarantees his own appearance, and does so for one-tenth the amount that private surety companies must guarantee today. The backers of 10% bail plans describe them as measures designed to help the indigent and the economically disadvantaged gain release from jail. Experience has shown that 10% plans have exactly the opposite effect. Let me give you an example: A cash-deposit system similar to that proposed by AB 457 is now in use in Illinois. Under the old surety bond system, the bail for drunk driving was $250 which meant that a person booked on that charge would need $25--in cash or in credit--to secure bail which was fully guaranteed by a private surety. With the advent of the 10% requirement, the courts soon realized that setting of $250 in bail would provide only $25 worth of assurance that the defendant would appear in court. The result was that they raise the bail schedules.

The same drunk driving charge is now $1,000 meaning that an individual must have not $25 but $100 in order to be freed on bail. Bail schedules have increased approximately 300% under the 10% system. So instead of helping low-income persons, the cash-deposit plan has had exactly the opposite effect. It has made it more difficult for them to raise bail. As a result, the jails have become crowded with those awaiting trial. A report issued by the Illinois Legislative Council in 1971 indicates that there has been nearly a 550% increase in the number of pre-trial holdovers in the Cook County jails. In 1964, prior to the introduction of the 10% plan, pre-trial holdovers accounted for 21% of the prison population. In 1970 they accounted for 77%, and it is the taxpayer who must pay for the cost of housing and feeding these prisoners.

Beyond the fact that cash-deposit systems have proven singularly unsuccessful in accomplishing their stated purposes, I ask you to consider the side effects these bills have had in locations where they have been tried. Of particular importance is the increase in the failure-to-appear or "bail-jumping" rate. Cook County's rate was 13% on the last report available. By comparison, the figure was only 7.7% for those posting surety bonds. Similarly, the Vera Institute of Justice noted that the "jump" rate in Manhattan for those released on cash bail was 19.4% as compared to 4.4% for those posting a surety bond. And, presumably, the bail-bondsmen were left with the poorer risks.

The Vera Researchers concluded that the bondsmen's better performance could be attributed to the fact that defendants knew that they had their own investigators who could--and would--pursue them if they jumped bail.

Philadelphia, which has had experience in a cash-deposit operation, has added 61 law-enforcement personnel to its staff to apprehend bail jumpers, a duty previously performed by the independent surety agencies, at no cost to the taxpayers.

Add to this the administrative problems involved in attempting to collect doubtful assets from bail-jumpers--assuming you have the money and personnel to

pursue and apprehend them in the first place--and this legislation takes on major significance in terms of dollar outlay by the taxpayer--without any promise of meeting its purported goal--which is making it easier for the lower-income person to gain release from jail.

On the subject of failures-to-appear, a study published in the Fall, 1972 issue of the John Marshall Law Review concludes that overworked law enforcement agencies are rarely able to search for and apprehend bail-jumpers in Illinois. They are understaffed, and no provision has been made to augment them to take into account the fact that the government must now seek out defendants, a service formerly done at no charge to the taxpayer by the bonding companies.

This same study points out that during the years 1969 through 1971, almost two million dollars in excess judgments were declared against defendants who failed to appear while free on 10% bond, yet not one penny was collected. Court personnel in Philadelphia and Oregon have stated the same thing. They are apparently finding out what bondsmen have known for years...it is a very difficult, expensive, and time-consuming proposition to attempt to recover collateral from a defendant or his indemnifiers.

My point is that the adoption of a 10% plan involves much more than the deposit of money with the court instead of with the bondsman. It involves pre-release investigation and post-release follow-up. As David Lester, former Director of the Philadelphia Bail Program, said in testimony before the California Senate Judiciary Committee in 1973, "If you are going into the bail bond business, whether it be OR or the 10% cash business, you are going into a very serious big business."

In summary, it is my belief that cash-deposit legislation will not make it easier to get out of jail unless a defendant has plenty of ready cash. In fact, it will work to the detriment of the poor and the disadvantaged. It will not offer an additional option, since that option is already available under existing laws;

It will make it easier for the professional criminal to bail himself out of jail with no one but himself to guarantee subsequent appearances;

It will place an additional burden on the taxpayer in increased court and law-enforcement costs.

Assembly Bill 457, if enacted, will result in lost revenues, require additional funding in large amounts, and clog our jails with persons awaiting trial. I respectfully urge you to vote "No" on this measure.

Table 1

Prisoners in Bridewell Prison, Cook County, 1964-1970

Year	Grand total	Regular prisoners	Holdovers for trial	Inmates held for U.S. Immigration Dept.
1964	20,443	15,876	4,467	None
1965	20,789	14,544	6,245	None
1966	21,232	14,652	6,580	None
1967	29,614	13,778	15,336	500
1968	41,917	13,260	24,714	3,953
1969	46,191	15,816	23,272	7,103
1970	50,924	10,777	35,120	5,027

Note: These are approximate aggregates for the year, not the prison population at any given time.

Source: Prison officials.

Source: Illinois Legislative Counsel

Report dated: May 12, 1971

Appendix a.

NTY
EITED

D bonds = 10% deposit release
I bonds = Personal Recognizance Release

FORFEITURES TO POSTED			PERCENTAGES QUANTITY CHANGE FR PREVIOUS YEAR						% CHANGE FR PREV. YR. FORFEITURES TO POSTED		
			POSTED			FORFEITURES					
D BONDS	I BONDS	D & I	D BONDS	I BONDS	D & I	D BONDS	I BONDS	D & I	D BONDS	I BONDS	D & I
.54	21.80	14.40	—	—	—	—	—	—	—	—	—
.39	12.14	9.13	—	—	—	—	—	—	—	—	—
.05	6.80	10.81	—	—	—	—	—	—	—	—	—
.02	15.50	14.18	—	—	—	—	—	—	—	—	—
.44	11.02	12.30	—	—	—	—	—	—	—	—	—
.06	22.72	10.91	—	—	—	—	—	—	—	—	—
.88	20.07	13.65	—	—	—	—	—	—	—	—	—
.09	21.41	12.87	+ 8.00	+ 7.91	+ 7.99	+6.00	+ 5.90	+ 5.98	-2.45	-0.39	-1.53
.19	10.19	9.37	+12.57	- 4.07	+ 9.51	+23.68	+23.66	+12.39	+0.80	-1.95	+0.24
.26	25.33	11.21	- 5.68	+18.85	- 4.19	-14.84	+42.31	- 0.41	-1.79	+18.52	+0.40
.72	18.64	14.47	+13.55	+12.44	+13.42	+3.02	+35.21	+15.74	-0.30	+3.14	+0.29
.42	12.90	12.47	+20.69	+33.71	+21.99	+20.54	+56.52	+23.77	-0.02	+1.88	+0.17
.65	13.55	7.66	+16.75	+26.64	+18.10	-16.64	-32.34	-20.69	-2.41	-9.17	-3.25
.48	10.48	13.24	+ 8.80	+10.41	+ 8.97	+ 5.46	+ 7.16	+ 5.73	-0.40	-0.59	-0.41
.29	22.57	14.93	+ 8.99	+101.03	+18.56	+ 8.99	+111.90	+25.20	+2.20	+1.16	+2.06
.50	9.05	11.71	+ 4.45	+48.13	+12.05	+42.07	+31.18	+40.00	+3.31	-1.14	+2.34
.79	16.55	10.54	+ 7.45	+82.38	+12.64	+ 3.39	+19.13	+ 5.85	+0.53	-8.78	-0.67
.12	20.08	14.73	+ 8.79	- 2.39	+ 7.55	+10.12	+ 5.21	+ 9.42	+0.40	+1.44	+0.26
.91	40.97	17.42	- 3.89	+16.27	- 1.57	+7.81	+269.41	+37.46	+1.49	+28.07	+4.93
.41	25.63	8.91	+ 7.00	+31.29	+10.54	-14.9	+148.3	+28.66	+1.24	+12.08	+1.25
39	22.55	14.28	+ 7.88	+81.77	+15.92	+ 3.76	+10.48	+25.02	+0.11	+3.07	+1.04

al District
ived: 17.7% (1970),

CIRCUIT COURT OF COOK CO
BAIL BONDS POSTED AND FOR

YEAR	COUR DIST.	POSTED QUANTITY D BONDS	POSTED QUANTITY I BONDS	POSTED QUANTITY TOTAL D & I	POSTED % Ds TO TOTAL	POSTED % Is TO TOTAL	FORFEITURES QUANTITY D BONDS	FORFEITURES QUANTITY I BONDS	FORFEITURES QUANTITY TOTAL D & I	FORFEITURES % Ds TO TOTAL	FORFEITURES % Is TO TOTAL	B
1969	1	84,202	9,777	93,979	89.60	10.40	11,402	2,134	13,536	84.23	15.77	13
	2	3,828	947	4,775	80.17	19.83	321	115	436	73.63	26.37	8
	3	6,442	382	6,824	94.41	5.59	712	26	738	96.48	3.52	11
	4	3,617	458	4,075	88.80	11.20	507	71	578	87.72	12.28	14
	5	5,636	626	6,262	90.10	9.90	701	69	770	91.04	8.96	12
	6	7,432	1,171	8,603	86.39	13.61	673	266	939	71.67	28.33	9
	TOT	111,157	13,361	124,518	89.27	10.73	14,316	2,681	16,997	84.23	15.77	12
1970	1	90,938	10,553	101,491	89.60	10.40	12,086	2,260	14,346	84.24	15.76	11
	2.	4,319	910	5229	82.60	17.40	397	93	490	81.03	18.97	9
	3	6,006	454	6550	83.07	6.93	620	115	735	84.36	15.64	9
	4	4,107	515	4622	89.00	11.00	573	96	669	85.66	14.34	13
	5	6,802	837	7639	89.04	10.96	845	108	953	88.67	11.33	12
	6	8,677	1,483	10160	85.41	14.59	577	201	778	74.17	25.83	6
	TOT	120,939	14,752	135691	89.13	10.87	15,098	2,873	17,971	84.01	15.99	12
1971	1	99,112	21,215	120,327	82.36	17.64	13,172	4,789	17,961	73.33	26.67	13
	2	4,511	1,348	5,859	77.00	23.00	564	122	686	82.22	17.78	12
	3	6,550	828	7,378	88.78	11.22	641	137	778	82.40	17.60	9
	4	4,468	503	4,971	89.89	10.11	631	101	732	87.92	12.08	14
	5	6,547	974	7,521	87.05	12.95	911	399	1,310	69.55	30.45	13
	6	9,284	1,947	11,231	82.67	17.33	502	499	1,001	50.15	49.85	5
	TOT	130,472	26,815	157,287	82.95	17.05	16,421	6,047	22,468	73.09	26.91	12

NOTE: Statistics on judgments of "I" bonds forfeited in 1970 and 1971 in the Ist Municip of the Circuit Court of Cook County are available. They are: (1) Judgments to Rece 17.2% (1971); (2) Judgments to Forfeitures: 81.1% (1970), 77.8% (1971)

AB 456 CONSPIRACY

To commit violent felony Sec 1 (1)(a) OK

To commit non violent felony Sec 1 (1)(b) NO

I PREFER SOME FLEXIBILITY ON NON VIOLENT FELONIES.

I WOULD PREFER TO KEEP THE ALTERNATIVE OF A GROSS.

IF THERE IS STRONG FEELING FOR FELONY TREATMENT I WOULD SUGGEST THAT YOU MAKE IT OPTIONAL — FELONY OR GROSS — LIKE INVOLUNTARY MANSLAUGHTER.

(CALIFORNIA HAS A WHOLE RAFT OF CRIMES WHICH CAN BE FILED AS A FELONY OR GROSS. THEY HAVE APPARENTLY NEVER HAD A STATE V LAPINSKY PROBLEM. THAT WOULD BE THE ULTIMATE FLEXIBILITY. I HATE TO FILE A FELONY FOR A #125 CHECK. I DON'T LIKE TO IGNORE IT & I'M NOT BEING INTELLECTUALLY HONEST IF I FILE IT AS A MISDEMEANOR)

Bill Macdonald

(Please excuse the informality - time didn't permit otherwise)

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 10, 1975

BILL NO. A.B. 461

MOTION: _____

Do Pass ✓ Amend ____ Indefinitely Postpone ____ Reconsider ____
and refer to assembly Ways & Means

Moved By Mr. Lowman Seconded By Mrs. Sena

AMENDMENT: _____

_____

Moved By _____ Seconded By _____

AMENDMENT: _____

_____

Moved By _____ Seconded By _____

	MOTION		AMEND		AMEND	
VOTE:	YES	NO	YES	NO	YES	NO
Barengo	✓					
Banner						
Hayes						
Heaney	✓					
Hickey	✓					
Lowman	✓					
Polish	✓					
Sena	✓					
Wagner	✓					

Mrs. Hayes abstained.

TALLY: Mr. Banner absent for vote.

ORIGINAL MOTION: Passed ✓ Defeated ____ Withdrawn ____
not referred to Ways & Means

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 10, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 10, 1975

BILL NO. A.B. 457

MOTION: _____

Do Pass _____ Amend _____ Indefinitely Postpone ✓ Reconsider _____

Moved By Mr. Sena Seconded By Mrs. Hayes

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION YES	MOTION NO	AMEND YES	AMEND NO	AMEND YES	AMEND NO
Barengo	✓					
Banner						
Hayes	✓					
Heaney	✓					
Hickey	✓					
Lowman	✓					
Polish	✓					
Sena	✓					
Wagner	✓					

Mr. Banner absent for vote.

TALLY:

ORIGINAL MOTION: Passed ✓ Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 10, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 10, 1975

BILL NO. A.B. 456

MOTION: _____

Do Pass ✓ Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mrs. Wagner as amended Seconded By Mr. Heaney

AMENDMENT: _____

_____

Moved By _____ Seconded By _____

AMENDMENT: _____

_____

Moved By _____ Seconded By _____

VOTE:	MOTION YES	MOTION NO	AMEND YES	AMEND NO	AMEND YES	AMEND NO
Barengo	✓					
Banner						
Hayes	✓					
Heaney	✓					
Hickey	✓					
Lowman	✓					
Polish	✓					
Sena	✓					
Wagner	✓					

TALLY: Mr. Banner absent for vote.

ORIGINAL MOTION: Passed ✓ Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 10, 1975
Date

PREAMBLE

Pursuant to Nevada Rules of Civil Procedure (NRCP) 40, 78 and 83, and District Court Rule (DCR) 10, and pursuant to the express, implied and inherent authority vested in the Courts by Nevada Revised Statutes, Section 3.025, the following Special Rules are promulgated to relieve the Courts, counsel, litigants and witnesses from emergency conditions which presently exist, and which these Special Rules are intended to remedy. Notwithstanding the provisions of NRCP 83 and NRS 2.120, the effective dates of said Rules shall be as stated, whether the prescribed 60-day period has elapsed or not. For convenience of reference, the Amended Supplemental Rules of the Eighth Judicial District shall be referred to hereinafter as the ASR.

I. ORGANIZATION OF THE COURT

A. JUDGES

1. CHIEF JUDGE (NRS 3.025). There is designated one of the District Court Judges a Chief Judge, who shall perform all acts necessary to effectuate the provisions of these Special Rules and the pertinent statutes and who, in addition, shall act as Master Calendar Judge as referred to in the ASR and these Special Rules.

On and after July 7, 1975, the Chief Judge shall also undertake to hear matters, both civil and criminal, which appear on the volunteer docket described in Section II.E. of these Special Rules and overflow trials from the Trial Judges, to the maximum extent possible. In addition thereto the Chief Judge shall continue to hear ex parte and emergency matters as before.

2. JUVENILE JUDGE (NRS 62.190). There is designated one of the District Court Judges a Juvenile Judge, who shall perform all acts necessary to effectuate the provisions of these Special Rules and the pertinent statutes.

3. TRIAL JUDGES (NRS 3.20). Those District Court Judges designated neither as Chief Judge nor as Juvenile Judge shall be designated as Trial Judges, who shall perform all acts necessary to effectuate the provisions of these Special Rules and the pertinent statutes.

B. COURTS

1. CIVIL. Not less than four (4) of the designated Trial Judges shall be further designated as Civil Judges for all purposes set forth in these Special Rules.

2. CRIMINAL. Not less than four (4) of the designated Trial Judges shall be further designated as Criminal Judges for all purposes set forth in these Special Rules.

3. TERMS. The designations of Trial Judges, as either Civil or Criminal, shall be for a period of one year except, for good cause, terms may be shortened, lengthened or renewed. The first designated Civil Judges shall be:

Department I	(The Honorable J. Charles Thompson)
Department VII	(The Honorable Carl Christensen)
Department VIII	(The Honorable Michael Wendell)
Department IX	(The Honorable Keith C. Hayes)

The first designated Criminal Judges shall be:

Department II	(The Honorable James A. Brennan)
Department III	(The Honorable Joseph S. Pavlikowski)
Department IV	(The Honorable Thomas J. O'Donnell)
Department VI	(The Honorable Howard W. Babcock)

The Chief Judge for 1975 shall be Department X (The Honorable Paul S. Goldman), and the Juvenile Judge for 1975 shall be Department V (The Honorable John F. Mendoza), the latter completing the second year of a two-year term.

II. CIVIL CALENDAR MANAGEMENT

A. DOCKETING

1. PRE-CUTOFF. Cases filed prior to July 7, 1975, shall be distributed to the designated Civil Judges, on a random basis, by the Court Administrator - or the Chief Judge, in the former's absence - acting in conjunction with the Clerk of the District Court.

2. POST-CUTOFF: Cases filed subsequent to July 7, 1975, shall not be assigned to specific Civil Judges unless and until an appearance by an adverse party or parties shall have been filed in response to the pleading which initiates the litigation. Upon the filing of such adverse appearance, cases shall be distributed to the designated Civil Judges, on a random basis, by the Court Administrator - or the Chief Judge, in the former's absence - acting in conjunction with the Clerk of the District Court.

3. Each case so assigned will remain the responsibility of the Civil Judge to whom it has been distributed unless and until one of the following occurs:

a) the case is tried, settled, or otherwise resolved; or

b) the Civil Judge to whom it has been assigned is replaced as such by another Department at the end of the one-year or modified term, at which time the case will become the responsibility of the succeeding Civil Judge and other successors in turn until the case has been tried, settled or otherwise resolved; or

c) the Civil Judge to whom it has been assigned exchanges the case for another or others with a fellow Civil Judge by way of a Judicial Conference, as is set forth in Section II.F. of these Special Rules.

4. Matters taken under advisement will remain with the Civil Judge to whom the case was originally assigned, for determination of the motion, decision or other matter taken under advisement.

B. HOURS OF COURT

On and after July 7, 1975, motions, trials and pre-trial conferences will be heard as follows:

1. MOTIONS. All motions will be submitted on Points and Authorities and will be decided on the same unless the Civil Judge to whom the case has been assigned requests otherwise by rule or by individual order. The time-table for submission of motions under this Special Rule shall be in accordance with Rule XI of the ASR, and as elsewhere specified in these Special Rules. Points and Authorities consisting of bare citations to statutes, rules or case authority will be deemed in noncompliance with this Special Rule. Oral arguments and evidentiary hearings, if any, will be heard between the hours of 9:00 A.M. and 10:00 A.M. Monday through Friday, with the exception of those days specifically excluded elsewhere in these Special Rules.

2. TRIALS. All trials will proceed between the hours of 10:00 A.M. and 12:00 Noon, and 1:30 P.M. and 5:00 P.M., with specific times of commencement and recesses left to the sound discretion of the Court.

3. PRE-TRIAL CONFERENCES. The first and third Fridays of each month shall be devoted solely to the hearing and resolution of pre-trial conferences, the specifics of which are set forth in Rules V and VI of the ASR which are incorporated herein. The Civil Judges shall refrain, to the maximum extent possible, from calendaring other matters to be heard on such Fridays so that they may devote full time and attention to the holding and resolution of such pre-trial conferences.

C. TIME-TABLE

On and after July 7, 1975, litigation shall proceed according to the time-table described below, which may be varied only by:

a) the Court, sua sponte, to expedite the progress of its calendar; or

b) the Court, on motion of a party for good cause shown, including without limitation, the unavailability of a witness to testify in person at the trial; or

c) the Court, in deference to priority given a particular case by statute, rule or DCR.

1. DISCOVERY. Two hundred and seventy (270) days after an appearance by an adverse party or parties, all discovery must be completed. "Completed" includes the time allowed to respond to the invocation of Rules 26 through 37 NRCP. Therefore, for example only, a party serving interrogatories must do so at least thirty (30) days prior to the two hundred seventieth (270th) day after the first adverse appearance.

2. MOTIONS. Thirty (30) days after the completion of discovery, all motions must be filed or be deemed waived. Motions may be filed only in conformity with Section II.B.1. of these Special Rules.

3. PRE-TRIAL CONFERENCES. Thirty (30) days after all motions have been filed, pre-trial memoranda which conform to the requirements of Rule V of the ASR must be filed. The Court will, at the next earliest opportunity, schedule a pre-trial conference. No trial date shall be set until the pre-trial conference has been concluded in conformity with Rules V and VI of the ASR which are incorporated herein.

4. EXEMPTIONS. Exempted from the necessity of a pre-trial conference are civil non-jury, contested divorce, and "short" trials, as hereinafter defined. Pre-trial memoranda are required in all cases except contested divorce and short trials, the latter being defined as those which will consume three (3) hours or less of time in Open Court.

D. STACKING

Although the management of individual calendars is ultimately left to the discretion of the individual Civil Judges, the following guidelines are suggested:

1. JURY TRIALS. To be given, insofar as possible, a fixed starting time on each Monday.

2. NON-JURY TRIALS. To be stacked in tandem behind scheduled jury trials.

3. SHORT/DOMESTIC TRIALS. To be stacked in tandem fashion behind trailing non-jury trials.

Insofar as it may be consistent with these Special Rules and the Court's calendar, Civil Judges shall attempt to give a fixed-date priority to cases involving out-of-state witnesses and/or parties.

E. VOLUNTEER DOCKET

On and after July 7, 1975, there shall be established a volunteer docket which shall consist only of cases which meet the following requirements:

1. DURATION. The contemplated trial is to consume not more than three (3) hours of the Court's time; and

2. CONSENT. A written stipulation by counsel for all parties is filed consenting to the case being placed on the volunteer docket; and

3. NOTICE. Said stipulation also sets forth that counsel, the parties and witnesses will be prepared to go to trial on a minimum of three (3) hours' notice.

Cases which appear on the volunteer docket shall be exempt from the requirement regarding pre-trial statements and conference as set forth in Section II.C.3 and II.C.4 of these Special Rules.

Should a case on the volunteer docket fail for any reason to proceed, after due notice, three (3) times, such case will be removed from the volunteer docket and placed on the regular docket, without penalty in priority for such removal. Counsel for any party may request a trial setting on the regular docket either before or after having the case placed on the volunteer docket, i.e., may request dual settings.

F. CONFERENCES

Not less frequently than bi-weekly, the several Civil Judges shall meet and confer at a time and place convenient to them. Redistribution and exchanges of cases, in fiew of unduly lengthy or complex cases, conflicts of interest and the like, shall be resolved by the Judges at such meetings.

G. SCOPE/APPLICABILITY

These Special Rules shall apply to all civil cases with the exception of uncontested probate, guardianship and juvenile matters, trustee's hearings and

accounts, adoptions and other matters which the Courts must hear without contest or notice, nor to application for judgments by default under Rule 55 NRCP.

To the extent the ASR conflict with these Special Rules, the latter will prevail. To the extent these Special Rules conflict with the Constitution and Statutes of Nevada, the latter will prevail only to the extent absolutely necessary and only with respect to the case or cases so involved.

III. CRIMINAL CALENDAR MANAGEMENT

A. DOCKETING

1. PRE-CUTOFF. Until July 7, 1975, criminal cases shall continue to be assigned through the Master Calendar with arraignments, pleas, motions, writs and sentencings being centralized as before.

2. POST-CUTOFF. On and after July 7, 1975, all criminal cases then pending before the Court shall be distributed to the designated Criminal Judges, on a random basis, by the Court Administrator - or the Chief Judge, in the former's absence - acting in conjunction with the Clerk of the District Court. New cases, filed after July 7, 1975, will be similarly assigned to the designated Criminal Judges immediately upon the filing of the information or indictment. Each case so assigned will remain the responsibility of the Criminal Judge to whom it has been distributed unless and until one of the following occurs:

a) the case is tried or otherwise resolved; or

b) the Criminal Judge to whom it has been assigned is replaced as such by another Department at the end of the one-year or modified term, at which time the case will become the responsibility of the succeeding Criminal Judge and other successors in turn until the case has been tried or otherwise resolved; or

c) the Criminal Judge to whom it has been assigned exchanges the case for another or others with a fellow Criminal Judge by way of a Judicial Conference, as is more completely described below.

3. Matters taken under advisement will remain with the Criminal Judge to whom the case was originally assigned, for determination of the motion, decision or other matter taken under advisement.

B. HOURS OF COURT

On and after July 7, 1975, criminal proceedings will be heard as follows:

1. PRETRIAL MATTERS. Arraignments, pleas, motions, extraditions and writs will be heard between the hours of 9:00 A.M. and 10:00 A.M. Monday through Friday.

2. SENTENCINGS. Sentence hearings will be heard between the hours of 3:00 P.M. and 5:00 P.M. each Friday except on such days as are otherwise occupied with a criminal trial, in which event the Criminal Judge may calendar such sentencings as his docket will permit.

3. APPEALS. Misdemeanor appeals will be heard by the Chief Judge between the hours of 9:00 A.M. and 12:00 Noon each Friday.

4. SANITY HEARINGS. Sanity hearings will be heard by the Chief Judge between the hours of 10:00 A.M. and 12:00 Noon each Thursday.

5. URA'S. URA's will be heard by the Chief Judge between the hours of 2:00 P.M. and 5:00 P.M. each Thursday.

6. TRIALS. All trials will proceed between the hours of 10:00 A.M. and 12:00 Noon, and 1:30 P.M. and 5:00 P.M. Monday through Thursday, and between 10:00 A.M. and 12:00 Noon, and 1:30 P.M. and 3:00 P.M. on Fridays, with specific times of commencement and recesses left to the sound discretion of the Court.

C. TIME-TABLE

1. ARRAIGNMENTS. All defendants shall be arraigned, with or without a plea being entered, as soon as possible after the filing of the information or indictment, and in any event, unless by leave of Court for good cause shown or by delay caused by the defendant, not more than ten (10) days after such filing.

2. WRITS. Petitions for writs of habeas corpus must be filed not more than ten (10) days after the filing of the transcript of the preliminary hearing or grand jury proceedings, unless by leave of Court for good cause shown.

3. PLEAS. If a plea is not taken at the arraignment due to the actual or anticipated filing of a petition for a writ of habeas corpus, a plea must be entered immediately upon disposition of the writ, if appropriate, or by not later than one (1) day after the petition for a writ had to be filed, if no such petition is filed.

4. MOTIONS. All motions described in NRS 174.095, 174.105, 174.115 and 174.125 must be filed not more than fifteen (15) days after the entry of plea or the same will be deemed waived, unless by leave of Court for good cause shown by the State or the defendant.

D. CALENDAR COORDINATION

On and after July 7, 1975, the Clerk of the District Court, in conjunction with the Clerk of the Justice Court, shall ensure continuity of all parties and counsel in criminal actions by the following means:

1. DOCKET NUMBERS. In addition to the docket number now used by the Clerk of the Justice Court, there shall be affixed a designation of one of the four Criminal Departments of the District Court, on a rotating basis.

2. CALENDARING. After the initial appearance of a criminal defendant in Justice Court, the Clerk of that Court and the Clerk of the District Court will ensure that all subsequent hearings will be scheduled to coincide, in the case of the District Attorney's Office and the Office of the Public Defender, with the next scheduled appearance of the designated representatives of those Offices. Those Offices shall provide to the Clerk their proposed schedules of their respective attorneys to effectuate the "team approach" to be implemented on and after July 7, 1975.

E. STACKING

Although the management of individual calendars is ultimately left to the discretion of the individual Criminal Judges, the following guidelines are suggested:

1. CUSTODY/SIXTY-DAY CASES.

a) Cases in which a defendant has invoked the sixty-day rule for a speedy trial shall be given the first priority.

b) Cases in which a defendant is in custody and has waived the sixty-day rule for a speedy trial shall be given the second priority.

2. OUT-OF-CUSTODY CASES. Cases in which a defendant is not in custody and has waived the sixty-day rule for a speedy trial shall be given the third priority.

3. INTRAPRIORITY PREFERENCES. Among cases having the same priority by the criteria set out in Sections III.D.1 and III.D.2 of these Special Rules, the following preferences are made in the order of diminishing sub-priorities:

a) First: Cases with out-of-state witnesses;

b) Second: Cases filed earliest;

c) Third: Cases involving multiple defendants, whether joined or severed;

d) Fourth: Cases with the greater number of witnesses.

F. CONFERENCES

Not less frequently than bi-weekly, the several Criminal Judges shall meet and confer at a time and place convenient to them. Redistribution and exchanges of cases, in view of unduly lengthy or complex cases, conflicts of interest and the like, shall be resolved by the Judges at such meetings.

G. SCOPE/APPLICABILITY

These Special Rules shall apply to all criminal cases. To the extent they conflict with the DCR, the Constitution or the Statutes of Nevada, these Special Rules will be deemed abrogated only to the extent absolutely necessary and only with respect to the case or cases so involved.

IV. CONSTRUCTION

These Special Rules shall be liberally construed to secure the proper and efficient administration of the business and affairs of the Court and to promote and facilitate the administration of justice by the Court.

V. SANCTIONS

A. CIVIL CASES

In all civil cases, the provisions of Rule IX of the ASR shall apply.

B. CRIMINAL CASES

In all criminal cases, if a party or an attorney fails or refuses to comply with these Special Rules, the Court may make such orders and impose such sanctions as are just, including but not limited to, holding the disobedient party or attorney in contempt of Court.

VI. RATIFICATION

Except to the extent set forth in Sections II.G and III.F of these Special Rules, the ASR shall remain in full force and effect and shall be deemed incorporated herein.

NEW CASES FILED - 1974

COUNTY		
CARSON CITY	1,177	
CHURCHILL	441	
CLARK (10 JUDGES)	20,974	(2097 per Judge)
DOUGLAS	536	
ELKO	691	
ESMERALDA		
EUREKA		
HUMBOLDT	326	
LANDER		
LINCOLN	61	
LYON	291	
MINERAL		
NYE		
PERSHING	107	
STOREY	38	
WASHOE (7 JUDGES) 40% Case load	9,212	(1316 per Judge)
WHITE PINE	364	
GRAND TOTAL		

DISTRICT NO.			
#1	CARSON CITY	1,177	
	STOREY	38	
	TOTAL		1,215
#2	WASHOE		
	TOTAL		9,212 (1316 per Judge)
#3	EUREKA		
	LANDER		
	TOTAL		
#4	ELKO	691	
	TOTAL		691
#5	ESMERALDA		
	MINERAL		
	NYE		
	TOTAL		
#6	HUMBOLDT	326	
	PERSHING	107	
	TOTAL		433
#7	LINCOLN	61	
	WHITE PINE	364	
	TOTAL		425
#8	CLARK		
	TOTAL		20,974 (2097 per Judge)
#9	CHURCHILL	441	
	DOUGLAS	536	
	LYON	291	
	TOTAL		1,268
	GRAND TOTAL		

CASE FILINGS IN CALIFORNIA SUPERIOR COURTS

METROPOLITAN COUNTIES

Filings per Judge in 19 counties (including Los Angeles) having 5 or more Judges	1,142
Filings per Judge in 11 counties (including Los Angeles) having 10 or more Judges	1,141
Filings per Judge in Los Angeles Superior Court (161 Judgeships - 182,544 filings)	1,134

SOURCE: 1974 Report, California Judicial Council

34 — Las Vegas Review-Journal — Sunday, February 2, 1975

R-J viewpoint

Climate less healthy for criminal element

There is a new atmosphere brewing around the Clark County courthouse. It appears to be an unhealthy one for the criminal element, but a very encouraging one for Southern Nevada residents.

We aren't interested in ever seeing any "Hangin' Judge," but on the other hand we have too many criminals just getting a wrist slapping when they certainly deserve much more.

We have a fairly young breed of district judges now, and perhaps one might think they would be too liberal with those appearing in their courts.

So far this hasn't been the case. Judge Paul Goldman recently not only put a man in the state prison for sometime, but he also gave him a tongue lashing that might have caught the ear of one or two other hoodlums.

Last week newly elected Dist. Judge James Brennan faced a sobbing jewel thief who was out on probation. The tears didn't move Brennan.

The accused was already on probation for another crime when he appeared before Brennan. This time he was in court because he attempted to sell a 15-year-old girl narcotics.

Brennan was forceful when he said, "another judge gave you the break of your life when he granted you probation. You are the maker of your own destiny. Probation is revoked and the 15-year prison term previously suspended is imposed. Take him away."

We want everyone to have fair trials. We know there are many cases where probation is the answer rather than a prison term. But, we have been getting some new faces on the district court benches because the people apparently feel that some of the past judges did not do their job in one way or another.

Lawmen in the past would complain about the judges. They would say, "we risk our lives to catch them, and then they are usually freed. It is very discouraging." Of course, policemen rarely see anything but their side of the case, but for a while it did seem that the courts were soft on crime.

Like we said earlier, we don't want any hanging judges around here, and we don't want a judge trying to be to tough to build a political forum. What we want is good, hard working jurists who will be fair in seeing that justice is carried out for the good of the people.

Right now, it appears as if we are really heading in that direction. It is a healthy sign.

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J. R. CROCKETT, JR.
R. L. RICKDALL

AREA CODE 702
TELEPHONE 385-2533

April 7, 1975

Chairperson
Assembly Judiciary Committee
State Legislature
Carson City, Nevada

RE: A. B. 461

Dear Committee Members:

The Eighth Judicial District Court is currently plagued with an excessively heavy caseload per judge.

For all intents and purposes, there is no such thing as a civil trial in the foreseeable future, from the attorney-and-client standpoint.

Attorneys in Clark County are doing their best to represent civil litigants despite the unavailability of trial courtrooms. Many attorneys attempt to circumvent the void by procedural "substitutes" for trials: i.e., motions for full or partial summary judgment; motions for judgment on the pleadings of a case; motions to dismiss another party's claim as unmeritorious; declaratory judgments; actions for summary, extraordinary or temporary relief; motions for restraining orders and injunctions, and on.

Ironically, these procedural substitutes have backfired in the faces of the attorneys and their clients, for these reasons:

1. These special procedural devices, intended for the unusual case or exigent circumstances, have become so commonplace that their credibility in the legal community is becoming severely undermined;

2. The courts have become so bogged down with these trial "substitutes" that it is virtually impossible for a judge to see his way clear to setting a trial date;

3. The unfortunate civil litigant who needs to file a bona fide trial-substitute action is treated with the same dispatch as the boy who cried "wolf."

Civil defendants, fully aware that the jaws of our court

system are temporarily without teeth, scoff at the civil plaintiff's threat to go to trial. From the defendant's standpoint, there is no real reason to consider settlement because there is no real, immediate risk of exposure to an adverse judgment or verdict.

In short, the current civil and criminal demands on Clark County's judiciary far exceed the currently available supply of order and justice.

We request that this letter be considered in support of Assembly Bill 461.

Sincerely,

J. R. CROCKETT, JR.

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R. L. RICKDALL

R. L. RICKDALL

JRC:jr
cc: The Honorable
Keith C. Hayes
Eighth Judicial District
Department Nine
Clark County Courthouse
Las Vegas, Nevada 89101

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4 THE VALLEY TIMES Monday, April 7, 1975

The Valley Times

As We See It

over

Action needed to solve the Clark court mess

Anyone taking more than a casual interest in the status of our courts in Southern Nevada cannot help but come to the conclusion that they are not adequately serving the public or the cause of justice as they should be.

In a nutshell, our court system is in a mess.

We are referring specifically to the number of cases completed, and the speed with which justice is administered, and the overall efficiency of the system itself.

JUSTICE COURT is so poorly operated and has such totally inadequate courtrooms that it is an open indictment of everyone involved — from the county commissioners to the judges themselves.

Except for the actual physical facilities, District court is just as bad, but in different ways.

The backlog of cases is almost unbelievable.

District Court Judge Keith Hayes reminded the Clark County Bar Association the other day that there have been no trial dates set for civil jury trials since September of 1973.

THAT MEANS if you want a jury trial in a civil matter you can't even get the District courts to give you a date when the trial is to be held.

Clark County had a 32 per cent increase in crime in 1974. This means more and more criminal cases. And because these criminal cases take preference over other cases, the backlog of civil proceedings will become even worse.

Two District judges, Keith Hayes and Paul Goldman are taking the lead in attempting to get the State Legislature to create two additional district court judgeships for Clark County. There presently are 10 district courts here, compared to seven in Washoe County.

THEY CITE the fact that there were 20,974 cases filed in Clark County district courts last year — meaning if each judge handled his fair share — which we are not sure they are all doing — he would be responsible for 2,097 cases.

Washoe county had 9,212 cases filed last year, which was 1,316 cases per judge — just about the national average.

The Valley Times supports the plea for two additional judges in Clark County. The need is obvious. We hope the legislature acts favorably on the request.

But the entire answer simply is not more and more judges.

THERE IS, in our view, a basic need to reorganize the judicial system here, to make the judges accountable, and to get them working more.

If there is a backlog of work in private business, people work late hours at night and on weekends to get the job done.

Apparently that simple thought has never occurred to some of our judges. In fact, statistics show that it is hard to get some of them to put in a seven hour day, five days a week.

THE JUDGES in Clark County are accountable to no one. They come and go as they wish — take their days off and vacations any time they wish.

District Judge Goldman, who was appointed to the bench last year by Gov. Mike O'Callaghan and may well be the best thing ever to happen to the Clark court system, is privately frustrated at the lack of system and organization within the courts — and the apparent unwillingness of some of his fellow judges to put their noses to the grindstone and clean up the backlog of cases.

THAT'S WHY a proposal made last year by GOP gubernatorial candidate Shirley Crumpler made sense.

She suggested a legislative reform package that would have given teeth to the post of chief judge and really let him run the court system.

The chief judge would prescribe the hours of the court, and more importantly the hours of required attendance at the court by the judges, with a minimum 35-hour work week.

THE CHIEF judge also would set the vacation period for the judges, not to exceed 22 judicial days per year (which to us, seems awfully generous).

Each month there would be a public report made as to the cases pending and undecided before each judge; the type and number of cases he has considered and decided.

That report would tell the public the number of full judicial days which each of the judges has appeared in court or in his chambers, as well as the number of judicial days missed by the judges and the reason they weren't working.

IN ADDITION, the judges salaries would be adjusted for failure to comply with the statutes regarding vacations and sick leave.

There are a number of other key points in the Crumpler reform package, and one of the most important seems to have the backing of many judges and others concerned with improving the courts. It calls for the creation of separate criminal and civil departments in the courts.

It doesn't do any good for the average person to try and take someone to court for wronging him, if he can't get his case before the judge.

IT DOESN'T do much to stop the flood of crime if law enforcement officers know that when they arrest someone there will be endless delays before they ever come to trial.

Both of these situations now exist.

There is a crisis in our courts. An emergency situation exists. The legislature should take action. But more judges or not, we must have an accountability system.

FRANKLY, we are amazed that the Clark County Bar Association and all the lawyers who talk so much about the greatness of their profession aren't showing more concern. The lawyers should be pressuring the judges to get to work. They should take an open, public stand about the deplorable conditions within the courts here. They should be actively working for legislative reform. Or, does it suit the pocketbooks of some lawyers to have the courts fouled up? We can't help but wonder.

We can't help but wonder why the legal profession cares so little.

Our only hope is that the legislature cares enough.

REVISION OF STATE BAIL LAWS

by

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REVISION OF STATE BAIL LAWS

JOHN J. MURPHY*

Inspired perhaps by publicity associated with the federal revision of bail laws,[1] the success of privately funded release on own recognizance projects in state courts, and the surfacing of bondsmen's activities in state bail systems in newspapers and judicial opinions, state legislatures are currently taking a closer look at their bail laws. Since 1967 a few states[2] have adopted revised bail laws that parallel the federal bail scheme.

This article identifies and examines some of the important elements in the revision of state bail laws. Some of the matters discussed include the paper nature of the accomplishments of some state revisions in the presumptive use of release on own recognizance, the problems associated with the statutory commands to individualize the bail issue, the successful operation of the Illinois ten percent deposit form of bail with the consequence of eliminating bail bondsmen from the Illinois bail system, and finally the importance of understanding the managerial aspects of a state bail system before revision so that the revision does not become a statutory cast beneath which an unchanged state bail system operates. Considerable attention is paid to the professional bail bondsman. Unique to the criminal processes of only the United States and the Philippines,[3] he remains at the core of many state bail systems. This article illustrates the dilemma involved in chipping away at his profits by setting limits over his heretofore largely uncontrolled operations and by introducing non-financial and more flexible forms of bail, thereby reducing his business opportunities. The article suggests that state bail revision should take an all or nothing approach to the role of bondsmen, and supported by the experience of Illinois and the recommendations of the American Bar Association,[4] urges the "nothing" approach. Among the elements of bail revision not discussed herein is the problem of preventive detention, which has already been treated to considerable recent discussion and empirical examination.[5]

* Professor of Law, University of Cincinnati. The author wishes to record his gratitude to the members of the Administrative Office of the Illinois Courts, located in Chicago, and of the office of the Clerk of the Circuit Court of Cook County for their assistance in obtaining a statistical description of the operation of the Illinois bail laws. He also appreciates the financial support of the Institute of Governmental Research of the University of Cincinnati, which made possible some of the necessary gathering of data on state bail systems.

[1] 18 U.S.C. §§ 3146 *et. seq.* (Supp. II 1966).

[2] *See, e.g.*, ALASKA STAT. § 12.30.020 (Supp. 1970); ARIZ. CRIM. CODE, § 13-1577 (Supp. 1970); IOWA CODE ANN. § 763.16 (Supp. 1971); KANSAS CRIM. CODE & PROC. § 22-2802 (1969).

[3] ABA Project on Minimum Standards for Criminal Justice, Standards Relating to Pretrial Release, § 5.4 (1968).

[4] *Id.*

[5] *Preventive Detention: An Empirical Analysis*, 6 HARV. CIVIL RIGHTS—CIVIL LIB. L. REV. 291 (1971).

2. The following states provide express statutory authority for a bondsman to arrest the accused:

Alabama: ALA. CODE tit. 15, §§ 209, 210 (1959).
Arkansas: ARK. STAT. ANN. § 43-718 (1964).
California: CAL. PENAL CODE § 1301 (West 1970).
Florida: FLA. STAT. ANN. §§ 903.22, .29 (Supp. 1971).
Idaho: IDAHO CODE § 19-2925 (1948).
Indiana: IND. ANN. STAT. § 3-316 (1968); § 9-3730 (1970).
Iowa: IOWA CODE § 768.2 (1950).
Kansas: KAN. STAT. ANN. § 22-2809 (Supp. 1970).
Kentucky: KY. R. CRIM. P. 4.24 (1969).
Louisiana: LA. CODE CRIM. PRO. ANN. art. 340 (West 1967).
Michigan: MICH. STAT. ANN. § 28.913 (1954).
Minnesota: MINN. STAT. § 629.63 (1947).
Montana: MONT. REV. CODES ANN. § 95-1115 (1969).
Nevada: NEV. REV. STAT. § 178.526 (1969).
North Carolina: N. C. GEN. STAT. § 15-122 (Supp. 1969).
North Dakota: N. D. CENT. CODE § 29-08-20 (1960).
Oklahoma: OKLA. STAT. tit. 22, § 1107 (1958); tit. 59, § 1329 (1971).
Oregon: ORE. REV. STAT. § 140.420 (1969).
Pennsylvania: PA. STAT. tit. 19, § 53 (1964).
South Dakota: S. D. CODE § 23-26-9 (1969).
Tennessee: TENN. CODE ANN. § 40-1227 (1955).
Utah: UTAH CODE ANN. § 77-43-22 (1953).
Virginia: VA. CODE ANN. § 19.1-144 (1960).
Wisconsin: WIS. STAT. § 969.14 (1971).

3. The following states have statutory authority enabling bondsmen to surrender the body of the accused to the court or a law enforcement official. The bondsmen's power of arrest can be reasonably implied from these provisions:

Arizona: ARIZ. REV. STAT. ANN. § 13-1405 (1956).
Colorado: COLO. REV. STAT. ANN. § 29-2-18 (1964).
Connecticut: CONN. GEN. STAT. ANN. § 54-65 (1960).
Delaware: DEL. SUPER. CT. (CRIM.) R. 46 (g).
Georgia: GA. CODE ANN. § 27-904 (1953).
Hawaii: HAWAII REV. LAWS § 709-14 (1968).
Maine: ME. R. CRIM. P. 46 (F) (1970).
Massachusetts: MASS. GEN. LAWS ANN. ch. 276, § 68 (Supp. 1971); § 69 (1968).
Mississippi: MISS. CODE ANN. §§ 2493, 2494 (1957).
Missouri: MO. REV. STAT. §§ 544.600, .610 (1953).
Nebraska: NEB. REV. STAT. §§ 29.905, .906 (1965).
New Hampshire: N. H. REV. STAT. ANN. §§ 597:27, :28 (Supp. 1970).
New Mexico: N. M. STAT. ANN. §§ 41-4-20, -22 (1953).
New York: N. Y. CRIM. PROC. LAW § 530.80 (McKinney 1970).
Ohio: OHIO REV. CODE ANN. § 2937.36 (Page Supp. 1970).
Rhode Island: R. I. GEN. LAWS ANN. §§ 12-13-18, -19 (Supp. 1970).
Texas: TEX. CODE CRIM. PROC. ANN. art. 17.16 (1966).
Vermont: VT. STAT. ANN. tit. 13, §§ 7560, 7570 (1958).
Washington: WASH. REV. CODE § 10.19.105 (1961).
West Virginia: W. VA. CODE ANN. § 62-1C-12 (1966).
Wyoming: WYO. R. CRIM. P. 8 (c) (5) (Supp. 1969).

APPENDIX II

State Legislative Authorization of Release on Own Recognizance

1. In the following states, authorization to release on own recognizance was part of a major revision of the state bail laws paralleling the Federal Bail Reform Act thereby, making release on own recognizance the presumptive form of bail:

Alaska
Arizona
Iowa
Kansas
South Carolina
Vermont
Wyoming

2. At least thirty-six states have enacted statutes authorizing release of defendants on their own recognizance:

Alabama: ALA. CODE tit. 15, § 187 (1959).
Alaska: ALASKA STAT. § 12.30.020 (1970).
Arizona: ARIZ. REV. STAT. ANN. § 13-1577 (Supp. 1970).
California: CAL. PENAL CODE § 1318 (West 1970).
Colorado: COLO. REV. STAT. ANN. § 37-17-12 (1966).
Connecticut: CONN. GEN. STAT. ANN. § 54-1a (Supp. 1971).
Delaware: DEL. CODE ANN. tit. 11, § 2104 (Supp. 1969).
Florida: FLA. STAT. ANN. § 903.03 (2) (a) 3 (Supp. 1971).
Georgia: GA. CODE ANN. § 27-911 (Supp. 1970).
Illinois: ILL. REV. STAT. ch. 38, § 110-2 (1970).
Iowa: IOWA CODE § 763.16 (Supp. 1971).
Kansas: KAN. STAT. ANN. § 22-2802 (Supp. 1970).
Louisiana: LA. REV. STAT. § 15:574.15 (1967);
LA. CODE CRIM. PRO. ANN. art. 336 (West Supp. 1971).
Maine: ME. R. CRIM. P. 46 (d) (1970).
Maryland: MD. ANN. CODE art. 27, § 638A (1971).
Massachusetts: MASS. GEN. LAWS ANN. ch. 276, § 58 (Supp. 1971).
Michigan: MICH. STAT. ANN. § 28.872 (52) (Supp. 1971).
Minnesota: HENNEPIN CTY. MUN. CT. (Crim.) R. 35.
Montana: MONT. REV. CODES ANN. § 95-1106 (1969).
Nevada: NEV. REV. STAT. § 178.502 (1969).
New Hampshire: N. H. REV. STAT. ANN. § 597:1 (Supp. 1970).
New Mexico: N. M. STAT. ANN. § 36-6-6 (Supp. 1969).
New York: N. Y. CRIM. PROC. LAW §§ 530.10-.40 (McKinney 1970).
North Carolina: N. C. GEN. STAT. § 15-103.1 (Supp. 1969).
Ohio: OHIO REV. CODE ANN. § 2937.29 (Page Supp. 1970).
Oklahoma: OKLA. STAT. ANN. tit. 59, § 1334 (1971).
Oregon: ORE. REV. STAT. § 140.720 (1969).
South Carolina: S. C. CODE ANN. § 17-300 (Supp. 1970).
Tennessee: TENN. CODE ANN. § 6-2123 (Supp. 1970).
Texas: TEX. CODE CRIM. PROC. art. 17.03 (1966).
Vermont: VT. STAT. ANN. tit. 13, § 7553a (Supp. 1970).
Virginia: VA. CODE ANN. § 19.1-110 (Supp. 1970).
Washington: WASH. REV. CODE ANN. § 3.50.220 (Supp. 1970).

West Virginia: W. VA. CODE ANN. § 62-1C-4 (1966).
Wisconsin: WIS. STAT. ANN. §§ 969.02, .03 (1971).
Wyoming: WYO. R. CRIM. P. 8 (c) (Supp. 1969).

SOURCE DOCUMENT INFORMATION

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Current Federal Bills are in the Legislative Reference Library.

Microfilms of newpapers can be obtained from the Loan Desk in the General Reference Library.

Bibliographic Information on the article by Mr. Murphy:

Footnote #	Name of Author or Reference	NYS Library Classmark
6	Hearings on S.2839 and S.2840 Before the Sub-committee...	S343.1 U514f 1964
11	National Association of Insurance Commissioners, 1 PROCEEDINGS 116 (1963).	S368 N27
132 210 and 214	District of Columbia Bail Agency Annual Reports.	On Order