

MINUTES

ASSEMBLY JUDICIARY COMMITTEE
April 11, 1977

Members Present: Chairman Barengo
Assemblyman Hayes
Assemblyman Banner
Assemblyman Coulter
Assemblyman Polish
Assemblyman Price
Assemblyman Ross
Assemblyman Sena
Assemblyman Wagner

The meeting was called to order at 8:10 a.m. by Chairman Barengo.

AB 517: Mr. Frank Daykin, LCB, testified on this bill and stated that the bill had been requested by Mr. Dini and that it was proposed partially because of the drought conditions which will most likely prevail this summer and the concern that this will cause more unauthorized diversion of water than ever before in the ranching counties.

He also stated that this bill should be amended so that that it is included in NRS 433 which is connected with similar provisions. And, this would make it a gross misdemeanor to divert irrigations water to someone else's use other than a person with a vested right to that water.

Mr. Louis Bergevin, Nevada State Cattle Association member and rancher in Gardnerville, stated that he, and a number of others with whom he had discussed this bill, felt that this was an unnecessary piece of legislation. He stated that they felt there was sufficient authority with the federal courts, state courts and the Division of Water Rights to take care of any misappropriation of water. He said they are most concerned with who is going to police this law. He stated he did not feel that most of the people who had vested rights in the water and the ranchers were interested in this bill.

In answer to a question from Mrs. Wagner, Mr. Bergevin stated that they had not had that kind of a problem in the past even in the years of a short water supply and when there had been minor problems they had been resolved without involving the police in it. He stated that his property was on the Carson and Walker Rivers and they are patrolled by federal water marshalls and they had never had any serious problems there. He said that he, too, felt this would be a dry year and perhaps lead to some problems, but he did not feel this was the answer to those problems and it would add to the clutter in the law.

Mr. Daykin pointed out that this bill establishes a greater penalty once the offense of diverting had been established. Mr. Bergevin stated that the proof was the real problem now.

Assemblyman Joe Dini testified to the committee on this bill stating that previously the maximum penalty for using water without permission was a \$500 fine and he stated he felt the mandatory ten days in jail would be much more of a deterrent. He also pointed out that it is hard to get a water theft conviction because the problem of proof is difficult.

Mr. Ross pointed out that the mandatory ten days in jail caused him some problems with the bill and Mr. Dini stated that that was the key to the bill. He stated that the people who do this type of thing (and it's going to become more frequent as the water becomes less available) are not put off by the possibility of the fine, but, he felt they would be by the jail time.

Chairman Barengo told Mr. Dini that previous testimony had indicated that this bill was not necessary. Mr. Dini stated that the people in his district certainly wanted it and, indeed, had just come to talk to him about it this past weekend. He stated that it should be noted that there are different waterways in Nevada and each is handled differently. In answer to a question from Mr. Ross suggesting that the penalty be changed from the mandatory ten days to just a gross misdemeanor, Mr. Dini stated he felt that would be acceptable. This would allow, he stated, a different means of investigation and the act would not have to be personally observed as with a straight misdemeanor.

AB 542: Mrs. Helen Hodgkiss, Washoe County Law Librarian, addressed the committee on this bill stating that she believed a bill similar to this one was introduced last session and it had died in committee and that she felt this bill had merit. She stated that there was one point that she felt the committee should be aware of and that was that the law libraries are supported by public funds and they are used by the public for reference frequently and that use is on the increase. Therefore, she felt there should be a layman added to the board of trustees of the libraries in addition to the attorneys and judges.

She stated that the meetings of the board have not been posted to the public and that she has not known what has gone on in those meetings until advised by the court administrator. She stated that the court administrator has a strong hand in how the law library is run even though he is not noted in the bill as having that duty. She told the committee that it was her opinion that a well-rounded board is very, very important to the library.

Discussion followed as to how the lay members would be added to the board. Mrs. Wagner also pointed out that she felt it should be made known to the board that their meetings should be noticed and open to the public. Mr. Coulter suggested that the Law Librarian be included as an ex officio member of the board. Mrs. Hodgkiss also pointed out that the library is under the control of the calendar judge and this sometimes makes it difficult because, of course, that person changes each year and their methods or preferences may differ from the person who had preceded them. She said they need a standard way of doing things in order to make it more efficient.

ASSEMBLY JUDICIARY COMMITTEE

April 11, 1977

Page Three

AB 541: Dave Frank, Judicial Planning Unit of the Supreme Court, testified to the committee stating that this was an area of the law which was in need of legislation. He went through the bill on a section-by-section basis.

He stated that section 2 would give the commission rule making authority. He stated the rules had been drafted already and he handed out to the committee copies of the rules. One copy is attached and marked Exhibit A. He also supplied a copy of the Judicial Selection Personal Data Questionnaire which is attached and marked Exhibit B.

Section 3, he explained, covers the provisions relating to travel and per diem reimbursements (as is provided to other state personnel) and the amount that will be paid to the members for days that they are working on commission business. In answer to a question from Mrs. Wagner, Mr. Frank stated that the original intent of the section was that the commission members be paid for meeting days, not the days or time which was spent in preparation for the meeting or research related to commission matters.

He stated that section 4 provides for public employees to have a duty to cooperate and give appropriate information when asked for that information in relation to the selection of a judge. This is limited to the area of selecting judges by the commission.

Section 5 provides that the court administrator will act as secretary to the commission. This post is now being filled by the judicial planner because there is not one appointed or funded.

He stated that this bill is the same as Senate Bill 387 which has passed and has been amended and sent to the Assembly. He stated that Senate Judiciary did not refer the bill to Finance because the funds have already been provided for the period between passage and the end of the fiscal year through AB 305 which is retroactive to January 1 and includes the \$40 per day.

AB 543: Mr. Frank stated that this is the same as Senate Bill 386. He explained that this bill is primarily a policy statement for the procedure that should be followed when a judge has been removed from office. He stated that lines six through nine on page 1 covered the procedure which should be followed when a judge is no longer on the bench due to retirement, etc., and that lines nine through thirteen explain the procedure to be followed when the judge is removed from office for cause.

Mr. Ross asked Mr. Frank what would happen if a judge had heard a case and subsequently was impeached, before rendering a verdict. Mr. Frank stated that he felt this was covered in other portions of statute.

Mr. Ross also commented that he felt there should be a provision on page 2, at approximately line 27, which would provide for the "judicial death" of a judge, in addition to the physical death provision which is included at that point.

ASSEMBLY JUDICIARY COMMITTEE

April 11, 1977

Page Four

Discussion on this followed briefly, with Mr. Frank and Mr. Ross coming to not definite conclusions. Mr. Ross asked Mr. Frank to talk with his associates and find out if they wished to amend the bill to include judicial death and Mr. Frank stated that he would and report back to the committee with their suggestions.

AJR 29: Assemblyman Brookman appeared before the committee as introducer of this Resolution stating that she felt this would help to alleviate the problem which exists today of a person, who has been convicted twice before to felony charges, when arrested at a later date being booked for another felony and not having any problem being immediately released on bail. She stated she did not feel that this practice of releasing known felons was doing anything to prevent the recurrence of similar crimes and that something should be done to stop the practice from continuing.

Chairman Barengo asked Mrs. Brookman if this Resolution was constitutional and she stated that she had discussed that particular aspect with Robert List and Frank Daykin and neither of them had indicated to her that it would be unconstitutional.

In response to a point made by Mr. Ross, Mrs. Brookman stated that she did not feel bail should be available to these people because they never spent enough time in jail to prevent them from committing other crimes. She also added that this would be discretionary. Mr. Ross pointed out that there was nothing in the resolution which would indicate that it was discretionary.

Mr. Price pointed out that, as the law stands, marijuana possession would qualify for this exclusion as well as other charges which he did not feel would indicate this type of action would be necessary. Mrs. Brookman stated that she would not mind an amendment which would limit this to murder, rape, robbery, etc.

Chairman Barengo announced that there would be an action meeting for the committee the following morning at 8 a.m. He then stated that there would be a short recess so that Mr. John Dolan could be brought in to discuss aspects of AB 541.

AB 541: Mr. Dolan stated that the Commission on Judicial Discipline and the Commission on Judicial Selection are consolidated under the same budget due to the fact that they work so closely and share some of the same facilities and equipment. He stated that the total budget is under the control of the Chief Justice and he can channel the funds to where he feels they are needed. But, the total budget would not be changed by the proposed bill. He stated that the \$40 amount was set out to apply only to those days which were meeting days of the commission.

Committee Action:

Mr. Banner moved to dispense with the notice provision on related Senate bills. Mr. Ross seconded the motion and it carried.

SB 387: Chairman Barengo moved for a Do Pass and Amend (adding the word "meeting" on line 10, before day). Mrs. Wagner seconded the motion and it carried unanimously.

AB 541: This bill was superseded by SB 387.

AB 542: Mrs. Wagner suggested that the bill be amended to make the commission ration in Clark County four judges, four attorneys and 2 lay members. And, the commission in Washoe County will be 3 judges, 3 attorneys and 1 lay member. And, that the court administrator and the law librarian be made ex officio members of the commission. And, that in section 4, line 11, "from the bar of the county" should be deleted. And, unless the bill drafters feel it should not be added, there should be an open meeting provision included in the amendments. Mrs. Hayes motioned to accept the amendments and Mr. Banner seconded the motion and it carried.

Mr. Price moved for a Do Pass and Amend. Mrs. Wagner seconded the motion and all voted in favor except Mr. Ross who voted against.

Mrs. Wagner also stated that if the bill drafters did not include the provision setting out open meetings that there should be a letter sent to the heads of the commission reminding them that the meetings do fall under the open meeting laws.

AB 543: This is the same as Senate Bill 386. Mr. Sena moved for an Indefinite Postponement. Mr. Banner seconded the motion. All members voted yes, except Mr. Price who voted no and Mrs. Hayes and Mrs. Wagner who abstained.

SB 386: No action was taken, formally, on this bill at this time.

AJR 29: Mr. Sena moved for an Indefinite Postponement. Mrs. Hayes seconded the motion and it carried unanimously. (Mr. Banner didn't vote.)

There being no further business, the meeting was adjourned at 10:45.

Respectfully submitted,

Linda Chandler
Linda Chandler, Secretary

EXHIBIT A

STATE OF NEVADA

COMMISSION ON JUDICIAL SELECTION

RULES

RULE 1: COMMISSION CHAIRPERSON

The commission shall elect, for a term of one year, from among its number a chairperson and a vice-chairperson.

RULE 2: COMMISSION SECRETARY

The Judicial Planner of the Supreme Court of Nevada shall serve as secretary to the commission until such time as a state court administrator is appointed. Thereafter, the state court administrator shall serve as secretary. It shall be the duty of the secretary to prepare and keep the minutes of all meetings. In the secretary's absence the commission shall choose a member to be the acting secretary. The minutes of all executive sessions shall be kept confidential.

RULE 3: COMMISSION MEMBERS

a. A commissioner shall consider each potential nominee for a judicial office in an impartial, objective manner. A commissioner shall not consider the race, religion, sex or political affiliation of a potential nominee.

b. If a commissioner knows of any personal or business relationship which he/she or another commission member has with a potential nominee and the relationship may influence, or appear to influence, the decision of the commissioner as to this potential nominee, the commissioner shall report this fact to the chairman. Such report shall be included within the minutes or otherwise in writing made a part of the proceedings of the commission. If a majority of the commission determines that such a relationship may unduly influence the commissioner's decision as to this potential nominee, the commissioner shall not vote upon the potential nominee, and this fact shall be noted in the records of the commission relating to the potential nominee.

c. A commissioner shall not attempt to influence the decision of another commissioner by presenting him/her with facts or opinions not relevant to the judicial qualifications of the potential nominee.

d. A commissioner shall not allow any person or organization to influence him/her with facts or opinions other than those which are relevant to the judicial qualifications of the potential nominee, and shall promptly report any such attempt to the chairperson.

RULE 4: CONFIDENTIALITY

All correspondence and communications received concerning any person, and all records and deliberations of the commission concerning any person, shall be held in complete confidence by the commission except as provided in rule 10.

RULE 5: COMMISSION MEETINGS

a. Meetings of the commission may be called by the chairperson or a majority of the members by written notice and personal telephone call to the other members specifying the time and place of meeting. Such notice shall be made at least seven days before the time specified, except that a meeting may be held on shorter notice if the notice specifies that the meeting will be an emergency meeting. Notice of meeting may be waived by any commissioner either before or after the meeting takes place; and attendance at a meeting by any member shall constitute a waiver of notice by such member unless he or she shall, at or promptly after the beginning of such meeting, object to the holding of the meeting on the ground of lack of, or insufficiency of, notice.

b. Meetings of the commission may be held without notice at any time or place whenever

(1) the meeting is one as to which notice is waived by all members; or

(2) the commission, at a meeting, designates the time and place for a subsequent meeting and the secretary so informs any absent member.

c. Within five business days from the date upon which the existence or anticipated existence of a vacancy in judicial office within the purview of the commission's competence is communicated to the chairperson, the chairperson shall notify the members of the commission.

d. A quorum for the permanent commission shall be five commissioners. A quorum for the temporary commission shall be seven commissioners. The commission may act on any matter by majority vote of the commissioners present and voting on the matter except as provided in rule 7.

e. The chairperson shall call at least one public meeting each year for the principal purpose of reviewing commission operating procedure and briefing new commissioners on the rules of procedure of the commission. The purpose of the public meeting is also to consider what particular qualifications, if any, may be needed for the various judicial offices in the state. Comments relative to the qualifications of any specific person may be submitted to the commission at the public meeting, but shall be submitted only in writing.

RULE 6: RECRUITMENT OF POTENTIAL NOMINEES

a. Commissioners should always keep in mind that often the persons with the highest qualifications will not actively seek judicial appointment. Commissioners may actively seek out and encourage qualified individuals to apply for judicial office. It is incumbent upon the commissioners to encourage well qualified persons to agree to accept nomination even if a commissioner is so intimately acquainted with such a person that the commissioner may ultimately be unable to vote (pursuant to rule 3b) for this person's nomination. The person shall seek the submittal of such names from the broadest possible sources by the use of all available media and otherwise, and shall treat alike all names received from all sources.

b. Each potential nominee shall receive a personal data questionnaire, and any other material as the commission may from time to time determine, provided only that each potential nominee for any particular position shall receive the same material.

RULE 7: PRELIMINARY SCREENING OF POTENTIAL NOMINEES

As soon as the preliminary background information on each potential nominee has been compiled and the information forwarded to each commissioner, the commission may meet to eliminate from further consideration those persons, if any, whom at least five permanent commission members considering a potential nominee for the supreme court, or at least seven temporary commission members considering a potential nominee for a district court, determine to be unqualified for the office under consideration, to plan for the screening of the remaining potential nominees, and to receive such further information regarding any person as it shall consider appropriate. Depending upon the number of persons remaining for further consideration, the commission may form subcommittees composed of both lay and lawyer members and compile further background information on each potential nominee. Potential nominees may be interviewed by the commission as a whole or by a subcommittee thereof.

RULE 8: INVESTIGATION OF POTENTIAL NOMINEES

Commissioners shall conduct investigations into the background and qualifications of potential nominees. Subcommittees composed of both lay and lawyer members may be designated for this purpose by the chairperson. Using a personal data questionnaire as a starting point, the subcommittee may contact as many of the individuals and institutions mentioned in the potential nominee's questionnaire as it deems beneficial. However, the commission or any subcommittee need not limit itself to the questionnaire; it may contact as many individuals and groups from the potential nominee's community or elsewhere as is practicable in an effort to obtain as much background information on the potential nominee as possible. It is the intention of this rule that the broadest possible evaluation of each potential nominee's qualifications be made.

RULE 9: SELECTION OF NOMINEES

a. When all relevant background information on each potential nominee has been compiled and all interviews have been completed by the commission or a subcommittee or subcommittees of the commission, the commission shall meet for the purpose of selecting nominees to be sent to the Governor for a particular office. No persons other than the commission member and its secretary may attend such meetings.

b. Before proceeding to a vote on the potential nominees, the chairperson shall read the names of the potential nominees in alphabetical order and if a member of the subcommittee has been charged with inquiring into a particular potential nominee's background he or she shall report on the results of the subcommittee's investigation of that potential nominee as the potential nominee's name is announced by the chairperson. Thereafter, the chairperson shall open the meeting to a discussion of that particular potential nominee's qualifications for judicial office. After this procedure has been followed for each potential nominee, the chairperson shall open the meeting to a general discussion of the relative qualifications of all the potential nominees.

c. Upon completion of the discussion of the potential nominees' qualifications, the commission shall vote. Voting shall be conducted by secret ballot.

RULE 10: TRANSMITTAL TO THE GOVERNOR

a. The names of the nominees, listed in alphabetical order, shall be hand delivered to the Governor.

b. At the discretion of the commission, other information may be furnished to the Governor at his request.

c. Except as provided in sections a and b above, the names of the nominees shall remain confidential.

RULE 11: PUBLIC COMMUNICATIONS

a. The commission will encourage communications between itself and groups and individuals concerned with the administration of justice. The commission will welcome and encourage transmittal of views relative to the needs of the courts and identification of potential nominees for judicial office.

b. Official announcements concerning the work of the commission shall customarily be made by the chairperson. All commission members, however, are permitted and encouraged to communicate with the public generally regarding the commission, agreeably to these rules.

RULE 12: AMENDMENT

Any provision of these rules of procedure may be amended by the commission from time to time, provided only that no amendment shall take effect except upon the affirmative vote of at least five permanent commission members.

EXHIBIT B

STATE OF NEVADA
COMMISSION ON JUDICIAL SELECTION
PERSONAL DATA QUESTIONNAIRE

In answering these questions, please use letter size paper. Repeat each question and place your answer immediately beneath it. Please mail promptly the original and seven (7) copies to CHAIRMAN, COMMISSION ON JUDICIAL SELECTION, SUPREME COURT BUILDING, CAPITOL COMPLEX, CARSON CITY, NEVADA 89710. Please mark the envelope "Personal and confidential." Questionnaires will be held confidential and will be retained for two years from date of receipt. If you wish to be considered for a future vacancy, please send a letter of interest at that time.

GENERAL

1. Full name; office and home addresses; date and place of birth.
2. Please state your citizenship.
3. Marital status; spouse's name and occupation; list any prior marriages, including names and occupations of spouses.
4. Names of your children, their ages, addresses and present occupations.
5. List all places of residence, and inclusive dates thereof, since admission to the Nevada Bar.
6. Periods of military service, dates, branch in which you served, your rank or rate.
7. Please list any avocational interests and hobbies.

EDUCATION

8. Name and address of each college, graduate school and law school you attended, dates of attendance, the degree awarded, reason for leaving each school if no degree was awarded from that institution.

9. State the significant activities in which you took part during the period of your attendance at college, graduate school and law school, giving dates and offices or leadership positions, if any, which you held.
10. List the books, articles, speeches and important public statements you have published, or examples of opinions you have rendered, giving the citations and dates.
11. Over the past five years have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? Please describe.

LAW PRACTICE

12. Year you were admitted to the Nevada Bar.
13. Courts (other than Nevada State Courts) and year of admission in which you are presently admitted to practice (include inactive memberships).
14. Nature of your law practice after your graduation from law school; dates, names and address of all law offices, companies or governmental agencies with which you are or have been connected, the nature of your connection with each, whether you practice alone, and any other relevant particulars such as clerkships to judges.
15. Are you actively engaged in the practice of law at the present time? If you are connected with a firm, please state its name, address, telephone number and indicate the nature and duration of your relationship.

(If you are presently on the bench, please answer questions 16, 17, 18, and 21 for your practice prior to becoming a judge.)
16. What is the general character of your practice? Do you possess any legal specialities? If the nature of your practice has been substantially different at any time in the past, give the details, including the character of such and the period involved.
17. (a) Estimate what percentage of your work over the past 5 years has involved appearance in court, distinguishing between trial courts and appellate courts.

(b) Approximately what percentage of your litigation in the past 5 years was:
 - (1) Civil
 - (2) Criminal
 - (3) Administrative

- (c) Approximately what percentage of your trials in the last 5 years was:
- (1) Jury
 - (2) Non-jury
- (d) State the approximate number of cases you have tried during the past 5 years.
- (e) Please list courts and counties in any state where you have practiced during the past 5 years.
18. If you have been a member of any bar for over five years, please summarize your experience in court prior to the last 5 years. If during any prior period you appeared in court with greater frequency than during the last 5 years, indicate the periods during which this was so and give for such prior periods a succinct statement of the part you played in the litigation and whether jury or non-jury.
19. To the best of your recollection, list by case name, court, presiding Judge and all counsel appearing therein the five (5) most significant cases in which you have been involved during your legal career, including a brief explanation of the importance of each case and a brief description of your participation in each case.
20. List all bar associations and professional societies of which you are or have been a member and give the titles and the dates of any offices which you have held in such groups. List also chairmanships or any committees in bar associations and professional societies, and memberships of any committees which you believe to be of particular significance. Exclude information regarding political affiliation.
21. During the past five years have you done any pro bono or public interest work as a lawyer? If so, please describe.
22. Please list every course, seminar, or institute relating to continuing legal education which you have attended in the past ten (10) years.

BUSINESS INVOLVEMENT

23. Have you ever been engaged in any occupation, business, or profession other than judicial office or the practice of law? If so, please give the details, including dates and percentages of time spent in such occupation during the last five years. If you are presently on the bench, please give the details requested above for the total time you have been on the bench and the five years immediately prior to going on the bench.

24. Do you serve as an administrator, executor, trustee, or in any other fiduciary capacity? If so, please give details. If you are now an officer or director of any business organization or otherwise engaged in any business enterprise, please give the name and address of the enterprise, the nature of the business, the title of your position, the nature of your duties, the term of your service, and the percentage of your ownership.

CIVIC AND COMMUNITY INVOLVEMENT

25. Have you ever held judicial office? If so, give details, including the courts involved and the periods of service.
26. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, give details, including the offices involved, whether elected or appointed, and the length of your service, but excluding information regarding political affiliation.
27. State the significant civic activities in which you have taken part, giving dates and offices or leadership positions, if any, you have held.
28. State the significant educational, charitable, fraternal and church activities in which you have taken part, giving dates and offices or leadership positions, if any you have held.
29. List any honors, prizes, awards, or other forms of recognition which you have received.

CONDUCT

30. Have you ever been arrested, charged or held by federal, state or other law enforcement authorities, including the I.R.S. and S.E.C., or convicted for violation of any federal, state or municipal law, regulation or ordinance? If so, give details. Do not include traffic violations involving fines of less than \$30.00, or juvenile offenses.
31. Have you ever been sued by a client, or former client? If so, please give particulars.
32. Have you ever been a party or otherwise involved in any other legal proceedings? If so, give particulars. Do not list proceedings in which you were merely a guardian ad litem or stockholder. Include all legal proceedings in which you were a party in interest, a material witness, where named as a co-conspirator or a co-respondent, and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness.

33. Have you ever been called to appear before a bar association grievance committee, disciplined, or cited for a breach of ethics or unprofessional conduct by any court or bar association? If so, please give particulars. Are any complaints now pending?
34. Have you filed federal income tax returns for each of the past taxable years? If not, state reasons.

HEALTH

35. What is the present state of your health?
- (a) If you have ever been hospitalized or prevented from working due to injury or mental or physical illness or otherwise incapacitated for a period in excess of two weeks, please give the particulars, including the causes, the dates, places of confinement, and the present status of the conditions which caused the confinement or incapacitation.
- (b) Are you now or have you ever been treated for alcoholism, drug addiction, or mental illness? If so, please set forth the details of such treatment.
- (c) Do you presently suffer from alcoholism, drug addiction or mental illness?
36. Please list by name and address all physicians, hospitals, clinics or others from whom you have received any medical attention during the past five years including in each case the nature of such treatment.
37. Have you ever consulted a psychiatrist, psychologist, or other mental health worker concerning yourself? If so, please state details.

OTHER

38. Please list the names, addresses, and telephone numbers of three or more references who are lawyers or judges, and who are familiar with your professional activities, who would recommend you as qualified to serve on the judiciary.
39. Please list the names, addresses and telephone numbers of three or more persons who are neither lawyers nor judges with whom you have had contact other than professionally, who would recommend you as qualified to serve on the judiciary.

- 40. Please include any further information relative to your candidacy or qualifications that you wish to transmit to the commission at this time.
- 41. Please execute the attached waivers. Please add the following statement and sign:

I hereby certify that the answers and information provided herewith are true and correct to the best of my knowledge.

s/ _____

Date _____

STATE OF NEVADA)
)
) ss
)
 _____)

The undersigned, upon oath, deposes and states as follows: that (he) (she) is the person whose signature appears hereinabove on the instrument entitled "Personal Data Questionnaire;" that (he) (she) has read the same and is aware of the content thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (he) (she) executed the same freely and voluntarily.

s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(Stamp)

 Notary Public

Submission of Application; Agreement to Accept Appointment

The undersigned hereby submits his application for nomination and appointment to the office of (Justice of the Supreme Court of Nevada) (District Judge of the _____ District Court of the State of Nevada in and for the County of _____); hereby consents to the inclusion of his name in a list of three nominees to be presented to the Governor, and hereby agrees to serve in said office if appointed by the Governor.

s/ _____

Date _____

STATE OF NEVADA)
)
) ss
)
_____)

The undersigned, upon oath, deposes and states as follows: that (he) (she) is the person whose signature appears hereinabove on the instrument entitled "Submission of Application; Agreement to Accept Appointment;" that (he) (she) has read the same and is aware of the content thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (he) (she) executed the same freely and voluntarily.

s/ _____

Subscribed and sworn to before me this _____ day of _____, 19__.

(Stamp)

Notary Public

Medical Waiver and Consent

The undersigned applicant hereby waives the physician-patient privilege of confidentiality, and does hereby consent that the Nevada Commission on Judicial Selection may examine and copy any and all medical records bearing upon his present state of health in the custody of any physician or health care agency.

s/ _____

Date _____

STATE OF NEVADA)
)
) ss
)
_____)

The undersigned, upon oath, deposes and states as follows: that (he) (she) is the person whose signature appears hereinabove on the instrument entitled "Medical Waiver and Consent;" that (he) (she) has read the same and is aware of the content thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (he) (she) executed the same freely and voluntarily.

s/ _____

Subscribed and sworn to before me this _____ day of _____, 19__.

(Stamp)

Notary Public

Waiver of Confidentiality -- Law Enforcement, Professional

Disciplinary Bodies, Judicial Disciplinary Bodies

The undersigned applicant hereby waives the benefits of any statute, rule or regulation prescribing confidentiality of records of any state or federal law enforcement agency, any administrative or disciplinary committee of the State Bar of Nevada, and the Nevada Commission on Judicial Discipline, and does hereby release and discharge the Nevada Commission on Judicial Selection, its individual members as now or hereafter constituted, any such law enforcement agency or members thereof, any such administrative or disciplinary committee or members thereof, and the Nevada Commission on Judicial Discipline and its members, as now or hereafter constituted, of and from all claims, demands, liability, and damages in any way arising out of the release and use of information concerning applicant on file with any of said bodies, and hereby authorize the Commission on Judicial Selection to obtain from applicant's physician(s) a full report of applicant's present physical condition, and further authorize said physician(s) to prepare and release such report to the Commission.

s/ _____

Date _____

STATE OF NEVADA)
)
) ss
)
_____)

The undersigned, upon oath, deposes and states as follows: that (he) (she) is the person whose signature appears hereinabove on the instrument entitled "Waiver of Confidentiality -- Law Enforcement, Professional Disciplinary Bodies, Judicial Disciplinary Bodies;" that (he) (she) has read the same and is aware of the content thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (he) (she) executed the same freely and voluntarily.

s/ _____

Subscribed and sworn to before me this _____ day of _____, 19__.

(Stamp)

Notary Public