

MEMBERS PRESENT: Chairman Stewart
Vice Chairman Sader
Mr. Thompson
Miss Foley
Mr. Beyer
Mr. Chaney
Mr. Malone
Mrs. Cafferata
Mrs. Ham
Mr. Banner

MEMBERS ABSENT: Mr. Price (excused)

GUESTS PRESENT: Tom Davis, Nevada Judges Association
Dan Fitzpatrick, Clark County
Bryce Wilson, Nev. Assoc. Counties
Bob Evans, UNR Intern
Jack J. Lamberti, Nevada Judges Association
Solan Terrell, Nevada Judges Association
George Ostrander, JP, Yerington
John Fleckenstein, Nevada Judges Association
Grace J. Fleming, Washoe County
John W. Borda, Nevada Motor Transport Assoc.
Frank E. Santos
Joyce P. Santos, Nevada Judges Association
Joseph Drew, Nevada Judges Association
G.P. Etcheverry, Nevada League of Cities
Judge Mosley, Clark County Municipal Court
John Roethel, Las Vegas City Attorney's Ofc.
Assemblyman Robinson

Chairman Stewart called the meeting to order at 8:15 a.m. and asked first for testimony on AB 306.

AB 306: Changes monetary amount for jurisdiction of courts and conforms certain statutory provisions relating to jurisdiction.

Tom Davis, JP and Municipal Judge, Carson City, spoke on behalf of the Nevada Judges Association. He stated that AB 306 is almost identical to SB 107 with the exception of the dollar amounts. He continued by saying that it is felt that \$2,500 is excessive for small claims. It is not an unrealistic figure for a justice court civil action, or the formal complaint and summons wherein an attorney generally appears. A more realistic figure for small claims is \$750 or \$1,000 at the outside. The impact on the court calendar by implementing \$2,500 for small claims will be tremendous. It will create a situation which

could possibly cripple the current caseload in the justice courts. It was Judge Davis' recommendation that some consideration be made to the effect that anything in excess of \$1,000 be a justice court civil action.

Judge Davis next addressed page 2 of AB 306 at line 33, paragraph (c), suggesting that the terminology might reduce the justice court workload in that they would no longer conduct preliminary hearings, forfeiture of bail bonds in excess of \$750, marriage ceremonies, waiver of extradition hearings, etc. He recommended the terminology be changed to include the language, "unless otherwise provided by law".

Chairman Stewart commented that in the action taken by the committee on SB 107, that amendment had been recommended and a conflict amendment would be prepared to cure that.

Judge Davis stated that the Judges Association had no problem with the balance of the bill, but urged the committee to consider that amounts over \$1,000 are totally out of the realm of small claims. At Chairman Stewart's request, Judge Davis explained that the difference between small claims and justice court civil actions is that small claims is a procedure, extremely informal, where the judge is not literally bound by the letter of the law. It is a working man's court and hearsay is accepted in the interest of understanding the situation. Attorneys very seldom practice in small claims and justice is arrived at speedily without complications. A justice court civil action is a formal procedure wherein a complaint, possibly multi-count, is filed and requires an answer, orally or in writing. Normally attorneys will appear in these cases and attorney's fees are provided by statute, where there is no provision for attorney's fees in small claims actions.

Judge Davis suggested that if small claims is broadened to in excess of \$1,000, the private citizen will be attempting to practice law against an attorney for the other party, requiring the court to more particularly watch out for the interests of the unrepresented party. He stated it would become very time consuming, thereby clogging the court calendar.

Mr. Beyer asked if raising the figure to \$2,500 would require an attorney to be present. Judge Davis stated it would not require an attorney, but just raises the jurisdiction. He added that when dealing with amounts between \$1,000 and \$2,500 most people will hire an attorney.

Chairman Stewart asked if there were any other JPs in Carson City and if Judge Davis could estimate what the increase in the caseload would be. Judge Davis stated he is the only JP

817

in Carson City and that when the amount was raised from \$300 to \$750, the increase was approximately one-third. He commented that one of the reasons for the increase in the caseload is that we are in the midst of a recession and people would like to pay their bills but simply cannot. Therefore, more people are being taken to court. He added that there was almost a 100% increase in justice court civil actions where the attorneys filed suit and could be compensated by law. He suggested that if just the justice court civil action level is raised to \$2,500, there will be at least one day a week added to the court calendar, increasing the caseload by at least 1/5, adding to the delay in cases getting to court.

Mr. Sader asked if Judge Davis had an opinion on the estimated decrease in the district court caseload as a result of changing this figures. Judge Davis stated he had tried to get that information, but the clerk's office was unable to provide that to him. He felt there would be a tremendous decrease, but there would be an increase in the amount of cases filed in justice court that are currently being reduced to \$750 where people are taking a loss. Mr. Sader suggested there would be a substantial dislocation of costs due to the caseload increasing in justice court and decreasing in district court.

Chairman Stewart asked if Judge Davis anticipated he would be able to carry the increased caseload without the addition of another judge. Judge Davis stated that there is a provision already for a second judge to be appointed in Carson City and there are also judges from neighboring counties to come in, but there is still only one courtroom. Chairman Stewart asked what the effect would be on other counties. Judge Davis stated that Washoe County has indicated that their caseload now is very high, but have added a JP at Incline which will reduce some of the pressures eventually.

Judge Lamberti of Sparks Justice Court reiterated Judge Davis' testimony, stating that there had been approximately a 35% increase when the jurisdiction was raised from \$300 to \$750. He estimated at least another 35% to 40% increase if the figure is raised to \$2,500 and added that they do not have the mechanics to handle the increase. He commented that there had been a 50% increase in justice court civil actions and agreed that when dealing with amounts over \$1,000 there will be an increase in attorneys for these cases, and the speedy justice in small claims will not continue. To Mr. Chaney's question, Judge Lamberti estimated that if the small claims jurisdiction were raised to \$1,000 the increase would be 15% to 20%, which in itself would be difficult to handle.

Grace Fleming of Washoe County stated that she completed a study of Reno Justice Court and read portions of the report as follows. As of October, 1977, the interpretation of the law indicated there could be no executions awarded on small claims actions. An execution would enable the winner of a suit to receive payment from bank accounts or paychecks. This interpretation stayed until July, 1979, when executions were again allowed and the limitation of the jurisdiction was raised to \$750. Over night the small claims actions more than doubled and since then have almost tripled. The actions filed have shown a steady increase since that time and the following table indicates the caseload statistics.... She continued by saying that in 1978, there were 913 small claims filed and in 1980, 2,539 were filed. She added that the 913 figure was a decrease over previous years due to the interpretation on executions.

Ms. Fleming stated that if the jurisdiction were raised to \$2,500, it would be immediately necessary to add a third judge in Reno, which might be necessary anyway. She brought attention to NRS 4.020, which only allows for 1, 2 or 5 judges, with no provision for 3 or 4 judges. She suggested that the committee review that statute before continuing with this bill.

To Mr. Sader's question, Ms. Fleming stated that on eviction caseloads, 6,390 were filed in 1979 and the current figure will be around 3,000 due to the fact they are being charged for those. She did not have percentage figures. She added that small claims are currently being scheduled at almost the 90 day limit.

Chairman Stewart asked about district court filings, to which Ms. Fleming responded she did not look at district court.

Mr. Beyer was appalled at the testimony heard about being overworked. It was his feeling that if necessary then build more courtrooms and add more judges so that people can come to court and get their just compensation for losses. Judge Lamberti responded by saying that the concern was not with the workload, but with the mechanics to carry the load, i.e. more judges, more space and additional personnel. Ms. Fleming replied as well by saying that they needed provisions to allow for expansion and the cost to handle the increased workload.

Mr. Sader asked if Ms. Fleming had an estimate on what it would cost to put on another judge. She stated that with two district courts coming, with no place to put them, and the bond issue going down for the justice facilities, she had no idea. As far as court staff, with an increase it would require another clerk for civil, another bailiff and another justice. In salaries, she estimated \$60,000 to \$70,000 for 3 people. She added that there is no space available.

To Chairman Stewart's comments about the revenues generated by a new JP, Ms. Fleming stated that more revenues would be received from an increased caseload. She did not have a breakdown of the figures but stated the JPs have always broken even, but assumed that the majority of the revenue was from citations with the civil not really paying for itself.

Dan Fitzpatrick of Clark County stated their concerns fall along the lines of those expressed by the justices who have testified, as well as Ms. Fleming. He commented there should be a fiscal note on the bill with time allowed for the municipalities to do a detailed analysis of the impact. He stated that the response received from the JPs as well as the clerk of the justice court is that a minimum of 1 or 2 justices would be needed to implement AB 306 as written, including bailiffs, clerks, etc. He estimated \$100,000 per justice in salaries, fringe benefits, overhead, plus space necessary. He reiterated the 35% increase in small claims when the jurisdiction was raised from \$300 to \$750.

Bryce Wilson of the Nevada Association of Counties, endorsed the testimony of the previous witnesses, stating that the same considerations apply to the counties. He had no specific estimates of increase throughout the counties to offer as they had not yet been received.

Assemblyman Robinson distributed EXHIBIT A and EXHIBIT B to the committee members and commenced a reading of EXHIBIT C. He commented that there are a number of states with small claims limits higher than Nevada and read from EXHIBIT A. He suggested that the rationale of the minutes from the 1979 session would still apply, in that the limit is too low and should be raised if based on nothing else than to try to maintain the status quo of what \$300 was worth in 1864 and the comparable amount necessary today to match that. To the argument that the courts will be overloaded and more justices of the peace will be required, Assemblyman Robinson stated that justices of the peace come cheaper than district judges and what the JPs take from the district judges will amount to a savings.

Assemblyman Robinson commented that there is no prohibition to an individual taking an attorney to justice court if he feels it necessary.

To Mr. Malone's question about the states with small claims limits lower than Nevada, Mr. Robinson referred to the attachments to EXHIBIT C and pointed out that Arkansas is \$300, Colorado at \$500, with none being lower than \$300. He added that a number of the Western states are above the \$750 level,

with Montana being \$1,500, New Mexico at \$2,000, Oregon at \$500, and Texas being at \$150 to \$200 covering wages only.

The remainder of the judges in the audience echoed the testimony of the previous judges.

G.P. Etcheverry, Executive Director, Nevada League of Cities, supported the testimony of Judge Davis. He pointed out that at page 10, Section 14 of the bill, NRS 266.555 is spelled out, which is the general law governing the cities in the State of Nevada. He stated that the cities under those general laws are Ely, Lovelock, Winnemucca and Fallon. If their caseload were increased from part-time in order to accommodate this bill, there would be the necessity of a full-time judge which they could not afford. Mr. Etcheverry supported the statements made by Bryce Wilson and Dan Fitzpatrick.

To Chairman Stewart's comments, Mr. Etcheverry stated that in times with cooperative agreements, the JPs of those cities from time to time do act as municipal court judges. He felt this bill would also affect the municipal court judges for those areas.

Chairman Stewart requested that the counties and cities prepare fiscal notes for the bill as proposed as well as an amendment making the small claims level at \$1,000. He asked that they take into account the fees collected by the courts as well as the effect on the district courts.

Since there was no further testimony on AB 306, Chairman Stewart asked for testimony on AB 328.

AB 328: Requires justice of peace to be resident of appropriate township and in certain townships, to be attorney.

Tom Davis of the Nevada Judges Association, stated that the Association opposes the bill. Although there are quite a number of licensed attorneys sitting as JPs and municipal judges in the state, there are far more who are non-attorneys. Judge Davis reminded the committee that in 1971, the Association was formed and, since that time, there is not a non-attorney member who has not attended many of the sessions conducted at the National Judicial College in Reno. He commented that these sessions are very objective and designed for special court judges, lasting from one to two weeks per session. Several counties donate each year to the Administrative Office of the Courts for the education of these judges. He stated that the Association feels that non-attorney judges have performed very well within the state and there is no need to select practicing attorneys for that position.

Judge Davis commented that there are a lot of non-attorney career judges and felt this bill should give some protection to the individual planning on making a career at the justice court level.

Mr. Thompson asked if the language at lines 5 and 6 would restrict the judges from sitting in other townships. Judge Davis stated it was the opinion of Judges McGroarty and Kelly that it would not restrict them. He did address the population figure of 60,000, saying that with the impact of the MX system, the population would increase rapidly. He suggested that the existing career judges should be grandfathered in with an amendment to this bill.

Mr. Sader stated his opposition to AB 328.

Mrs. Ham asked how many townships are currently over 60,000. Judge Davis stated that Reno and Las Vegas are the only ones, with Sparks being close behind.

Mrs. Ham asked why the language had been changed at lines 3 and 4 adding, "unless he is a qualified elector of a township to which the office pertains." Chairman Stewart was under the impression that it was felt a JP should maintain a residence in his township. Judge Davis stated that most JPs do reside in their townships, but do transfer around when necessary. He added that there are a lot of excellent private citizens who make good judges and did not feel they should be precluded from dealing with the working man's court and again expressed the opposition of the Judges Association to AB 328.

Mr. Sader asked what Judge Davis' opinion was of the argument in favor of this bill that the very complicated evidentiary decisions required in preliminary hearings should require an attorney judge. Judge Davis agreed with the concern and stated that a JP requires some knowledge of the law, but commented that there are private citizens who can understand the law and can further understand through the opportunity of attending the sessions at the Judicial College. He suggested the bill be reviewed carefully before passage.

Mr. Sader asked why areas smaller than 60,000 should have non-attorney judges. Judge Davis responded that it is not equitable to have an attorney judge in Beowawe. He added that continuing education is mandatory for lay judges.

To Chairman Stewart's question, Judge Davis stated that all the JPs in Reno and Las Vegas townships are attorneys. He felt the grandfather clause should be incorporated in the bill to cover everyone, regardless of population.

Chairman Stewart asked what Judge Davis' feelings were with regard to the argument that if an individual has the right to representation in court by an attorney, he should also have the right to an attorney judge. Judge Davis stated that the judges have the background and have studied in the areas of limited jurisdiction. He felt it to be fair and equitable. It was his opinion that judgment does not necessarily mean skill in the law, but knowing how to apply justice with common sense and hope that equity is the result. He agreed that in the case of felonies, an attorney judge might be better due to the involved issues.

Mr. Thompson pointed out that there are varying degrees of attorneys and it would be just as easy to elect a bad attorney judge as a bad lay judge.

Solan Terrell, Justice of the Peace, Tonopah Township, objected to this bill if it were to forbid attorneys from running for a JP office. Judge Terrell stated that the Judicial College in Reno is a very fine school which most of the lay judges in Nevada concerned with education attend. He did not feel there is any difference between being a judge in Tonopah and hearing gross misdemeanors and felonies than in Reno, commenting that the same type of evidence is introduced and the same decisions have to be made. He felt that a review of the record of bind-overs from JP to district court would show that there were few overturned or dismissed. He agreed with Mr. Thompson's comments about the possibility of a bad lawyer judge. He stated that the Judges Association has gone on record to say if a judge will not attend school, he will be taken out of office.

Judge Terrell commented that in his township a few years ago he had nothing to do, whereas today he doesn't know how he will handle the caseload arising. He did not agree with requiring a township of a certain size to have lawyer judges. To Chairman Stewart's question, Judge Terrell felt district court judges must be attorneys since the civil cases become so much more complicated.

Since there was no further testimony, Chairman Stewart called for testimony on AB 339.

AB 339: Changes various provisions concerning municipal and justices' courts.

Judge Tom Davis stated that the Judges Association supports AB 339 and raised the following points:

The language at page 2, line 35 and at page 4, line 16 gives the judge carte blanche insofar as appointment of bailiffs and clerks, and it was Judge Davis' feeling that the absolute responsibility should be given to Boards of County Commissioners

as to the number and the rate of pay for these individuals. He made reference to judges in other states who, given the power to appoint, would eliminate unemployment.

Judge Davis felt that the remainder of the bill was fair. He commented that there is some fiscal impact on the mandate for the provision of courtrooms. He stated that courtrooms are mandatory in that there are still people working out of their homes.

At page 4, line 36, the justice court clerk is given too much authority in Judge Davis' opinion.

Miss Foley pointed out that at line 19, the bill states that the compensation of the clerks so appointed must be fixed by the board of county of commissioners and the judge gets to choose the clerk.

Dan Fitzpatrick of Clark County, stated that the County's concerns were not with the merits of bill since there is a need for support staff, bailiffs, clerks, courtrooms and offices. Their concern lies with the giving of total authority to the justices of the peace to appoint bailiffs and determining the number of bailiffs needed, at page 2, Section 4. He suggested that the language begin with the language, "with the approval of the board of county commissioners, each justice of the peace may appoint a bailiff". It was his belief that the bailiff should be appointed by the justice of the peace since the bailiff has to work very closely with the judge. Mr. Fitzpatrick stated that currently, all of the Las Vegas Township JPs have a bailiff, as well as those in North Las Vegas and Henderson. Under the current language, a part-time JP could appoint any number of full time bailiffs without coming before the budgetary oversight of the governing body, in this case the Board of County Commissioners.

At Section 5, where it states that the Board of County Commissioners shall provide and furnish a courtroom and an office for each justice of the peace, Mr. Fitzpatrick stated that generally makes sense. Currently, Las Vegas has courtrooms for each of its JPs, except for the one in Boulder City, who prefers to work out of her home. Under this bill, there would not be that option and a courtroom must be provided. He pointed out that the language continues to say that the necessary expenses incurred therein are a legal and valid claim against the county, requiring the county to pay for a walnut desk rather than a formica desk if that were the preference of the JP. There is no oversight by the Board of County Commissioners as for any other department head. He suggested again inserting the language, "with the approval of the board of county commissioners."

At page 4, in Section 9, with reference to the judge appointing his own clerk, Mr. Fitzpatrick stated that in the Las Vegas Township, the Board of County Commissioners provides an office of the Clerk of the Justice Court, with a head of that office who supplies the clerk services as a central function to 5 of the JPs. He indicated that it is a very sophisticated, efficient system established to provide the clerical services necessary to the justices. Allowing the judges to select their own clerks, will destroy the efficiency in that system. He used as an example the court administrator, saying that every time there is a new district court chief judge, the court loses another administrator. Under the current law, the justice makes a recommendation regarding the clerk, and Mr. Fitzpatrick was aware of no problem with the current system in Las Vegas.

At page 4, line 35, Mr. Fitzpatrick suggested that the brackets at line 30 and ending on line 35 be deleted and at line 34 the language read as follows: "With the approval of the board of county commissioners, appoint a deputy or deputies. . . ." He pointed out that currently the language seems to say there can be only one deputy where there are numerous deputies. He stated that the Board of County Commissioners does supply staff to all 15 JPs, with a number of part-time staff supplied. He gave as examples the fact that in North Las Vegas, Judge Kelly has 4 clerical staff full time and 1 bailiff; Judge Tabony in Henderson has 3 clerical staff full time and 1 full time bailiff.

At Section 11, Mr. Fitzpatrick noted that the same problems arise with reference to the municipal court judges.

John Roethel, representing the City of Las Vegas, stated there is not much of AB 339 which affects the city except for Section 1, which says that no judicial business may be transacted on Saturday, Sunday or holidays, with a couple of exceptions. He pointed out that at the present time, the Municipal Court Building is open 24 hours a day, 7 days a week, even through holidays, in order to allow people to pay their tickets at all times, post bail bonds and be able to conduct their business with the court without taking time off from work. Mr. Roethel stated the City wants to make sure that this bill does not prevent it from doing business outside the courtroom at the counter. He noted that subsection (c) allows for the exercise of the power of a magistrate in a criminal action. At the present time, the City of Las Vegas runs bail hearings and probable cause hearings on the weekends. It is presumed that the power of a magistrate is broad enough to allow for that. He stated the city would like the opportunity to do misdemeanor trials on the weekends or at least arraignments. He urged the committee to seriously consider broadening this section at least from the standpoint of the misdemeanor business.

Mr. Sader asked if Mr. Roethel had a suggested amendment. Mr. Roethel was not sure how that would be worded.

Mr. Malone pointed out that law enforcement agencies get warrants from the courts, and this would eliminate that on weekends as well.

Chairman Stewart asked if Judge Davis knew why Section 1 had been amended. Judge Davis was not sure why that was done and indicated he does have some sharp concern about it since a number of judges in the state perform marriages on weekends.

Mr. Chaney asked about the amendment at page 3, line 31, wanting to know the difference between "10th day" and "10th judicial day". Judge Davis indicated that "10th judicial day" would not involve weekends or holidays.

Bryce Wilson of the Nevada Association of Counties stated his support of Mr. Fitzpatrick with respect to the authority of the governing body and the budgetary process. He felt that must be included in order to have the governing bodies able to budget and indicated he did not have impact figures for the smaller counties but could get them if requested.

Since there was no further testimony, Chairman Stewart proceeded to AB 340.

AB 340: Provides procedure for fixing salaries of justices of peace and police judges.

Judge Davis stated this is a very complex bill drafted and submitted by Judge Kelly. He suggested there should have been a fiscal note attached to the bill. It was his understanding of the bill as explained by Judge McGroarty and Judge Kelly is that the bill was submitted to set salaries for justices of the peace on a more equitable basis than they presently exist. He indicated that there is nothing in the bill to say that a full time JP is going to be automatically be paid 95% of the district judges' salary. The Board of Commissioners has the option to set the salaries up to that point. Judge Davis stated this will have a tremendous impact on everyone but Clark County and possibly Washoe since automatically setting the JP salary at 95% of that of a district judge will break a few counties. He indicated that the Judges Association is in favor of the bill, but is looking to equity. The full time judge in Lovelock works as hard as the full time judge in Reno, Carson City or Las Vegas and is entitled to compensation that is somewhere within the same range. It was his belief that the Association was looking for some direction from the Legislature that does mandate the counties to review and

raise these salaries. Judge Davis felt the salary section is a little ambiguous and did not read in it that it is mandatory that the salary go up to 95% of the district judges'. The balance of the bill appears good.

Mr. Sader commented that his reading of the language that full time is entitled to receive 95% indicates anything from 95% down, allowing the county to set what they think is an equitable salary. Chairman Stewart added it could also be construed to mean anything from 95% up. It was Judge Davis' interpretation that it means up to 95% and indicated he had no objection to clarifying the language so that the county could set an equitable salary.

To Chairman Stewart's question, it was indicated that a district judge's salary is \$43,000 and rising, with 95% of that being \$40,850. Judge Davis commented that a consideration of raising the salary is that it would attract a higher caliber individual to these positions with a tendency towards career individuals. He indicated that the current salaries of the justices of the peace vary greatly from county to county, with the range being demonstrated as follows: Judge Joe Drew of Esmeralda County - \$1,000 full time; Judge Santos of Lovelock - \$13,000 raised from \$9,000; Judge Terrell of Tonopah - \$16,700; Judge Ostrander of Yerington - \$9,100 not quite full time; Judge Davis of Carson City - \$24,000; Clark County JP - \$39,500; Washoe - \$29,500.

Miss Foley asked if any of these judges perform marriages. It was indicated that Washoe and Clark County cannot; Judge Davis may with the funds going to the City.

Miss Ham asked why the judges were prohibited from engaging in private practice. Chairman Stewart understood that to be because the judges are salaried for full time. Currently the JPs who are attorneys are allowed to have a private practice as long as it does not conflict.

At Section 8, paragraph 3, Judge Davis indicated the amendment allows the visiting judge to be paid by the community or county he is serving in, which is not currently provided for. At the present time, judges are only provided an allowance for mileage and authorized meals. This would allow the visiting judge to receive the salary commensurate with the community in which he is filling in for, with the compensation amounting to the daily difference between the judge's salary and that of the judge in whose place he is sitting.

Mr. Sader noted that the new language does not make it clear which county must pay, whereas the previous language specified it was the county in which the judge was temporarily serving. He suggested it could be clarified.

Section 9 was indicated to be a money saver for a community in that if a police judge is available which is already being paid for by the community, a judge from another area would not have to be paid to come in. Judge Davis indicated that under the current statutes, Fallon and Carson City are the only two communities in the state where a police judge can sit for a justice of the peace or vice versa. Chairman Stewart pointed out that there is still a limitation to counties of 100,000 or less in the proposed language, precluding Washoe and Clark Counties.

Judge Davis stated the Judges Association is satisfied with the balance of the bill.

Judge Donald Mosley from Las Vegas Municipal Court read from EXHIBIT D, a document prepared for another committee meeting. The pertinent portions are bracketed. Judge Mosley gave as an example of the necessity of a raise the salaries for those individuals involved in a trial in Department 2 of the Municipal Court in Las Vegas: Judge - \$26,000; City Attorney - \$43,100; witness (Sr. Patrol Officer) - \$34,900; Bailiff - \$23,000. He suggested that there is an advantage to tying the salary increases to a consistent scale, which is accomplished by this bill tying the municipal court judges' salaries to a percentage of that paid to district court judges. He added that this will eliminate the necessity of each court system going before its respective legislative body and vying for raises.

In conclusion, Judge Mosley stated that if there are going to be qualified, full time judges who are professionals, they should be paid accordingly. He commented that in the private sector, an attorney can make a great deal more than a judge.

Dan Fitzpatrick of Clark County stated that this particular bill will not have a substantial financial impact on Clark County since the Las Vegas Township Judges currently make \$39,900 per year and this bill would increase that only about \$1,000 if the 95% is a mandate proposal. He noted that Judge Kelly and Judge Tabony make \$38,900 and \$32,500 respectively and the part-time JPs range from \$4,700 to \$5,200 per year. He commented that in the smaller counties, the impact would be great where the judges are making \$13,000 and get raised to \$40,850.

At page 2, line 1, Mr. Fitzpatrick suggested if the language were changed to read "up to 95%", allowing the Board of County Commissioners the discretion to set the salaries, the entire bill would be moot since that is currently being done. He felt there may be some justification for tying a judge's salary to district court on some type of scale, but without population factors built in, it would severely impact the budgets of the rural counties.

At page 4, Mr. Fitzpatrick concurred with Mr. Sader's point on which county general fund would pay the visiting judge, suggesting that the impact would not be significant to Clark County's general fund budget.

Upon questioning by Mrs. Ham, Mr. Fitzpatrick stated there is a cap on all expenditures of all funds, with the courts being paid for out of the general fund. To cover mandated expenditures, money is taken from other areas of the general fund causing other projects to be dropped.

Mr. Sader asked the judges present what outside sources of income they have in addition to their salaries, such as marriage fees. Judge Santos responded by saying that her only additional income is marriage fees, stating that at \$10 per marriage, she had only performed 66 marriages last year.

Bryce Wilson endorsed Mr. Fitzpatrick's comments that there would be significant impact on the smaller counties, but had no specific figures to offer.

Chairman Stewart adjourned the meeting at 10:50 a.m. since there was no further testimony or comments.

Respectfully submitted,



Jor Jan M. Martin
Committee Stenographer

Small Claims Courts

A National Examination

A publication of the
National Center for State Courts
Williamsburg, Virginia

By
John C. Ruhnka and Steven Weller
with John A. Martin

Nevada Supreme Court

NOV 20 1978

LIBRARY

KEY STATUTORY VARIATIONS OF SMALL CLAIMS COURTS BY STATE
(Excerpts)

EXHIBIT A

<u>STATE</u>	<u>CLAIM LIMIT</u>
Alaska	\$1,000.00
Arizona	\$ 999.99
Delaware	\$1,500.00
Florida	\$2,500.00 (attny. req. if over \$1,500)
Illinois	\$1,000.00
Indiana	\$3,000.00
Iowa	\$1,000.00
Maine	\$ 800.00
Minnesota	\$1,000.00
Montana	\$1,500.00
New Mexico	\$2,000.00
New York	\$1,000.00
Pennsylvania	\$1,000.00
South Carolina	\$200.00 to \$3,000.00
South Dakota	\$1,000.00
Tennessee	\$3,000.00
Virginia	\$5,000.00
West Virginia	\$1,500.00

2.3:1790

EXHIBIT B

C

HANDBOOK OF LABOR STATISTICS 1973



U.S. DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS

RECEIVED

MAR 11 1974

Documents Div.

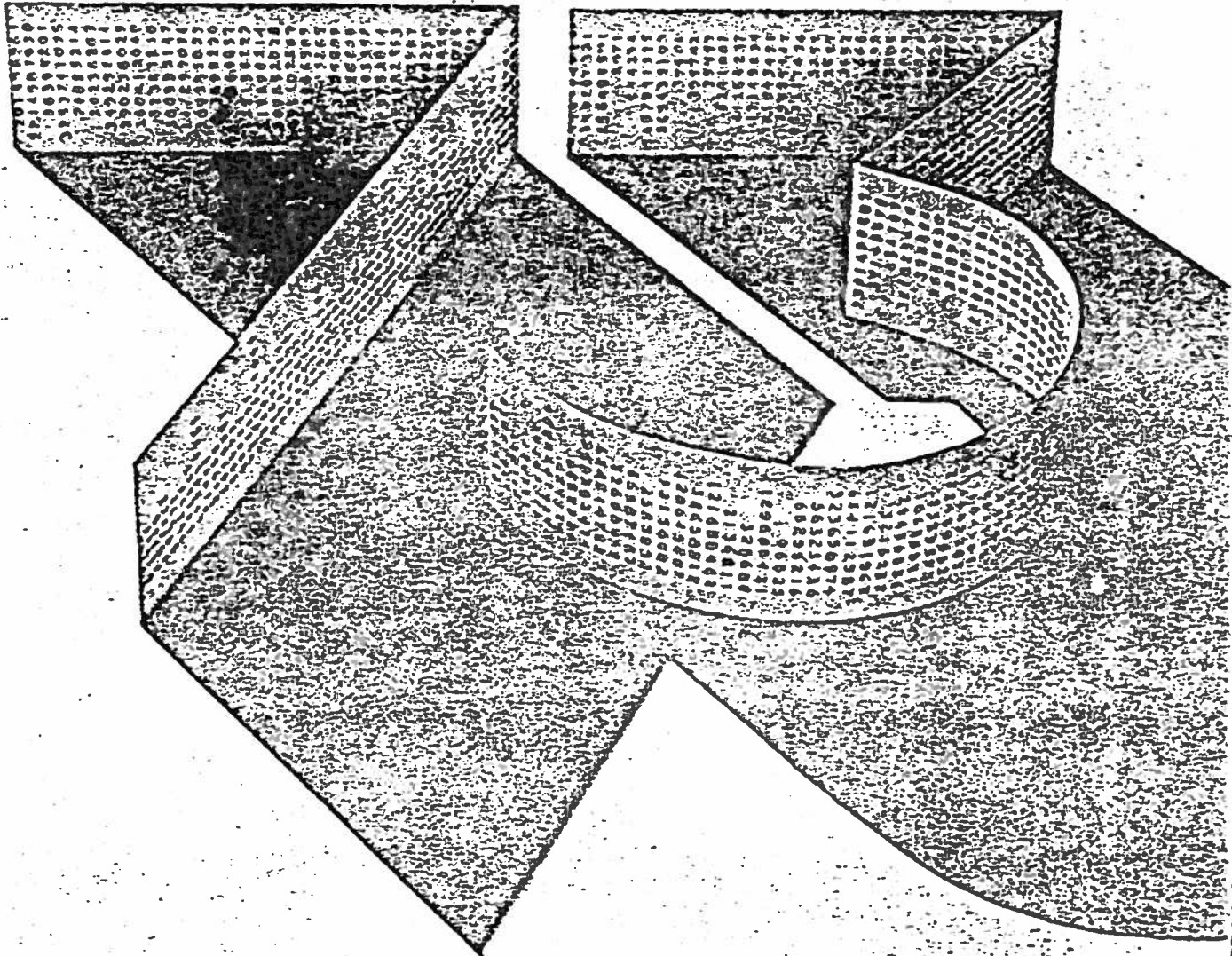


TABLE 121. The Consumer Price Index, 1800-1972,¹ Selected Groups, and Purchasing Power of the Consumer Dollar, 1913-72

(1967=100)

Year	All Items	Year	All Items	Year	All Items	Food	Rent	Apparel and upkeep	Purchasing power of consumer dollar 1967 = \$1.00
1800	81	1856	27	1913	29.7	29.2	49.6	29.2	\$1.367
1801	80	1857	28	1914	30.1	29.8	49.6	29.4	1.373
1802	43	1858	29	1915	30.4	29.4	49.9	30.1	1.389
1803	45	1859	30	1916	32.7	33.1	50.5	33.0	1.058
1804	46	1860	31	1917	38.4	42.6	50.1	39.6	2.604
1805	45	1861	32	1918	45.1	49.0	51.0	53.6	2.217
1806	47	1862	33	1919	51.8	54.6	55.2	71.1	1.931
1807	44	1863	34	1920	60.0	61.5	64.9	84.6	1.667
1808	46	1864	35	1921	53.6	46.7	74.3	65.2	1.866
1809	47	1865	36	1922	60.2	43.7	76.7	83.0	1.992
1810	47	1866	37	1923	61.1	45.1	78.6	83.1	1.957
1811	50	1867	38	1924	61.2	44.7	81.5	82.6	1.953
1812	51	1868	39	1925	52.5	48.4	81.8	51.6	1.925
1813	58	1869	40	1926	53.0	50.0	81.0	80.8	1.887
1814	60	1870	41	1927	52.0	48.2	79.7	49.7	1.923
1815	56	1871	42	1928	51.3	47.7	77.8	49.0	1.949
1816	51	1872	43	1929	51.3	48.3	76.0	48.5	1.949
1817	48	1873	44	1930	50.0	45.9	73.9	47.5	2.000
1818	46	1874	45	1931	45.6	37.8	70.0	43.2	2.193
1819	46	1875	46	1932	40.9	31.5	62.8	35.2	2.445
1820	42	1876	47	1933	38.8	30.6	54.1	36.9	2.494
1821	40	1877	48	1934	40.1	34.1	60.7	40.4	2.433
1822	40	1878	49	1935	41.1	35.5	60.6	41.1	2.410
1823	36	1879	50	1936	41.5	36.9	51.9	43.2	2.326
1824	33	1880	51	1937	43.0	38.4	54.2	43.0	2.370
1825	34	1881	52	1938	42.2	35.6	56.0	42.4	2.381
1826	34	1882	53	1939	41.6	34.6	56.0	42.8	2.288
1827	34	1883	54	1940	42.0	35.2	56.2	44.8	2.040
1828	33	1884	55	1941	44.1	38.4	57.2	46.6	1.931
1829	33	1885	56	1942	48.8	43.1	58.5	56.5	1.896
1830	32	1886	57	1943	51.8	50.3	58.5	61.5	1.700
1831	32	1887	58	1944	52.7	49.6	58.6	67.5	1.495
1832	26	1888	59	1945	53.9	50.7	58.8	63.3	1.387
1833	29	1889	60	1946	55.5	58.1	59.2	60.1	1.287
1834	26	1890	61	1947	66.9	70.6	61.1	78.2	1.258
1835	31	1891	62	1948	72.1	76.6	63.1	83.3	1.242
1836	33	1892	63	1949	71.4	73.5	65.0	84.6	1.242
1837	34	1893	64	1950	72.1	74.5	70.4	85.3	1.248
1838	32	1894	65	1951	77.8	82.5	73.2	84.6	1.248
1839	30	1895	66	1952	79.5	84.3	76.2	85.3	1.242
1840	30	1896	67	1953	80.1	83.0	80.3	84.6	1.242
1841	31	1897	68	1954	80.5	82.8	83.2	84.6	1.242
1842	28	1898	69	1955	80.2	81.6	84.3	84.6	1.242
1843	28	1899	70	1956	81.4	82.2	83.9	85.3	1.242
1844	28	1900	71	1957	84.3	84.9	87.5	87.3	1.186
1845	28	1901	72	1958	86.6	85.5	89.1	89.6	1.185
1846	28	1902	73	1959	87.3	87.1	90.4	88.2	1.145
1847	28	1903	74	1960	85.7	85.0	91.7	89.6	1.127
1848	28	1904	75	1961	86.6	89.1	92.9	90.4	1.116
1849	28	1905	76	1962	90.6	89.9	94.0	90.9	1.104
1850	28	1906	77	1963	91.7	91.2	95.0	91.9	1.091
1851	28	1907	78	1964	92.9	92.4	95.9	92.7	1.076
1852	28	1908	79	1965	94.5	94.4	96.9	93.7	1.066
1853	28	1909	80	1966	97.2	99.1	98.2	96.1	1.029
1854	28	1910	81	1967	100.0	100.0	100.0	100.0	1.000
1855	28	1911	82	1968	104.2	103.6	102.4	105.4	.960
		1912	83	1969	109.8	108.9	108.7	111.5	.911
				1970	116.3	114.9	110.1	116.1	.860
				1971	121.3	118.4	115.2	119.6	.824
				1972	125.3	123.5	119.2	122.3	.799

¹ Indexes from 1800 to 1912 estimated by splicing the following series: 1800 to 1851—Index of Prices Paid by Vermont Farmers for Family Living;

1851 to 1890—Consumer Price Index by Ethel D. Hoover; 1890 to 1912—Cost of Living Index by Albert Rees.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627

KEITH ASHWORTH, *Senator, Chairman*
Arthur J. Palmer, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-5640

DONALD R. MELLO, *Assemblyman, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
William A. Bible, *Assembly Fiscal Analyst*

ARTHUR J. PALMER, *Director*
(702) 885-5627

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

March 12, 1981

EXHIBIT C

AB. 306
P.O. M. Tues. 3/24 Room 246

TO: Assemblyman Robert Robinson
FROM: Donald A. Rhodes, Chief Deputy Research Director
SUBJECT: Monetary Limit of Justice Court

History of Constitutional and Statutory Monetary Limits

Section 8 of article 6 of the Nevada constitution, as approved by the voters in September, 1864, limited the monetary jurisdiction of justices of the peace to \$300.

In November, 1978, the voters approved and ratified an amendment to section 8, which, among other things, permitted the legislature to establish the limits of civil and criminal jurisdiction for justices of the peace.

After the ratification of the amendment to section 8, the 1979 legislature passed your assembly bill 28 (Chapter 676, Statutes of Nevada 1979) which increased the statutory monetary limit on justices courts' from \$300 to \$750. The original limit proposed in A.B. 28 was \$1,200.

Rationale for Increasing Monetary Limit

In discussing A.B. 28 before the assembly judiciary committee, you stated that the measure came from a district court judge who thought the span of matters applicable to district courts was too great. You added that the suggested increase was equitable with the current, as of then, cost of living index.

Also discussing A.B. 28, Tom Davis, a justice of the peace in Carson City and a representative of the Nevada judges association and the municipal court, stated that the then \$300 amount in the law was based on the average of three months pay for a miner in Virginia City in the 1800's. A copy of the committee minutes from which these references were obtained, is enclosed.

Previous Recommendation Made to Increase Monetary Jurisdiction

Senate concurrent resolution 18 of the 1967 session of the legislature, adopted March 20, 1967, directed the legislative commission to make a study of the Nevada court structure. A final report of the legislative commission's subcommittee which carried out the study (see LCB Bulletin No. 74, "Nevada Court Structure") recommended that a limit of \$1,000 be given to small claims procedures. Page 29 of the report says: "A limit of \$1,000 is recommended in light of today's purchasing power and our desire to develop the concept of the people's court."

CPI Compared to Justices' Court Monetary Limit

Enclosed is a copy of Table 121 from the Handbook of Labor Statistics 1973 which shows the consumer price index from 1800 to 1972. The CPI as of January, 1981, was 260.5. As you can see in Table 121, the CPI in 1864, when the original justices' court limit of \$300 was put in the Nevada constitution, was 47. By dividing 47 into 260.5, it can be seen that the CPI has grown 5.54 times from 1864 through January, 1981. If growth in the justices' court money jurisdiction had paralleled the CPI, the jurisdiction would be \$1,662 (5.54 x \$300) today.

You might also be interested in knowing how average salaries have increased since 1864. Earlier, I noted that Tom Davis said the original \$300 limit for justices' courts was based on three months salary for a miner in Virginia City. As of the end of 1979, the average miner's annual salary in Nevada was \$17,492. Three months pay for a miner, therefore, was \$4,373. The average worker in Nevada in 1979 made \$12,878. Three months of the average worker's pay was \$3,219.

Enclosed is a chart (see "Key Statutory Variations of Small Claims Courts by State" from Small Claims Courts - A National Examination) which shows small claims courts' monetary jurisdictions in all states for 1978.

DAR:jlc
Encl.

505

Small Claims Courts

A National Examination

Appendix A
Key Statutory Variations of Small Claims Courts by State

State	Type of Court	Procedure (Latest Amendment)	Claim Limit	Informal Procedure?	Assignees?	Lawyers?	In-Court Arbitration?	Appeals	Special Provisions
Alabama	S/C div. of dist. ct.	Stat. 1977	\$500	Yes	Yes	Yes	No	De novo/cir. ct. bond req.	Equitable relief and defenses permitted; no jury trial
Alaska	S/C procd. in dist. ct.	Stat. 1959	\$1,000	Yes	Yes	Yes	No	P or D if over \$50; on record	No libel or slander; either side may request jury trial; Ct. may order new trial on appeal at its discretion
Arizona	Justice courts	Stat.	\$999.99	No	Yes	Yes	No	P or D if over \$20, de novo to super. ct. bond req.	No S/C system yet; Superior Ct. rules apply; jury trial for either side
Arkansas	Municipal & justice courts	Rule 1973	\$300 (\$100 if personal)	Yes	Yes	Yes	No	P or D to cir. ct., bond req.	S/C Div. of Boone Co. Cir. Ct. estb. by local rule 1973; \$500 claim limit, no assignees, no lawyers, no jury trials, P or D may appeal to Sup. Ct.

State	Type of Court	Procedure (Latest Amendment)	Claim Limit	Informal Procedure?	Assignees?	Lawyers?	In-Court Arbitration?	Appeals	Special Provisions
California	S/C part of municipal or justice courts	Stat. 1976	\$750	Yes	No	No	No	D only, de novo; bond req.	No corp. or P/S can be rep. by attny. unless all officers are attnys; no jury trials; D waives appeal if requests affirmative relief
Colorado	S/C div. of county court	Stat. 1976	\$500	Yes	No	No	No	P or D to county ct. on record	No libel or slander, FED, injunctive relief or replevin; S/C action transferred to Co. Ct. if D requests attny; filing limit 5 cases/P/year
Connecticut	S/C prod. in ct. of common pleas	Stat. 1976	\$750	Yes	Yes	Yes	No	None	No libel or slander, P waives jury, D can request transfer to reg. civil ct. for jury trial; lawyer-referees will be used for S/C trials in some courts beginning 1977
Delaware	J.P. cts.	Stat.	\$1,500	Yes	Yes	Yes	No	P or D, de novo	No S/C system yet; P waives jury, D can transfer to Ct. of Common Pleas for jury trial
District of Columbia	S/C div. superior court	Fed. stat. 1963	\$750	Yes	Yes	Yes	Yes	P or D, at discr. of Supr. Ct. No bond	Either side may request law student to assist in settlement negotiations; excess counterclaim does not result in transfer; request for jury results in transfer; judge can use installment payment of judgments; one evening session/week
Florida	S/C div. county ct.	Rule 1973	\$2,500 (attny. req. if over \$1,500)	Yes	Yes	Yes	No	P or D	All defaults must be proved up; jury trial available in S/C for both sides

State	Type of Court	Procedure (Latest Amendment)	Claim Limit	Informal Procedure?	Assignees?	Lawyers?	Arbitration?	Appeals	Special Provisions
Georgia	J.P. cts. (S/C div. in county ct. in 45 out of 159 counties)	S/C by Rule 1952	\$200 in J.P. Ct. \$300 in S/C/C	Yes in S/C No in J.P.	Yes	Yes	No	J.P. both sides de novo; S/C both sides to app. div. of county ct.	Cannot use S/C for commercial transaction claims (OK in J.P. ct.); jury trial available for either side
Hawaii	S/C div. of dist. court	Stat. 1970	\$300	Yes	Yes	Yes	No	None	Attorneys not permitted at trial in security deposit cases; court clerks can help litigants file papers; either side can transfer for jury trial
Idaho	S/C div. of magist. div. of dist. cts.	Stat. 1976	\$500	Yes	No	No	No	Yes; bond req.	No jury trial in S/C/C
Illinois	S/C div. / cir. ct.	Stat. 1968	\$1,000	Yes	Yes	Yes	No	P or D on record	Jury trial for either side in S/C, for D only in Pro-Se Ct.
	Cook Co. Pro-Se	1973	\$300 Ct.	Yes	No	No	No		Pro-Se Ct. also bars partnerships, corps. and associations as P
Indiana	S/C docket superior cir. and co. ct., S/C/C in Marion Co.	Stat. 1976	\$3,000	Yes	Yes	Yes	No	Limit to Q's of law, to Ct./App. bond req.	P waives jury, D may transfer for jury; Ct. rules req. one evening session/week
Iowa	S/C procd. in dist. ct.	Stat. 1973	\$1,000	Yes	Yes	Yes	No	On record (judge's notes); bond req.	No jury either side; clerks assist litigants judge can arrange installment payments
Kansas	S/C procd. in co. cts.	Stat. 1973	\$300	Yes	No	No	No	Trial de novo; no bond req.	Filing limit 5 claims in same Ct./yr.; no jury either side; no transfer because of excessive counter-claim
Kentucky	S/C div. dist. ct.	Stat. 1978	\$500	Yes	No	Yes	No	On record either side	No state-wide S/C/C until 1/2/78; D can transfer; filing limit 25/yr.

State	Type of Court	Procedure (Latest Amendment)	Claim Limit	Informal Procedure?	Assignees?	Lawyers?	In-Court Arbitration?	Appeals	Special Provisions
	Jefferson Co. consumer ct.	Rule 1974	\$500	Yes	No	Yes	No		Consumer Ct. permits consumer P's only; no jury trial in consumer ct.; pre-trial mediation req. in consumer court
Louisiana	S/C div. of city courts	Stat. 1977	\$300 \$25 for city ct.	Yes	Yes	Yes	Yes	None (P/T) transfer only	S/C sys. to begin in 1978; can grant equitable relief except injunctions or restraining orders; att.-arbs. avail. at option of parties
Maine	S/C procd. dist. cts.	Stat. 1954	\$800	Yes	Yes	Yes	No	Trial de novo; bond req.	No jury trial either side
Maryland	Informal proceedings dist. ct.	Rule 1976	\$500	Yes	Yes	Yes	No	Trial de novo; bond req.	No formal pleadings permitted for the informal procedure
Massachusetts	S/C procd. /dist. ct. & Boston muni. ct.	Stat. 1960	\$400	Yes	Yes	Yes	No	D only, de novo; bond req.	Unless both sides have atny., limited to infor. only; no libel or slander; no jury trial in S/C/C
Michigan	S/C div. dist. ct.	Stat. 1968	\$300	Yes	No	No	No	None	Attnys. permitted in Detroit S/C/C; no jury; either side may transfer to Dist. Ct. for jury trial
Minnesota	Conciliation ct. in muni. and co. ct.	Stat. 1975	\$1,000 \$500 in Minn. St. Paul	Yes	Yes	No	No	De novo both side bond req.	Attnys. permitted in Minneapolis/St. Paul; participation at trial can be limited by judge no jury trial in S/C
Mississippi	J.P. ct.	Stat.	\$500	Yes	Yes	Yes	No	De novo, both sides bond req.	Not a S/C system; jury trial available for both sides
Missouri	S/C docket magistr. cts.	Stat. 1976	\$500	Yes	No	Yes	No	De novo; bond req.	Filing limit 4 claims in 12 mo. period; no jury trial

State	Type of Court	Procedure (Latest Amendment)	Claim Limit	Informal Procedure?	Assignees?	Lawyers?	In-Court Arbitration?	Appeals	Special Provisions
Montana	S/C part in dist. ct. ct. (local option)	Stat. 1975	\$1,500	Yes	No	Yes	Yes	De novo; no bond req.	S/C option not adopted in any Dist. yet; no party may use attny. at trial unless both sides have attny.; P waives jury; excess counterclaim does not result in transfer
Nebraska	S/C div. muni. or co. cts.	Stat. 1972	\$500	Yes	No	No	No	De novo; bond req.	Filing limit 2 claims/week, 10/yr.; equitable relief avail. to disaffirm, avoid or rescind contracts; no jury, but D may transfer for jury
Nevada	S/C procd. justice cts.	Stat.	\$300	Yes	Yes	Yes	No	Both side de novo; bond req.	No garnishment or attachment on S/C judgments; Ct. clerks can assist in drafting claims; no jury in S/C

New Hampshire	S/C procd. dist. cts. and muni. cts.	Stat.	\$500	Yes	Yes	Yes	No	Limited/ Q's of law; no bond req.	No libel or slander in S/C; no jury trials
New Jersey	S/C div. dist. ct. or co. ct.	Stat.	\$500	Yes	No	Yes	No	Both sides de novo	No jury in S/C, D can transfer for jury trial
New Mexico	Magistr. cts. S/C/C in Albuquerque	Stat. Stat.	\$2,000 \$2,000	No Yes	Yes Yes	Yes Yes	No No	Limited/ Q's of law Both sides de novo	Only one S/C/C in state; P waives jury, D may transfer for jury
New York	S/C div./ NYC civil ct., dist. co. & city cts.	Stat. 1975	\$1,000	Yes	No	Yes	No	Limited/ substantial injustice	Corporations & insurers also barred; arbitration option in NYC S/C/C,s; no appeal from arbitration; paralegal assistance in NYC S/C/C
North Carolina	S/C procd. /dist. ct.	Stat. 1968	\$500	No	Yes	Yes	No	Both sides de novo; bond req.	Simplified pleadings, but reg. dist. ct. procd. rules; P waives jury, D may transfer

State	Type of Court	Procedure (Latest Amendment)	Claim Limit	Informal Procedure?	Assignees?	Lawyers?	In-Court Arbitration?	Appeals	Special Provisions
North Dakota	S/C procd. /co. ct., justice ct.	Stat. 1971	\$200/ justice ct. \$500/ co. ct.	Yes	No	Yes	No	None	S/C can cancel contract for fraud, misrepresentation; P waives jury, D may transfer; no garnishment or attachment
Ohio	S/C div. co. & muni. cts.	Stat. 1967	\$300	Yes	No	Yes	No	Both sides on record bond req.	Indiv. cts. may estb. voluntary conciliation by rule; filing limit 6 claims/mo.; S/C may use attorney-referee; P waives jury, D may transfer
Oklahoma	S/C procd. /dist. ct.	Stat. 1976	\$600	Yes	No	Yes	No	Both sides on record bond req.	Ct. clerks may assist litigants; no libel or slander in S/C; jury trial for either side
Oregon	S/C dept. /dist. & justice cts.	Stat. 1971	\$500	Yes	Yes	No	No	None from Justice Ct.; D only from dist. ct.; bond req.	Attyns. may appear only by consent of judge; P waives jury D can transfer for jury
Pennsylvania	J.P.	Stat.	\$1,000	No	Yes	Yes	No	Both sides de novo;	No statewide S/C/C until 1977
	Phila. S/C/C	Rule 1969	\$1,000	Yes	Yes	Yes	No	Both sides de novo	P waives jury, D can transfer for jury
Rhode Island	S/C procd. /dist. ct.	Stat.	\$300	Yes	Yes	Yes	No	D only, on record	No jury trial in S/C
South Carolina	Magistr. court	Stat.	\$200- \$3,000	Yes	Yes	Yes	No	Both sides de novo	No state-wide S/C/C; jury trial available for either side
South Dakota	S/C procd. /magistr. cts.	Stat. 1977	\$1,000 No L&S	No	Yes	Yes	No	None	Reg. civil rules, some judges use informal procedure; P waives jury, D can transfer; Ct. clerk can screen claims and give advice

State	Type of Court	Procedure (Latest Amendment)	Claim Limit	Informal Procedure?	Assignees?	Lawyers?	In-Court Arbitration?	Appeals	Special Provisions
Tennessee see	J.P. or Gen. Sessions	Stat.	\$3,000	No	Yes	Yes	No	Both sides de novo; bond req.	No S/C procedure, some judges use informal rules; no jury
Texas	S/C part /J.P. ct.	Stat. 1953	\$150 \$200 if wages	Yes	No	Yes	No	De novo if over \$20	No assignees, collection agencies or person or entity lending money at interest as primary or secondary business; jury available in S/C
Utah	S/C dept. /City & J.P. cts.	Stat. 1951	\$200	Yes	No	Yes	No	D only, de novo; bond req.	Ct. clerks can assist in preparation of claims no jury trial in S/C
Vermont	S/C procd. /dist. ct.	Stat.	\$250 No L&S	Yes	Yes	Yes	No	Both sides on record no bond	P waives jury, D can request jury
Virginia	Gen. dist. ct.	Stat.	\$5,000	Yes	Yes	Yes	No	Both sides de novo if over \$20; bond	No S/C procedure; no jury trial, D can transfer for jury if over \$500

Washington	S/C dept. /dist. ct. & justice cts.	Stat.	\$300	Yes	No	No	No	D only, if exceeds \$100; bond req.	Assignees permitted in Justice Cts. only; Attorney permitted at trial only by consent of judge; no jury in S/C
West Virginia	Magistr. cts.	Stat. 1976	\$1,500	No	Yes	Yes	No	Both sides de novo; bond req.	No S/C procedure; removal to Cir. Ct. for jury trial
Wisconsin	S/C procd. /co. ct.	Stat.	\$500	Yes	Yes	Yes	No	De novo	Jury trial for either side
Wyoming	S/C procd. /J.P. & co. ct.	Stat.	\$200	Yes	Yes	Yes	No	Both sides on record bond req.	Ct. clerks can assist litigants; jury trial available for either side

1979

24

Assembly History, Sixtieth Session

May 21—Read third time. Passed, as amended. Title approved, as amended. To Assembly.
May 22—In Assembly. Senate amendment not concurred in. To Senate.
May 23—In Senate. Senate amendment not receded from. Conference requested. First Committee on Conference appointed by Senate. To Assembly.
May 24—In Assembly. First Committee on Conference appointed by Assembly. To committee.
May 27—From committee: Concur in Senate amendment and further amend. First Conference report adopted by Assembly. First Conference report adopted by Senate.
May 28—To printer. From printer. To re-engrossment. Re-engrossed. Third reprint. To enrollment.
June 4—Enrolled and delivered to Governor.
June 5—Approved by the Governor. Chapter No. 675.
Effective June 5, 1979.

A. B. 28—Robinson, Bremner and Mello, Jan. 16.

Summary—Raises monetary limit of jurisdiction of justices' courts. (BDR 1-868) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Jan. 16—Read first time. Referred to Committee on Judiciary. To printer.

Jan. 18—From printer. To committee.

Apr. 3—From committee: Amend, and do pass as amended.

Apr. 4—Taken from Second Reading File. Placed on Chief Clerk's desk.

✓Apr. 25—Taken from Chief Clerk's desk. Placed on Second Reading File. Read second time. Amended. To printer.

Apr. 26—From printer. To engrossment. Engrossed. First reprint. Placed on General File. Taken from General File. Placed on Chief Clerk's desk.

✓May 3—Taken from Chief Clerk's desk. Placed on General File. Read third time. Passed, as amended. Title approved, as amended. To Senate.

May 4—In Senate. Read first time. Referred to Committee on Judiciary. To committee.

May 10—From committee: Amend, and do pass as amended.

✓May 11—Read second time. Amended. To printer.

May 14—From printer. To re-engrossment. Re-engrossed. Second reprint.

✓May 15—Read third time. Passed, as amended. Title approved, as amended. To Assembly.

May 16—In Assembly. Senate amendment not concurred in. To Senate.

May 17—In Senate. Senate amendment not receded from. Conference requested. First Committee on Conference appointed by Senate. To Assembly. In Assembly.

May 19—First Committee on Conference appointed by Assembly. To committee.

✓May 27—From committee: Recede from Senate amendment and further amend. First Conference report adopted by Assembly. First Conference report adopted by Senate.

May 28—To printer. From printer. To re-engrossment. Re-engrossed. Third reprint. To enrollment.

June 4—Enrolled and delivered to Governor.

June 5—Approved by the Governor. Chapter No. 676.

Section 3 of this act effective at 12:01 a.m. July 1, 1979.

Remainder of this act effective July 1, 1979.

843

affect that City in the form of demands within future contracts.

Chairman Hayes recessed the meeting at 9:35 a.m.; the meeting was reconvened by the Chairman at 9:41 a.m.

ASSEMBLY BILL NO. 28

Raises monetary limit of jurisdiction of justices' courts.

Judge Hayes

First to appear was the introducer of the bill, Assemblyman Robert Robinson. He stated the origin of the proposed measure was from a district court judge who had noted the span of matters applicable to small claims courts as contrasted with those applicable to district courts was too large. He stated the suggested \$1,200.00 justice court jurisdictional limit was thought to be equitable with the current cost of living index and projected 10 per cent per year increases for each of the next several years. He noted that similar legislation has been introduced this session in the Senate, and that the \$2,000.00 named in that proposed measure was deemed too high by some witnesses testifying before the Senate committee. He suggested this Committee might wish to amend the amount of \$1,200.00 under consideration if that, too, seemed inappropriate.

In answer to Mr. Stewart's question, Mr. Robinson answered that he had talked to one Clark County justice of the peace who felt the \$1,200.00 amount equitable. He added that raising the jurisdictional limit would most likely increase the justice courts' caseloads and would probably require more justices, an eventual fiscal impact. He added, however, that not increasing the limit would increase district court loads, a more costly fiscal consideration, wherein judges would have to be added to the district courts. Mr. Robinson further said that raising the justice courts' limit of jurisdiction would mean more attorneys would find litigation financially feasible in justice court, thereby decreasing the district court caseload.

Tom Davis, Justice of the Peace, Carson City, representing the Nevada Judges Association and Municipal Court Judges, stated that although he did not recommend any particular figure to which jurisdictional limits should be raised, the \$300.00 amount in the existing statutes was based on the average of three months' pay for a miner in Virginia City in the 1800's. Regarding caseload impact of the proposed increase, Judge Davis indicated that the hourly contribution of justices of the peace would be the same. However, increased numbers of cases would require additional personnel in order to prevent delay of case hearings; consequently, fiscal impact would come in the form of additional justices needed to keep the court calendar current. He noted that in Carson City, the part-time justice of the peace has his salary set only when the Legislature meets biennially, and the effects of an increased

caseload would demand more of his time without compensation, accordingly, unless provided by the Legislature concurrently with increasing jurisdictional limits of justice courts.

Mr. Brady noted that the present \$300.00 limit puts the ~~small businessman in an unjust position.~~ Justice Davis agreed that case amounts are often reduced by businessmen in order to come under the \$300.00 limit and apply to the small claims court category.

In answer to Mr. Horn, Justice Davis said the present caseload in his court approximates 800 to 900 cases annually for civil and small claims cases. In answer to Chairman Hayes' questions, Justice Davis said there are 60 justices of the peace in Nevada, 8 or 10 of whom are attorneys. He added that continuing in-service training is provided so that there should be no problem with present justices hearing these types of cases should the jurisdictional limit be increased for justice courts.

Next to speak regarding A.B. 28 was Terry Renolds, Judicial Planner with the Administrative Office of the Courts, followed by Doug Hill, Legal Advisor for that office.

Mr. Reynolds addressed potential caseload effects of the bill to the justice court system. He noted that a study of cases between 1968 and 1978 of district court civil cases showed the district court caseload had more than doubled in that time period, but the caseload in justice court had not increased appreciably during that same period. He distributed figures to the Committee which are noted on Appendix B, attached hereto. He added that dollar amounts involved in these cases could not be determined as court records do not contain those statistics. He added that presently a person filing a civil action in district court has only one court to go to. Increasing jurisdictional limits in justice courts would provide more courts for filing of civil matters and effect caseload distribution more favorably for the system. He further stated that it is unknown how many cases were not heard in district court because of presently prohibitive filing fees, and provided Exhibit C, also attached to these minutes, for Committee members' review. He suggested that if jurisdictional limits are changed, consideration might also be given to restructuring filing fees for respective courts, in order to lessen fiscal impact of the change.

Mr. Hill discussed legal aspects of proposed A.B. 28. He iterated the fact that present jurisdictional limits are the same as the 114-year-old basis in existing statute, thereby denying many people a proper forum in which to seek justice. He noted that if the bill is enacted, a special training program will be conducted by his office for new judges or those requiring training, that course to be scheduled before June to provide preparation for legislation which would become effective in July. He further asked Committee consideration to make justice court a court of record, since

numbers of cases appealed would probably increase with raised limits, also decreasing numbers of cases referred directly to district court for these sorts of matters. He indicated that the use of tape records could provide records less expensively than payment for a certified court stenographer's transcript. Records would then exist if cases were appealed.

In response to Mr. Brady's inquiry, Mr. Hill stated that he felt court costs for filing, answers, etc., might best be increased on a sliding scale according to the amount in question, and agreed with Mr. Brady that most people go into court on these sorts of cases as much for relief on principle as for the monetary considerations.

Chairman Hayes concurred with Mr. Reynolds in stating that to prevent creation of a "monster", the Committee should look closely at the figure to which limits might be raised, then look at the results in two years during the next Legislative session.

Judge Davis commented that his personal suggestions for limits would be small claims at \$750.00 and \$1,500.00 for civil actions in justice courts.

Sam Mamet read the pending list of filing fees under consideration by the Senate in this matter as follows:

Small Claims Court (under \$600.00)
 up to \$100 - \$ 5.00 fee
 \$101 to \$300 - \$ 8.00 fee
 \$301 to \$450 - \$12.00 fee
 \$451 to \$600 - \$15.00 fee

Civil Action (\$601 to \$1,000) - Justice Court
 \$25.00
 Executions \$ 5.00
 Answers \$ 5.00
 Other Civil Action \$10.00

Next to testify regarding A.B. 28 was Joe Midmore, for the Nevada Consumer Finance Association, in favor of the measure. He noted there is a large financial area in which it is not worthwhile to hire an attorney to go into district court, and many cases are dropped below the \$300.00 limit in order to be heard at the small claims court level, with substantial loss to the claimants.

Next to testify was Sam Mamet, Clark County, who submitted a report attached hereto as Exhibit D., prepared for consideration of S.B. 19, to show fiscal impact if jurisdictional limits were raised to \$2,000.00. He also advocated making justice courts courts of record in order to modernize the system in Nevada.

Ronald Jack, City of Las Vegas, appeared next and suggested also raising jurisdictional limits in municipal courts for two reasons:

1. Increase costs of goods and services;
2. Population increases that mandate more court resources.

He noted that among approximately 70 property damage cases to City property heard last year, more than 60 fell over the \$300.00 limit. He stated, too, that in instances where bail exceeds the \$300.00 and a person does not show up in court, the City has to address the bondsman for repayment for amounts over \$300.00. He further noted his feeling that municipal courts should also be made courts of record by means of tape recordings which would increase records without tremendous increase in staff overhead.

Stan Warren of Nevada Bell stated next that raising limits of justice courts jurisdiction to \$1,200.00 would handle 85 per cent of the situations encountered by Nevada Bell from cable damage and vehicle accidents. He noted that raising the limits to \$600.00 or \$700.00 would take care of the majority of collection problems faced by Nevada Bell and prevent rate increases to other consumers, in many situations.

Chuck King of Central Telephone Company said it was financially impractical for his company to go to court in matters under \$500.00 to collect those debts, as fewer than thirty-six of their collection problems from a total of eight hundred four last year were more than \$300.00, resulting in a small claims loss to his company of more than \$5,000.00. He agreed that changing the limits would assist his company to prevent raising consumer rates.

Daryl Capurro, Executive Director of the Nevada Franchised Auto Dealers Association agreed with raising the limit to \$600.00 or \$700.00 and taking a look at the fiscal impact of that raise over the next two-year period. He cited page 2, line 8, subsection k, with reference to mechanics' and garagemen's liens, covered by another statute, and suggested those liens should be increased accordingly.

Committee action taken this date was as follows:

A.B. 19

Motion: Mr. Sena moved, seconded by Mr. Stewart, for passage of the bill. The motion carried unanimously.

A.B. 94

Motion: Mr. Stewart moved, seconded by Mr. Malone, for indefinite postponement of the bill. The motion carried unanimously.

DISTRICT COURT CIVIL FILINGS
(CONTRACTS, TORTS, PROPERTY, ETC.)
FOR SELECTED JURISDICTIONS 1977

<u>County</u>		
Clark	6965	(1978)
Washoe	3763	(1978)
Douglas	207	
Elko	152	
Carson	150	
Ely	120	
Fallon	100	
Humboldt	74	

JUSTICE COURT CIVIL FILINGS 1977

<u>Township</u>	<u>Small Claims</u>	<u>Civil</u>
Las Vegas	6,423	258
Reno	2,587	4,901*
No. Las Vegas	1,617	495
Sparks	1,082	223
Elko	528	19
Henderson	400	100
Carson	--	415**
New River	300	11
Ely	255	7
Union	209	4
East Fork	--	154**

* Includes evictions

** Civil filings are not broken down

DISTRICT COURT
 Civil Filing Fees

	<u>Authorization</u>	<u>Fee</u>	<u>Disposition</u>
Civil	NRS 19.013(1)	\$32	County Clerk
Civil	NRS 19.020(1)	\$ 3	County Clerk
Civil	NRS 19.030(1)	\$15	State General Fund
Civil	NRS 19.031(1)	\$ 3	Legal Aid Program (County Option)
Answer	NRS 19.013	\$25	County Clerk

JUSTICE COURT
 Civil Filing Fees

	<u>Authorization</u>	<u>Fee</u>	<u>Disposition</u>
Civil	NRS 4.060(1)	\$ 7	Justice of the Peace or County
Small Claims	NRS 4.060(1)b	\$ 5	Justice of the Peace or County
Answer	NRS 4.060(1)b	\$ 2	Justice of the Peace

TO: SENATE JUDICIARY COMMITTEE
FROM: SAMUEL D. MAMET, MANAGEMENT ANALYST
SUBJECT: SB 19
DATE: JANUARY 29, 1979

EXHIBIT: C J

Pursuant to the Committee's request, we have prepared the following fiscal impact information relative to raising the jurisdictional limit of justice court to \$2,000. This information was developed by our county budget office in cooperation with the clerk of the justice court.

Personnel

Small Claims Referee (1)	\$ 27,243	
Office Assistant I (6)	76,770	
Secretary (1)	<u>14,650</u>	
Sub-Total	\$118,663	(Incl. fringe benefits)
Rental costs for office space	<u>26,325</u>	
Final Total	\$144,988	

These estimates were based on a projection which justice court indicated it would have to have in terms of staff to meet the \$2,000 limit.

We cannot provide any information on the number of cases \$2,000 or less which have come before our district court. This information is just unavailable. However, our clerk of courts indicates that the number of cases is probably very few because of the prohibitive costs involved to a litigant in bringing a case of this value before district court, therefore, there might be some legitimacy to the argument that district courts workload will be lessened by increasing the jurisdictional limit of justice court. However, this is purely conjecture on our part.

As a matter of general information, attached you will find a very brief discussion of our justice court's budget which is taken from Clark County's Budget In Brief publication. We thought that you might find this of interest.

SDM/mg
Att.



CLARK COUNTY, NEVADA
 FISCAL YEAR 1978-79
 BUDGET-IN-BRIEF

COUNTY COMMISSION

- Thalia M. Dondero
Chairman
- David B. Canter
Vice Chairman
- Manuel Cortez
- R.J. "Dick" Ronzone
- Jack R. Pettitt
- Robert N. Broadbent
- Sam Bowler

ADMINISTRATIVE STAFF

- Richard W. Bunker
County Manager
- Bruce W. Spaulding
Assistant County Manager
- Jed D. Christensen
Budget Officer
- Patricia J. Speckmann
Staff Services Coordinator
- Daniel R. Fitzpatrick
Staff Services Coordinator

BUDGET STAFF

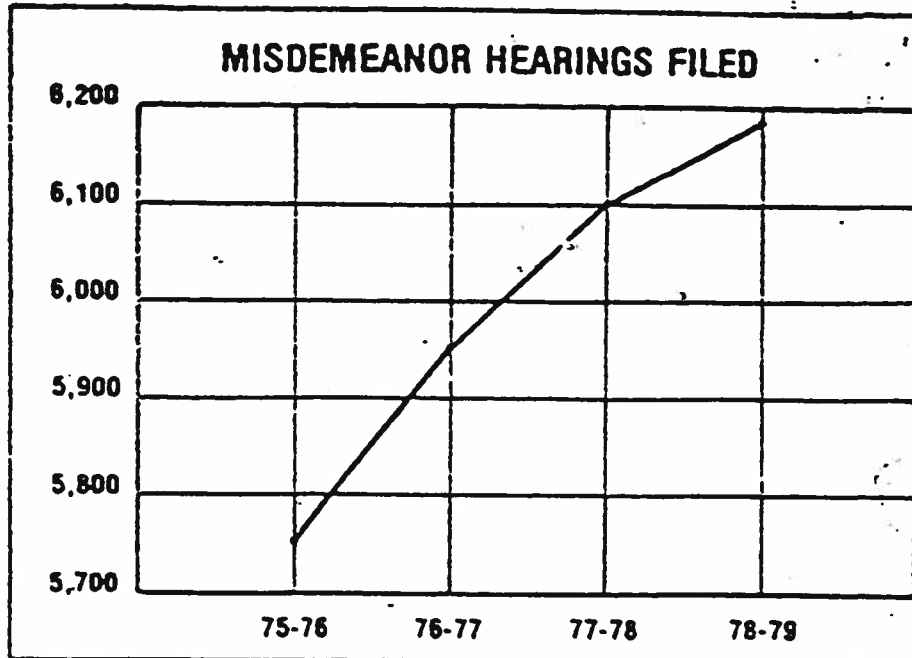
- David L. Funk
Senior Budget Analyst
- Ardel Kingham
Budget Analyst

ADOPTED BY THE COUNTY COMMISSION
 ON APRIL 4, 1978

DEPARTMENT: JUSTICE COURTS

Department Description

The Justice Courts hear preliminary examinations, hold trials on misdemeanors, and handle all civil matters where the amount in controversy does not exceed \$300. They also perform other duties such as issuing search warrants, summonses, and arrest warrants.



Program Objectives

- To complete all misdemeanor cases filed.
- ensure the judicious and efficient disposition of traffic cases set for trial or arraignment.
- To ensure the expeditious adjudication and processing of small claims cases.

Performance Indicators

Performance Indicators	FY 1976-77 Actual	FY 1977-78 Estimated	FY 1978-79 Projected
Misdemeanor hearings completed	4,383	5,286	6,189
Number of traffic citations issued	141,900	192,200	220,000
Number of small claims filed	10,100	10,975	11,300

Appropriation and Position Summary

Fiscal Year	1977-78		1978-79	
	Adopted Budget	Estimated Expenditures	Department Request	Final Adopted
Appropriation	\$1,484,207	\$1,390,514	\$1,697,360	\$1,739,869*
Positions				
Permanent	62		74	
CETA	10		9	

*This increase represents an increase in the number of Justice Courts from 4 to 5.

8525

Material concerning a matter scheduled for hearing
Tuesday, March 24, 1981.

We, the Municipal Court Judges of Las Vegas, are requesting a change in that portion of NRS 5.030, NRS 266.450 and City Charter provision 2.090 (5) which prohibits the raising of Municipal Court Judges' salaries during their term of office. Recognizing that these laws were originally passed in 1865, 1907 and 1971, respectively, we are in accord with their historic intent; that of preventing elected officials from obtaining office and immediately contriving to increase their salaries. However, a new factor has been introduced in modern times which greatly affects this rationale; that of inflation. It is our position that inflation makes raises during our four year terms necessary. Presently, a Municipal Court Judge in Las Vegas makes \$26,000 per year. A projection of the affect of inflation on this salary, based upon the 1980 inflationary rate of 13.5% clearly shows that in real terms, the purchasing power will be reduced over the four year term 54%, to \$11,960 the fourth year. This figure is only \$3,510 above that of the Federal Government's established poverty level of \$8,450.

Workmen today in the private sector do not expect to be employed at a frozen wage for a period of four years, and it is our honest belief that the same workmen (our constituents) do not expect their elected officials to endure that hardship either.

In October, 1980, the Las Vegas City Commission in recognizing this problem, raised the Municipal Court Judges' salaries to \$37,500 per year, which was that which was then paid to their counterparts in the county, the Justices of the Peace. However, due to the prohibition against raises during the term of office (which we now seek to change) this adjusted salary will apply to only two of the four Municipal Court Judges, as they will begin new terms June 3, 1981. The remaining two judges, whose new terms will not begin until June 8, 1983, will continue to serve at their present salary. These circumstances create the unseemly situation of having two judges receive \$37,500 per year, while two others in the same court system, performing an identical function, receive \$26,000 per year. It should be noted that no similar problem exists within the Clark County Justice Court system in that at this time all five Justices receive \$39,900 as a result of raises given in January of this year.

Salaries in various other jurisdictions range as follows:

Clark County District Court	\$43,000 per year
Reno Municipal Court	\$32,000 per year
North Las Vegas Municipal Court	\$37,500 per year (effective 7-1-81)
California Municipal Courts	\$52,000 to \$63,000 per year

In addition to the judicial salaries listed above, it is common for Municipal Court Judges to work daily in their courtrooms with professionals in law enforcement and the legal profession who earn from \$10,000 to \$15,000 more per year than the judge setting on the bench.

Our request has been reviewed and unanimously approved by the State Judicial Council and the Legislative Committee of the Nevada Judges Association. We sincerely hope that favorable consideration will be given its' passage.

Attached for your perusal is a copy of a memorandum sent from the Las Vegas City Manager to the City Commissioners concerning raises in salary for Municipal Court Judges, October 13, 1980.

INTER-OFFICE MEMORANDUM

October 13, 1980

TO: Mayor Bill Briare
Commissioner Ron Lurie
Commissioner Paul Christensen
Commissioner Al Levy
Commissioner Roy Woofter

FROM: *Russ Dorn*
Russell W. Dorn
City Manager

SUBJECT: Judges Salary Ordinance

COPIES TO:

The proposed Municipal Court Judges Salary Ordinance will increase the salary of the position of Municipal Court Judge to the same level currently paid to Clark County Justice Court Judges and will not take effect until after the Municipal Judges election in June 1981. The ordinance provides that, effective July 1, 1981, the salaries for the judges position in Departments II and III be set at \$35,000 a year, the same salary currently earned by the Justice Court Judges. Three years from now (July, 1983) the salaries for all four Municipal Court Judges positions will increase to \$40,000. Although this represents a 54% increase, it actually is equivalent to a 9% annual cost of living increase over six years beginning from 1977 when the present salary of \$26,000 was set. This increase is proposed in order to keep pace with anticipated salary increases by other judicial jurisdictions in the state over the next three years. The proposal to stagger the salaries over three years is necessary because of current city charter provisions prohibiting elected officials salary adjustments during prescribed terms of office.

The last salary increase for the position of Municipal Court Judge was approved in 1977 when the salary increased to \$26,000. This salary level has remained unchanged for the past 3½ years. During this period of time, salary increases in other judicial jurisdictions in Nevada have created a situation where the position of Las Vegas Municipal Court Judge is among the lowest paid judges position in the state and nation. For example, listed below are the current salaries of Nevada/California judges all of whom have seen increases in the past year:

Clark County District Court.....	\$43,000
Clark County Justice Court.....	\$39,900
Reno Municipal Court.....	\$32,000
California Municipal Courts.....	\$52,000 - \$63,000

These comparative salaries emphasize the great disparities that exist between the salaries Las Vegas Municipal Court Judge positions receive and those of other jurisdictions. It should also be noted that the current average case load in Municipal Court is approximately the same as the average case load in Justice Court although the salary differential between the two is \$13,900 per year.

In the fall of 1978, the Nevada Administrative Office of the Courts conducted a Court Salary Study for the 1979 Nevada Legislature. Among the recommendations submitted to the legislature was a proposal that the salary of Municipal Court Judges in the larger jurisdictions in the state be set at \$36,000 to more accurately reflect their court case loads and populations served. However, the salaries for our Municipal Court positions remain 23-35% less than other similar positions in the State of Nevada.

In addition to the pay disparities that exist, the cost of living index has increased 36% from July, 1977 to July, 1980. During this three-year period, city employees have received cost of living increases totaling 33%. If the salaries of Municipal Court Judges had only kept pace with inflation, they currently would be earning approximately \$35,000 or \$9,000 more than their present salary level.

The job standards and requirements for the position of Municipal Court Judge have been set at a highly professional level: the position is full time; the individual seeking the position must be a licensed attorney; and, the incumbent is prohibited from pursuing an outside legal practice. These standards, along with the extreme pay disparities that exist, suggest that the proposed salary adjustments are both reasonable and conservative. I recommend that the salary ordinance, as proposed, be approved.