Minutes of the Nevada State Legislature

Assembly Committee on..... JUDICIARY

Date: May 22, 1981

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MEMBERS PRESENT: Chairman Stewart

Vice Chairman Sader

Mr. Banner Mr. Beyer

Mrs. Cafferata Mr. Chaney Miss Foley Mrs. Ham Mr. Malone Mr. Thompson

MEMBERS ABSENT:

Mr. Price (excused)

GUESTS PRESENT:

See attached guest list.

Chairman Stewart called the meeting to order at 8:05 a.m. and called for testimony on <u>SB 425</u>.

SB 425: Increases number of district judges in eighth judicial district.

Judge Charles Thompson, District Judge in Las Vegas, said that he would address the necessity of additional judges in Clark County, Ardel Kingham would address the cost and implementation and then he would submit a proposed amendment. He distributed a statistical breakdown case filings, caseloads per judge, and projected caseloads with additional judges which is attached to these minutes as EXHIBIT A. He reviewed these statistics for the committee.

Ardel Kingham, representing Clark County, reviewed for the committee the report on costs of new district courts, the proposed plan for implementation of four additional judges and a fiscal summary which is attached to these minutes as EXHIBIT B. She indicated that the proposed amendment which will be submitted by Judge Thompson will make the effective date of this bill January 1, 1983 which will allow time for adding the four new courts to the existing courthouse facility. She added that a bill, SB 698, has been introduced which will increase the filing fees to offset the cost of this implementation. She noted that Clark County supports the addition of four judges and will fund the remaining costs for this addition.

Judge Thompson distributed a copy of a page from the Nevada Constitution which is attached as **EXHIBIT C** and read the underlined sentences in Section 5. He explained that this was orginally written so that the legislature could not abolish a judge's office in the middle of his term, but it now presents a stumbling block which could cause a future lawsuit. stressed that he did not feel that this should be a reason for not passing this bill.

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Judge Thompson then explained the proposed amendment to SB 425 which is attached to these minutes as EXHIBIT D.

Mr. Malone inquired if a resolution had been introduced to correct the constitution as pointed out in EXHIBIT C, and Judge Thompson indicated that such a resolution has passed both houses this session and will be presented again in 1983.

Mr. Bill Curran from the Clark County District Attorney's office said he was speaking as a representative of the Nevada State Bar Association. He urged the passage of <u>SB 425</u> to expand the number of judgeships because of the near-crisis type situation where "justice delayed is truly justice denied." He added that the widespread disrespect for the lawmaking process stems from lengthy and costly litigation and the addition of judges will be cost effective.

Mr. Bob Shriver, Nevada Trial Lawyers, said that they endorse adding judges in Clark County as well as in Washoe County and urge passage of <u>SB 425</u>.

Mr. Malone moved DO PASS AS AMENDED by $EXHIBIT\ D$ with rereferral to Ways and Means, seconded by Miss Foley and carried unanimously by the members present with Mr. Price absent.

SB 272: Permits imposition of fine where imprisonment is suspended for certain first offenders possessing controlled substances.

Judge Thompson said this bill was the request of some judges in Clark County because they felt that first offenders, although adjudged not guilty, should be required to pay a fine, but under present law they are not allowed to do this. He indicated that <u>SB 272</u> will allow judges to impose fines in cases of first offenders by judging them guilty but sealing the record until the end of probation at which time the record will be expunged if no other offense is committed.

Mr. Malone indicated concern with the sealing of records as he felt this was done all too often hindering law enforcement. Judge Thompson noted that failing to pass this bill would not remove Mr. Malone's objection because at present the first offender is not convicted.

Mr. Beyer moved DO PASS on <u>SB 272</u>, seconded by Miss Foley and carried unanimously by the members present with Mr. Sader and Mr. Price absent.

SJR 32: Proposes to amend Nevada constitution to establish staggered terms for district judges.

Judge Thompson noted that this resolution was on the ballot last election and was defeated by two to one. He indicated that he was not against staggered terms for judges but was not

Date: May 22, 1981

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in favor of the way it was being done. He said that he did not know who requested this bill and in discussing it with various That it is expensive people learned the following reasons: 1) to have all the district judges on the ballot at once, but in checking with election officials he found that this will cause a special election costing more money than could possibly be saved by less names on the ballot; 2) That judges should be staggered because it is easier to defeat them in small groups but he did not feel this was just cause for a constitutional amendment; 3) That someone ought to be able to run for a judge every two years; 4) That all judges would be defeated at the same time and there would be no continuity, but this is not Judge Thompson did not feel there was a good reason realistic. for this legislation.

Judge Thompson said he was mostly concerned with the implementation of this bill; that the way the bill is written at present all judges will be running for six year terms in 1984. continued by saying that after election there will be a lottery, and one third of the judges will have their terms reduced to two years, one third will be reduced to four years and one third will keep the six terms. He said the majority of the judges are concerned with running for an unknown term.

In response to Miss Foley's question, Judge Thompson reiterated that this resolution was soundly defeated at the polls in 1980 which probably was because of the way the ballot explanation was written. He explained that this bill includes the raising of judges salaries in midterm which is necessary under a staggered term system.

Senator Mel Close indicated that it was the rationale of the Senate committee that it was not wise to have every judge in the state run for one term; that it was more appropriate to have judges on a staggered term so that every two years a third of the judges would be elected somewhere in the state. He added that the Senate combined this bill with another bill allowing judges to have increases in salaries during midterm. He noted that this resolution will not be on the ballot until 1985, and he felt with proper education the voters would approve.

Mr. Stewart asked Mr. Daykin if there was a more equitable way to stagger judgeships other than by lottery in light of the addition of four new judges in the future.

Mr. Frank Daykin, Legislative Counsel, said that the bill to create the two new judgeships in Washoe County has been signed by the governor; if upheld as to its immedicate effect, it would call for the judges so appointed serving until 1983. He added that at the 1982 election judges would be elected for a term of two years, and then at the general election in 1984, everyone would be running for a six year term. that there would be no authority under the present constitution unless so amended for provision that new judges be elected for

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any term other than the unexpired portion of the current universal six year terms.

Senator Close asked Mr. Daykin if it would be possible to amend the resolution to provide that certain departments would have two year terms in the event that the staggered terms were required; if the four new judges were appointed now, could the resolution provide for two year terms for these judges. Mr. Daykin replied that this would be possible, but also noted the possibility of running two classes of judges for four year terms or two thirds of the judges; one class or one third for six year terms; then providing that the successors of one of the four year class must again run for four year terms; then eight years in the future the three classes are established.

Judge Thompson indicated that he would reluctantly support <u>SJR 32</u> with this system of staggering rather than holding a lottery so that none of the judges is running for a two year term.

In response to Mrs. Cafferata's question, Mr. Daykin indicated that the staggered system that he outlined above was substantially the same as in the ballot question in 1980, but he pointed out that salary increases were emphasized at that time whereas this bill emphasizes the staggered terms.

Mr. Beyer moved to AMEND <u>SJR 32</u> to reflect the staggered system as outlined by Mr. Daykin and DO PASS AS AMENDED, seconded by Mr. Stewart. The motion died for lack of a majority with three yes votes, four no votes and four members absent. Mr. Beyer, Miss Foley and Mr. Stewart voted for, Mrs. Cafferata, Mr. Chaney, Mrs. Ham, Mr. Malone voted no and Mr. Banner, Mr. Price, Mr. Sader and Mr. Thompson were absent at the time of the vote.

Mr. Stewart said that he would hold the bill for a future vote when all members were present. He then opened the hearing on SB 245.

SB 245: Allows certain justices of the peace to have partners who practice law.

Mr. Stewart read the minutes of the Senate Committee on Judiciary pertaining to <u>Senate Bill No. 245</u>, a copy of which is attached to these minutes as EXHIBIT E.

Miss Foley commented that she could see the need to practice law in the smaller counties, but she could also see so much potential for abuse if this law passes.

Mrs. Cafferata moved to INDEFINITELY POSTPONE SB 245, seconded by Mrs. Ham and carried unanimously by the members present with Mr. Banner, Mr. Chaney, Mr. Price, Mr. Sader and Mr. Thompson absent at the time of the vote.

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SB 432: Increases number and allowances of costs for expert witnesses.

Mr. Bob Shriver, Executive Director of Nevada Trial Lawyers Association, said that this bill emanated from the economic situation confronting both plaintiff and defense attorneys in trying civil litigation. He noted that the law presently restricts attorneys to calling only three witnesses that may be paid fees for appearing, and they would like to have this number raised to five; that they would also like to have the amount of the fees raised from \$250 to \$750. He pointed out that it is the losing party in civil litigation who pays these fees for these witnesses who are experts in certain areas, such as engineering, land planning, real property, etc.

Mr. Shriver pointed out that this bill passed out of the Senate Judiciary and Senate Finance committees with no problems and that it has a concurrent referral to Ways and Means.

Miss Foley moved DO PASS on <u>SB 432</u>, seconded by Mr. Stewart. The motion died for lack of a majority with Mr. Beyer, Miss Foley, Mrs. Ham, Mr. Malone and Mr. Stewart voting in favor and Mrs. Cafferata voting against. Mr. Banner, Mr. Chaney, Mr. Price, Mr. Sader and Mr. Thompson were absent at the time of the vote.

Chairman Stewart indicated that he would hold SB 432 for a future vote when more members were present and then adjourned the meeting at 10:10 a.m.

Respectfully submitted,

- & Lately

Patricia Hatch

Secretary

61st NEVADA LEGISLATURE ASSEMBLY JUDICIARY COMMITTEE LEGISLATION ACTION

May 22, 1981

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61st NEVADA LEGISLATURE ASSEMBLY JUDICIARY COMMITTEE LEGISLATION ACTION

May 22, 1981

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61st NEVADA LEGISLATURE ASSEMBLY JUDICIARY COMMITTEE LEGISLATION ACTION

DATE:

May 22, 1981

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ASSEMBLY JUDICIAN COMMITTEE

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DATE: Friday, 22 May 1981

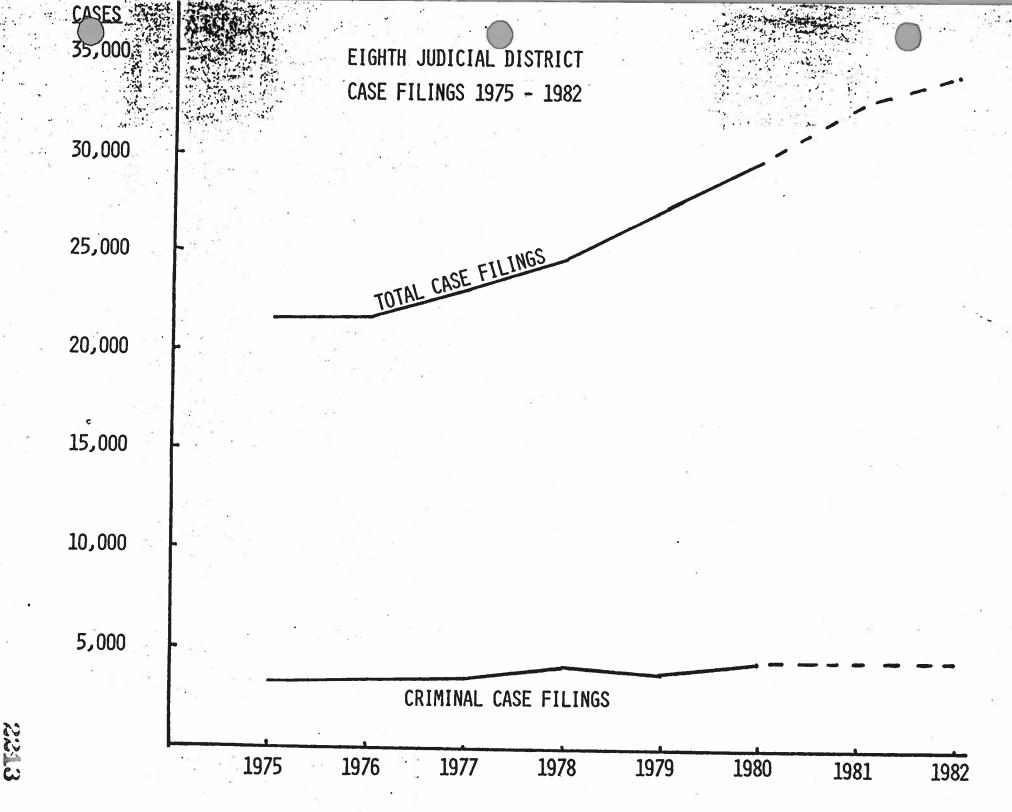
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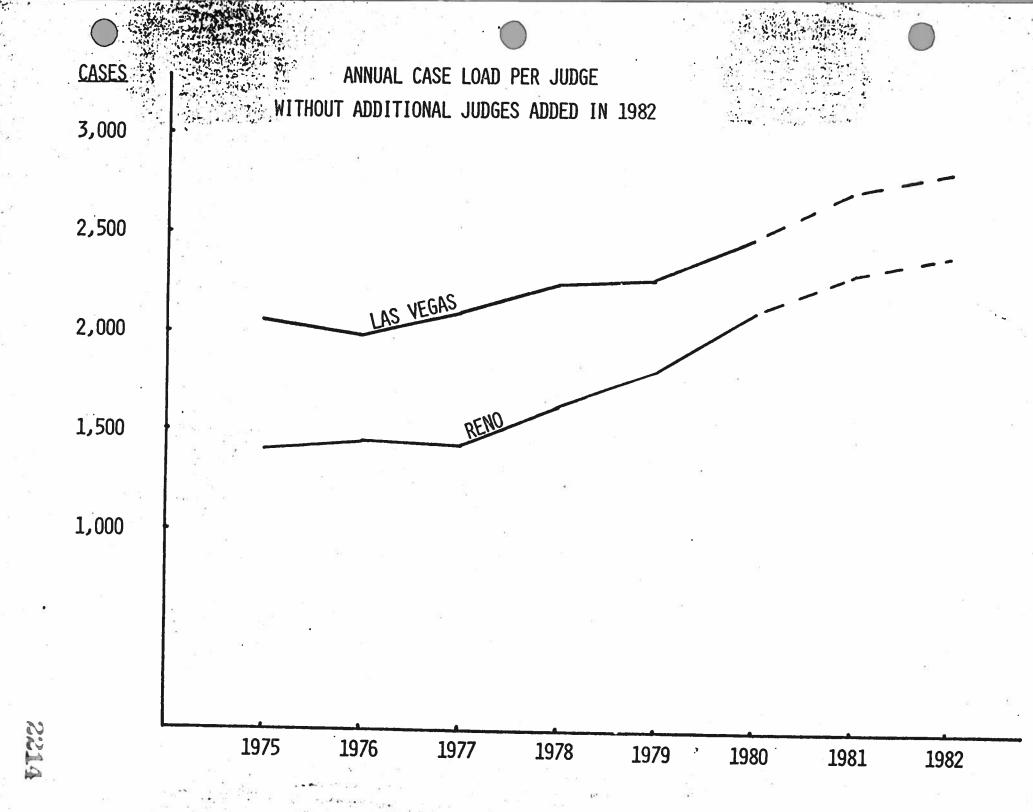
SUMMARY (Revised, April 1981)

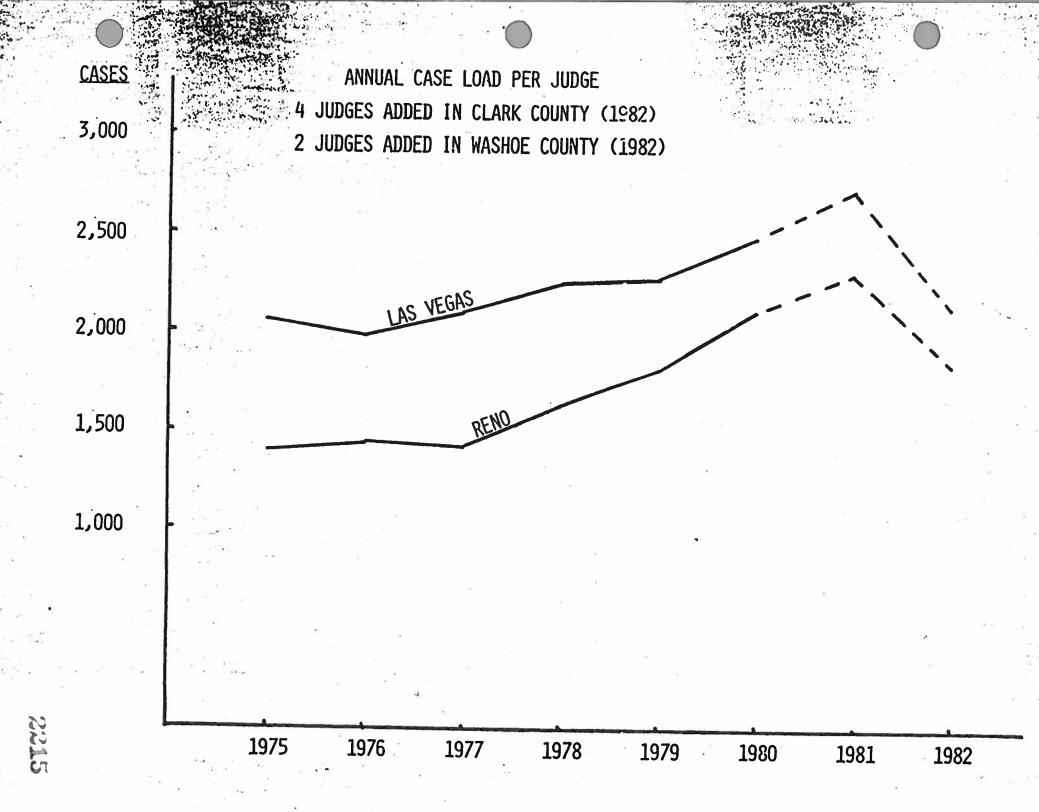
CASE FILINGS - EIGHTH JUDICIAL DISTRICT COURT

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|----------------------------|--------|--------|--------|--------|--------|--------|--------|--------|
| | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | *1981 | *1982 |
| CRIMINAL CASES FILED | 3,140 | 3,255 | 3,477 | 4,069 | 3,844 | 4,383 | 4,400 | 4,400 |
| CIVIL CASES FILED | 6,273 | 6,436 | 6,920 | 6,965 | 7,822 | 8,420 | 9,900 | 10,300 |
| DIVORCE CASES FILED | 6,638 | 6,582 | 6,980 | 7,502 | 8,308 | 9,445 | 10,250 | 10,700 |
| OTHER CASES FILED | 5,626 | 5,524 | 5,772 | 6,272 | 7,266 | 7,660 | 8,200 | 8,600 |
| TOTAL CASE FILINGS | 21,677 | 21,797 | 23,149 | 24,808 | 27,300 | 29,908 | 32,750 | 34,000 |
| ANNUAL CASE LOAD PER JUDGE | | | | | | 超 | | |
| 1. Las Vegas Judges | 2,064 | 1,981 | 2,104 | 2,255 | 2,275 | 2,492 | 2,729 | 2,833 |
| 2. Reno Judges | 1,408 | 1,469 | 1,435 | 1,624 | 1,812 | 2,119 | 2,312 | 2,404 |

*Projected







1980 Eighth Judicial District Court

| | | | | DE | PARTMEN | ITS | 88 | | | | | | | |
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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | **** | Total Filings |
| Criminal Cases | | | | | | | | | | | | | | |
| Beginning Inventory | 147 | 165 | 176 | 175 | ** | 42 | 155 | 195 | 27 | *** | 110 | *** | 320 | |
| Filed in 1980 | 408 | 356 | 397 | 429 | ** | 399 | 387 | 429 | 27 | *** | 383 | *** | 841 | 4,066 |
| Disposed of in 1980 | 469 | 367 | 416 | 520 | ** | 381 | 456 | 469 | 22 | *** | 374 | *** | 605 | |
| Ending Inventory | 86 | 154 | 133 | 84 | * * | 60 | 86 | 157 | 32 | *** | 128 | * * * | 597 | |
| Criminal Appeals | | | | | ** | | | | | | | | | |
| Beginning Inventory | - | - | - | _ | ** | - | - | | _ | - | - | - | 106 | |
| Filed in 1980 | - | - | _ | _ | * * | _ | _ | _ | _ | _ | - | _ | 330 | 330 |
| Disposed of in 1980 | - | _ | _ | _ | ** | - | - | - | - | - | _ | - | 258 | |
| Ending Inventory | - | - | - | - | ** | - | - | - | - | - | - | - | 178 | |
| Juvenile Petitions Filed | | | | | 1,921* | | | | | | | | - | 1,921 |
| Domestic Cases | | | | | ** | | | | | (8) | | | | |
| Filed in 1980 | 618 | 605 | 628 | 518 | 84 | 605 | 611 | 571 | 529 | 523 | 500 | 494 | 4,527 | 10,816 |
| Judgments or Decrees Entered | 1,041 | 977 | 1,102 | 912 | 149 | 1,051 | 1,044 | 980 | 923 | 906 | 865 | 786 | 704 | · |
| Civil Cases | | | | | | | | | | | | | | |
| Beginning Inventory | 974 | 941 | 834 | 999 | ** | 1.120 | 1,067 | 936 | 1,095 | 1,179 | 1,099 | 1,015 | 70 | |
| Filed in 1980 | 691 | 670 | 689 | 687 | ** | 692 | 703 | 693 | 690 | 703 | 677 | 694 | 843 | 8,434 |
| Disposed of in 1980 | 542 | 599 | 556 | 441 | ** | 455 | 471 | 471 | 442 | 472 | 416 | 441 | 1,342 | 9 |
| Ending Inventory | 1,123 | 1,012 | 967 | 1,245 | ** | 1,357 | 1,299 | 1,158 | 1,343 | 1,410 | 1,360 | 1,268 | 117 | |
| Probate and Administration | _ | _ | _ | _ | _ | | _ | _ | _ | _ | _ | _ | 764 | 764 |
| Guardianships | | - | _ | _ | - | _ | - | | - | - | _ | _ | 259 | 259 |
| Mental Commitment Proceedings | _ | _ | - | _ | _ | _ | _ | _ | _ | _ | _ | _ | 548 | 548 |
| Support Case Filings | _ | - | - | - | _ | _ | _ | - | _ | _ | _ | _ | 2,805 | 2,805 |
| - | | | | | | | - | ** | _ | _ | _ | - | 2,003 | |
| Total Filings | - | | - | - | - | - | - | - | - | - | - | - | | 29,943 |

* New juvenile petitions filed. See the following page for a breakdown of hearings held in the juvenile court.

*** In 1980, Departments 10 and 12 served as overflow criminal departments. Their dispositions are included in the remaining departments.

**** Unassigned cases and cases disposed of by the clerk without judicial intervention. Probate and quardianship matters were handled by Department 9. Mental Commitment Proceedings were rotated among all the trial judges and Support Cases were heard by masters under the direction of the chief judge.

As the juvenile court, Department 5 is not assigned civil or criminal cases. It also receives a limited number of divorce matters.

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| TOTAL NOTES SET YANG YANG-NON | 020 | 000 | 000 | | | | | | g) 3 | |
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| | JUDGE BRENNAN | DEPT | 11 | DECEMBER 1 | 980 | | A Littleton Augusta | *** |
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| | 000 | 000 | 0009 | - 1000 | 0003 | V000 | SETTLED CASES FILED THIS MONTH |
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| ا | а е н он н , п ан де у | CIVIL | HISC | DIVORCE . | CRIHINAL | PROUATE | GUARD | | |
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C9090400 RUN DATE UL/UL/81 MUNITIOF DEC

CLARK COUNTY JUVENILE COURT SERVICES EIGHTH JUDICIAL DISTRICT

*** COURT HEARING SUMMARY ***

HE AN ING --JAM-- --FEB-- --MAR-- --APR-- --MAY-- --JUN-- --JUK-- --SEP-- --UCF-- --NOV-- --DEC-- --TOTAL--COUNT & COUNT & IYPE 0 DET HRG CURN Y-1-D1 213 9- 197 8- 217 8- 208 2- 221 23- 192 25- 208 32- 190 5- 212 9- 217 11- 199 19- 182 7- 2476
LAST Y-1-D1 213 102 219 204 179 153 157 201 194 245 167 170 2304 C DEI HRG REV CURR V-1-UI 59 49- 63 49- 47 60- 100 39+ 107 7+ 64 12+ 75 6- 95 22+ 105 33+ 125 44+ 106 29+ 121 119+ 1013 LASI V-1-UI 115 124 117 72 100 57 80 18 79 87 82 58 1049 REVUC ING LASI Y-1-DI 2 /6- 10 25- 10 23- 8 40-5 12-3 38- 12 110 1 150 20 3000 21 1630 11 1200 11 300 126 210 JUD KEPK HRG CURR Y-1-U1 138 60° 124 138° 146 135° 82 9- 93 27° 134 54° 78 10- 64 12° 91 38° 88 13° 88 47° 104 25° 1230 40° LAST Y-1-U1 82 52 62 90 73 07 07 57 66 78 60 83 077 CURR Y-1-DI 5d 26* 59 28* 78 34* 65 7* 41 28* 55 18- JB 24- J1 55* 25 36- 71 69* 59 18* 73 109* LAST Y-1-DI 46 46 58 61 32 67 50 20 39 42 50 35 O CUNK Y-1-U1 19 44- 33 27+ 24 LT- 45 36+ 36 80+ 39 50+ 32 19+ 30 25+ 0 44 691 9 10-() LURR Y-T-D1 109 23- 131 49 180 49 126 59 157 4- 124 159 139 1- 130 10- 165 229 145 180 141 LAST Y-T-D1 142 88 121 120 166 108 140 140 145 135 135 123 130 PL HRG NEV CURR Y-1-01 106 61 160 120 134 20- 110 10- 109 13- 135 10 94 10- 99 26- 91 43- 118 2- 126 26- 88 31- 1310 12-93 167 122 125 126 105 134 159 120 171 128 1590 LAST Y-1-U: 100 CHINS IMG + 47 JB- 49 9+ 49 4- 62 2- 29 24- 34 10+ 29 J4- 42 141+ 47 10+ JB 11- 41 7-16 45 51 63 41 31 44 17 40 44 CURR Y-T-U1 64 LASI Y-1-D1, 64 CHIMS REV CURR Y-1-D1 31 6- 39 33- 38 19- 24 11- 28 40- 10 71- 16 43- 22 LAS1 Y-1-D1 31 58 47 22 47 44 28 22

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CLARK COUNTY JUYENILE CLURT SERVICES EIGHIH JUDICIAL DISTRICT

*** COURT HEARING SUMMARY ***

HEARING. COUNT & COUNT TYPE TRAF CONTESTED LASI Y-1-D1 19 12- 12 . 14 10 16 22-LURR Y-1-DI 6 5 55- 2 67-J 50+ 9 800+ LAST Y=1-D: APPEAL HRG LAS3 Y-1-D: TRUANCY HAG CURR Y-1-U: 41 141+ 14 16- 32 68+ 24 40-175 241 [4]9-]4 [4]+ LAST Y-I-U: LT CURR Y-1-01 120 991+ LAST V-1-0: GRANU TOTALS CURR Y-1-012377 3+2356 19+2549 1+2401 7+2611 17+2266 6+2107 5+2002 16-2213 3+2467 5-2226 28+ 27914 5+

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| | UDGE BABÇOCK CIVIL | DEPT | | DECEMBER 1 | • | | | ************************************** |
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| NEW CASES | 0023 | 0006 | 0046 | 0024 | 000 | 000 | *** ************ | The second of the second designation of the second second of |
| SETTLED CASES | | | | | | | | 82 |
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| | JUDGE CHRISTENS | | | OECEHBER] | | | | |
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| TOTAL CASES ASSIGNED | 1295 | 0037 | 003ที | 0217 | 0013 | 0004 | | |
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REPORT ON COSTS OF NEW DISTRICT COURTS

Prepared by: Clark County

April 24, 1981

Assembly Judiciary Committee Friday, 22 May 1981

REPORT ON COSTS OF NEW DISTRICT COURTS

The following analysis reflects the results of a series of meetings with Judge Charles Thompson and the Eighth District Court personnel, the Clark County Manager's office, the Clark County Public Defender's office and the Clark County District Attorney's office regarding the fiscal impact of S.B.425.

At these meetings previous differences of opinion between the agencies involved were addressed and resolved. This analysis presents a mutually agreeable plan for receiving four additional District Court judges, and is detailed in Exhibit A and the fiscal summary. This plan is the product of mutual agreement arrived at through these meetings and is predicated on the following points of concensus:

- 1. The existing Track and Team system currently utilized in the Eighth District Court has successfully demonstrated the effectiveness of such a system in expediting judicial business and equalizing the work of district judges. One of the previous concerns regarding the fiscal impact of adding new judges to the district court was whether the new judges would be devoted to civil matters only. Based on the reality of present Track and Team assignments, all concerned parties now concur that the addition of new judges would address both the need to handle a rapidly increasing civil case load and the need to keep pace with criminal cases.
- 2. A second previous concern was over estimated space required for new courtrooms and auxiliary service areas. At these meetings space requirements were clarified and it is now the common concensus that 2,400 square feet per court (inclusive of all office and service space) would be both functional and adequate for District Court needs. An additional 600 square feet will be required for a jury deliberation room which will be shared by all four courtrooms.
- 3. As a further result of these meetings, it is now the common consensus that the most effective way to maximize the judicial service level and minimize the fiscal impact would be to integrate four new judges into existing Track and Team units. Exhibit A and the fiscal summary detail the cost-savings of this plan.

- 4. In jointly supporting this plan, both Clark County and the Eighth District Court support the postponement of additional judges to the Eighth District Court until January 1, 1983. This new time frame would allow the flexibility needed for completion of County construction projects and will assure that the four courtrooms and auxiliary service space will be completed, furnished and ready for occupancy by the January 1, 1983 date.
- 5. The feasibility of a reasonable increase in court filing fees was a related topic of discussion in these meetings. Judge Thompson indicated that the District judges would not be opposed to this concept and noted that the opposition of attorneys might be less likely if they realized that a fee increase could provide funding for additional District Courts.

EXHIBIT A

PROPOSED PLAN FOR FOUR ADDITIONAL DISTRICT COURT JUDGES

This option, based on the results of a series of meetings with the Eighth District Court, the Clark County Manager's office, the Clark County Public Defender's office and the Clark County District Attorney's office, assumes the integration of four new judges into existing District Court Track and Team units (thereby adding one new judge and therefore a district court to each of four existing tracks). This option will permit the redistribution of the criminal case load among more judges thereby increasing the capacity to handle the growing number of civil cases. It is the concensus of the agencies listed above that this option will eliminate the need for an additional track and team and justice court and will require only eight new attorneys as supporting personnel to be added as needed (four each in the Public Defender's and District Attorney's offices). This plan will require four new courtroom facilities as a one time capital cost. Estimated costs for this plan are indicated in the fiscal summary.

FISCAL SUMMARY

Estimated Costs of Four Judges

| | YEAR 1 (1-1-83) | YEAR 2 (1-1-84) |
|--|--------------------|--------------------|
| Four District Courts Supporting Personnel at Four Attorneys each in D.A./P.D. (to be added | \$1,641,400 | \$ 927,300 |
| as needed) | 342,580 | 350,743 |
| Total | \$1,983,980 | \$1,278,043 |

Cost Detail for Four District Courts and Support Personnel

| ™ ∰ | YEAR 1 (1-1-83) | YEAR 2 (1-4-84) |
|--|--------------------|--------------------|
| Four District Courts (Personnel, Supplies/Services - Jury) Capital (One Jury Deliberation Room @ 600 sq. ft. & 4 Courtrooms @ 2,400 sq. ft. x \$70 sq. ft., plus furnishings and equipment @ | \$ 839,000 | \$ 926,300 |
| \$88,400) Support Personnel (Four Attorneys each D.A. & Public Defender's office plus Supplies/Services | 802,400 | 1,000 |
| <pre>@ \$16,476) Capital (Remodeling Costs for Eight Offices @ 1,200 sq. ft. x \$70/sq. ft. plus Furnishings and</pre> | 242,580 | 349,743 |
| Equipment @ \$16,000) | 100,000 | 1,000 |
| Total | \$1,983,980 | \$1,278,043 |

Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the Senior Justice in Commission shall be Chief Justice; and in case the commission of any two or more of said Justices shall bear the same date, they shall determine by lot, who shall be Chief Justice.

Sec. 4. Jurisdiction of supreme court; appointment of district judge to sit for disqualified justice. The supreme court shall have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. The court shall also have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the state, upon petition by, or on behalf of, any person held in actual custody, and may make such writs returnable, before himself or the supreme court, or before any district court in the state or before any judge of said courts.

In case of the disability or disqualification, for any cause, of the chief justice or one of the associate justices of the supreme court, or any two of them, the governor is authorized and empowered to designate any district judge or judges to sit in the place or places of such disqualified or disabled justice or justices, and said judge or judges so designated shall receive their actual expense of travel and otherwise

while sitting in the supreme court.

[Amended in 1920, 1976 and 1978. The first amendment was proposed and passed by the 1917 legislature; agreed to and passed by the 1919 legislature; amd approved and ratified by the people at the 1920 general election. See: Statutes of Nevada 1917, p. 491; Statutes of Nevada 1919, p. 485. The second amendment was proposed and passed by the 1973 legislature; agreed to and passed by the 1975 legislature; and approved and ratified by the people at the 1976 general election. See: Statutes of Nevada 1973, p. 1953; Statutes of Nevada 1975, p. 1981. The third amendment was proposed and passed by the 1975 legislature; agreed to and passed by the 1977 legislature; and approved and ratified by the people at the 1978 general election. See: Statutes of Nevada 1975, p. 1951; Statutes of Nevada 1977, p. 1690.]

Sec. 5. Judicial districts; district judges: Election; terms. The state is hereby divided into Nine Judicial Districts of which the county of Storey shall constitute the First; The county of Ormsby the Second; the county of Lyon the Third; The county of Washoe the Fourth; The counties of Nye and Churchill the Fifth; The county of Humboldt the Sixth; The county of Lander the Seventh; The county of Douglas the Eighth; and the county of Esmeralda the Ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the Districts herein prescribed, and also for increasing or diminishing the number of the Judicial Districts and Judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the Office. At the first general election under this

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| Adopted Lost Date: Initial: Concurred in Not concurred in I Initial: | 00 00 | Adopted Lost Date: Initial: Concurred in Not concurred in Date: Initial: | AMENDMENTS to Senate EXHIBIT D -Joint Bill No. 425 Resolution No. BDR 1-958 Proposed by Committee on Finance |
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Amendment Nº 701

Amend sec. 10, page 4, by deleting line 27 and inserting:

"Sec. 10. 1. This act shall become effective upon the first occurrence of a vacancy in the eighth judicial district or on January 1, 1982, whichever first occurs, for the purpose of nominating and electing the additional district judges provided, and on the 1st Monday of January 1983 for all other purposes.

- 2. If no judges are so elected but a vacancy occurs in the eighth judicial district before the 1st Monday of January 1985, this act shall become effective immediately for the purpose of appointing the additional district judges provided, but those judges shall not enter upon the performance of their judicial duties before the 1st Monday of January 1983.
- 3. If it has not become effective earlier pursuant to subsection 1 or 2, this act shall become effective on January 1, 1984, for the purpose of nominating and electing the additional district judges provided, and on the 1st Monday of January 1985 for all other purposes."

SENATE COMMITTEE ON JUDICIARY March 3, 1981

SENATE BILL NO. 190

Senator Keith Ashworth moved to Do Pass S. B. 190.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

Senator Raggio stated S. B. No. 225 which was passed out of committee on February 27, 1981, corrects a scriveners error which was in S. B. No. 264 of the 59th Session of 1977. That statute provided an alternative method of selecting jurors. The crucial language from NRS 16.030 was inadvertently deleted. He said Judge Thompson requested that S. B. No. 225 be effective upon passage and approval.

SSNAL BUIL NO. 24 - ALLOWS certain justices of the peace to Have purches was practice law.

Mr. Jim Mancuso, Justice of the Peace, Incline Village, Nevada, stated he was appointed several months ago. He said he is an attorney and shortly after being appointed he was confronted with NRS 1.270 which interprets very restrictively that an attorney and a justice of the peace cannot have any kind of association with any other attorneys. This restricts the individual from being an employee or working for a professional corporation. He stated he has a part-time job with a part-time salary which requires full-time work. In order to make a living it is necessary to do private practice, and need to be in some sort of association. This law restricts this.

Chairman Close stated the rational for the law was because a judge should not have a partner who could go before other judges, because of the possibility of favoritism. Mr. Mancuso stated he had checked into California laws which requires that all of the justice of the peace have to be attorneys. The law specifies that the language in the California law is similar to that drafted in S. B. No. 245, The law as originally drafted in the 1860's did not the ethical restraints or code of judicial conduct that is present now. He said since justice courts are courts of record, attorneys should be encouraged to take these jobs. He stated a law was passed that covered townships with a population of greater than 60,000, which allows a justice of the peace to practice law, but may not appear in court.

Senator Wagner asked Mr. Mancuso if he was the only person who has encountered this problem. Mr. Mancuso stated he is the only attorney justice of the peace outside the metropolitan areas.

SENATE COMMITTEE ON JUDICIARY March 3, 1981

SENATE COMMITTEE ON JUDICIARY March 3, 1981

SENATE BILL NO. 245

Senator Raggio moved to Do Pass S. B. No. 245.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 33--Empowers attorney general to prosecute gaming offenses under certain conditions.

Chairman Close asked Mr. Richard Bunker, Gaming Control Board to answer questions regarding S. B. No. 33. Chairman Close asked why the attorney general should be involved in the prosecutions and does it do any harm to S. B. No. 33 if the district attorneys, when refusing to prosecute, if he has to respond back and tell the attorney general why. Senator Ford suggested the language in Section 2 should include a time limit.

Mr. Richard Bunker stated at the present time, the board cannot initiate action, they would like to have that right. He stated if a district attorney will not file because he felt there is not a case, the board cannot pursue the matter. He stated that if in small communities the case is marginal and the district attorney is closely connected to the people, it is a difficult decision for him to make to prosecute. There is little problem in Clark and Washoe counties but the smaller counties do present a problem. In a marginal case, the gaming board would like to have the authority to make a decision to prosecute.

Mr. Bunker explained the intent of Section 1 of the bill. If a case is taken to the district attorney and he refuses to prosecute the case, the attorney general or our legal counsel is advised to institute proceedings and this section gives him the authority to do so. Regarding the 15 day time limit, this gives the district attorney that time to review the complaint and come back with a decision. If an answer is not received in that time, the deputy attorney general will institute proceedings. Mr. Bunker stated if language is needed in the bill as to who will initiate proceedings, he would request the gaming control board have the authority. The board would request the attorney general to file a complaint. Chairman Close stated what Mr. Bunker is asking for in the bill is not how it is written.

SENATE COMMITTEE ON JUDICIARY March 11, 1981

SENATE BILL NO. 358--Prohibits murderer from succeeding to

Senator Don Ashworth moved to Do Pass S. B. No. 358.

Senator Keith Ashworth seconded the motion.

The motion carried unanimously.

have partners who pactice law.

Chairman Close said it should preclude him from practicing before that particular judge, any judge in that district, there are two Justice of the Peace. He cannot practice before the justice court in that township. There are no J. P.s in Washoe or Clark County that have partners, they are prohibited from practicing. Senator Raggio suggested an amendment which precluded his appearing before that judge. Senator Ford said the language should read, that he would never be able to appear before any court which his partner the judge presides.

Senator Don Ashworth moved to amend and Do Pass S. B. No. 245.

Senator Raggio seconded the motion.

The motion carried.

SENATE BILL NO. 270--Permits persons to register their willingness to serve as resident agents of foreign corporations with secretary

Senator Keith Ashworth advised the committee Senator Blakemore raised the question, if the secretary maintains a list and that list becomes available to anyone requesting it, an attorney will have to pay \$500 to have his name included on the list. Senator Hernstadt suggested the person suggesting the bill wanted to foreclose the lawyers and trust companies and set it up in his news-paper in Las Vegas and make a business for himself.

Senator Hernstadt moved to have the exemption on lines 3 through 5 deleted on S. B. No. 270 and the bill become effective upon passage and approval.

Senator Don Ashworth seconded the motion.

The motion carried unanimously...