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

MEMBERS ABSENT: Mr. Beyer  
Mr. Price  
Mr. Chaney

GUESTS PRESENT: L.K. Fitzgerald, United Transportation Union  
Kent Robison, Board of Governors, State Bar  
Barbara Weinberg, Nevada Housing Coalition  
Florence Ulloa, 8th Judicial District Court  
Admin.  
Anna L. Peterson, 8th Judicial District Court  
Admin.  
D.R. Fitzpatrick, Clark County

Chairman Stewart called the meeting to order at 7:40 a.m. and asked for testimony on SJR 20.

SJR 20: Proposes constitutional amendment to provide for selection of supreme court justices by merit.

Sue Wagner, Senate District No. 1, stated that those people not present but who support this resolution are former Supreme Court Justice Gordon Thompson and former Senator Carl Dodge. Senator Dodge chaired a committee in 1968 dealing with the Nevada court system with this concept being one of the recommendations out of that committee. Missouri was the first to adopt this concept (Missouri Plan) in 1940. 29 states currently use all or some features of the merit plan. The merit plan suggests a good arrangement. First of all there is a nomination, dealing only with the Supreme Court in this resolution, and then selection by an appointment by the Governor, and finally a vote by the people to retain or not retain that particular justice. Senator Wagner stated that the key to the whole process is a nomination by the commission, how good the commission is and who is on the commission. Commissions throughout the country have been composed of attorneys, lay persons and usually the chief justice. What currently takes place throughout the country is that 3 names are nominated, submitted to the Governor, who then makes a selection from the list of names submitted. A vote is then taken when that justice's term is determined.

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The intent of the plan is to make selection on the basis of integrity, temperament and adequate legal training, and to make the tenure dependent upon satisfactory service in office. It was Senator Wagner's opinion that this would improve the selection process to emphasize the professional qualifications rather than politics and to promote superior decision making by the Supreme Court. The experience of Missouri was that prior to the plan, the court docket was 2 to 3 years behind, where it is now current.

The contested election method may be less effective as a means of registering voter disapproval of a judge's conduct than a yes or no retention, since challengers to incumbents may not be qualified as a replacement. Senator Wagner stated she noticed during the last election for Supreme Court Justice, there were really no issues of significant judicial importance that were discussed. She felt it would occur that when judges stand alone before the voters, those issues will be focused upon and discussed in a more extensive manner. Major findings and conclusions indicate that intellectually honest debates on issues facing a court are impossible in a state election campaign which tends to focus on personalities, appearance, and the such. According to voter returns in this state during the last 30 years a significant drop-off in votes cast occurred between the high vote getter, whether that be the Governor, the US Senator and Supreme Court Justices. In some cases 50% or more. With few exceptions, they were not highly contested races.

It was Senator Wagner's feeling that the judiciary and politics should not mix. She believed the separation of powers and the constitutional system work best when the judiciary is not elected to be representative of any interest group or point of view, but can act without fear or favor, independent of concerns which were appropriately those of the members of the other two branches of government. The current system in Nevada asks members of the judiciary to act impartially and without regard to political consequences, while making the judiciary totally subject to political consequences. It asks the judge to ignore the fact that he may have to raise \$100,000 in his next campaign or be subject to the threat of a contested election at the whim of one or two disappointed and determined men. She felt it invites dissention on the court by encouraging members to believe that they may work to defeat each other at the polls as a viable alternative to persuasion and learning to work together.

Senator Wagner felt that the Missouri Merit Plan will encourage well qualified people to serve on the bench who might not be good political campaigners or who lack the means of financing such a campaign.

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Senator Wagner concluded by giving statistics from research, stating that these figures cover the last 30 years and will show that contested elections and the threat of taking that away is non-existent. Only three justices, Merrill, Gunderson and Springer, have won their spot on the Supreme Court by election contest against another candidate. No sitting Supreme Court Justice has been defeated at the polls since 1950. After being elected, no justice initially elected has had to run against another candidate to retain his seat on the Supreme Court. It was Senator Wagner's conclusion that this is not really a great change according to our political history. Only one of these justices has been appointed by the Judicial Selection Committee.

To a question from Miss Foley, Senator Wagner stated that our Judicial Selection Committee is appointed in the same fashion as the model, where there is a composition of lay people, attorneys and the supreme court justice. Those currently on the Judicial Selection Commission are Hon. E.M. Gunderson as Chief Justice, Michael Corrigan from Las Vegas, Earl Hill from Reno, Steve Morris from Las Vegas, Mrs. Ray McMullen from Elko and Robert Vaughn from Elko.

Miss Foley expressed concern over the appointment by the Commission and Governor, feeling that this could become more political than an election. Senator Wagner stated that the history of other commissions and appointments has been good and that her concern is money and the judiciary mixing in terms of campaigning and felt that there are some well-qualified people in the state with the judicial temperament, background and intellect who are not political campaigners. She stated she would prefer to see those kinds of people making fundamental decisions in terms of what is constitutional and what is not.

Senator Wagner attached EXHIBIT A to her testimony, showing the selection processes in other states.

Kent Robison testified next on behalf of the Board of Governors of the State Bar Association and encouraged the passage of SJR 20. He stated that in January, 1981, the Board of Governors adopted a resolution unanimously to support passage of any legislation that would adopt the merit plan or the modified Missouri Plan. The ABA supports such legislation as does the American Judicature Society. Mr. Robison stated it is the Board's position that they would like to eliminate as much as possible the political aspects of an individual sitting on the Supreme Court and would like to reduce or eliminate the campaign contribution raising episode, feeling basically that the Supreme Court does not have constituents other than the concept of justice and that concept is more readily attained if one runs on his record rather than against a political foe.

Mr. Robison stated that the Board is asking that the people of the State have the opportunity to vote on this, as would be necessary in a constitutional amendment.

He continued by saying that the State Bar has adopted a policy that it will not allow any lawyer to serve consecutive terms on the selection commission due to the political problems which could arise.

Mrs. Cafferata commented that when running in an election, with an opponent, there is research done and exposures if necessary. It was her feeling that the press does not always do that. Mr. Robison felt that under the Missouri Plan someone would have to air the record the justice if he is running for re-election and stated that the State Bar would at any rate.

Ralph Crow, a resident of Carson City for 14 years, stated that he has been licensed to practice law for that period of time in the State of Nevada. Prior to that for 14 years, he was licensed to practice law in the State of Missouri. He indicated he has practiced under the Missouri Plan. It was his feeling if presented for adoption at this time in the State of Missouri, this resolution would never be considered. He stated that this plan was bred in Missouri by those politicians who had control of the political machines which were electing the judges.

It was Mr. Crow's opinion that it is a mistake to take away from the people the right to elect their judges. The issue this addresses is not quality judges, but tenure and retention, and permits them to run against their records and themselves under the guise of an election. It disables an opponent to challenge a judge who is incompetent and is not serving the interests of the judiciary or the people. Mr. Crow stated that the only way the people of the state know what a judge's record is is if another lawyer opposes him. His record is never revealed to the people.

Mr. Crow commented that the language of the resolution is misleading in that it uses the word "election", stating that someone is not elected without an opponent. He added that this bill does not help in getting rid of unqualified judges after they are in their positions. He stated that it takes two years for an attorney, either appointed or elected to the bench, to get judicial discretion. The attorney is excellent when he first gets there; after that, he is no longer doing his job. This bill perpetuates that system and provides no way for getting rid of him.

SB 529: Provides for random selection of jurors by computer.

Anna Peterson, the Court Administrator from Clark County, stated that about a year ago a major change in the jury plan was made. This bill is necessary to complete the plan of the one day one trial. The first change came in summoning. Previously there were three steps used to summon a juror, now there is only one.

In the past the sources used were the voters registration, the dog license list, the sanitation bill and tax rolls. It was found that the same people were being called over and over again to serve as jurors. It was found that across the country the drivers registration list was being used with success. As of January, 1981, only the drivers registration list has been used, achieving a better cross section of the community and receiving a better response from the community. It is now necessary to move from a hand-drawn ballot box to a computer system. Ms. Peterson stated it is necessary to pick between 3,500 to 4,000 jurors each month in Clark County. She referred to the contents of a report passed out to the committee and maintained in the Chairman's file.

Ms. Peterson stated that the main idea of a jury system is to use everyone called. She referred to a diagram in the report which showed that in March the people called were used nearly to the maximum. That not only saves money to the court system, but alleviates the aggravation of jurors sitting around and not being used. Previously, approximately 100 excess people per day were being called. In the past, by tradition and not by statute, people were asked to serve on a jury for 60 days. Currently, Las Vegas is on a one day, one trial basis, feeling that everyone in the community can give one day. Ms. Peterson stated this has been successful since September, explaining that when the jurors come in, if impaneled, they stay the length of one trial only. Their name is not recalled for at least two years. If not impaneled, they are excused and are through that day. She further explained that through the use of paraphonics, if jurors call in three times in one day and are not needed, then they are through. This is as good as physically reporting.

Ms. Peterson continued by stating that jurors are not excused, but postponements are liberally allowed in order to accommodate the plans of the citizens. With the help of the computer this can be done easily. As a result of the new system, 6 more trials per month have been averaged, at a savings of \$6,000 per month, for a total of \$72,000 saved since the institution of the new program. This bill would legalize the new system.

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Ms. Peterson explained that the \$72,000 saved was in jury fees, stating that every summons sent is \$1.00 for the printing, plus postage. The main savings has been in not calling in so many people. The judges have cooperated in calling civil trials in the mornings and criminal in the afternoons, eliminating people standing around all day. She added that the response has been extremely favorable.

By way of further explanation, Ms. Peterson stated that the computer lists supplied have already randomized the people and include all the necessary information on the individuals called.

SB 530: Eliminates all exemptions from service on juries.

Anna Peterson continued testifying by stating that this bill came about as the result of the new system as discussed earlier. It was felt that due to the one day, one trial, and the response from the community they could in fact give that duty. Therefore, the exemptions could be repealed. There has been excellent response from many of the groups on the exempt list who indicated they would not mind serving for one day or one trial as opposed to two months previously. She submitted EXHIBIT B, a letter from a conductor and President of the United Transportation Union, Local 1117, who recently served and had a fine experience. He felt that his group was missing out by not being able to put in the one day. She indicated that the Fire Department in Las Vegas said they would like the chance to serve since the limitation of the time.

Ms. Peterson commented that individuals should be worked with individually and this would be preferable to exempting entire groups of individuals, adding that jury duty will not be imposed on those who would suffer a financial hardship as a result. She explained that when people call in for exemptions, they are questioned to determine the legitimacy of the excuse and then are scheduled for some later date in order to accommodate their needs and problems.

It was asked how the system worked in other parts of the state. Ms. Peterson commented that in the northern part of the state, it was her understanding that jurors serve about 3 days and then are not called for some time. It was also her understanding that they were still selecting manually.

Ms. Peterson commented to Miss Foley's remarks about the other counties' abilities, that this program had begun under a federal grant given to 10 places in the country. Las Vegas has surpassed all of the other areas and has been asked to give a presentation in Seattle, Rhode Island and Williamsburg. The intent is to aid the rest of the state in instituting the system if the bill is passed.

Mr. Thompson asked what the jurors are paid. Ms. Peterson stated that with the new bill, jurors will make \$9.00 for reporting in, \$15.00 if impaneled, and \$30.00 if they serve longer than 5 days. She added that through research, they found there had only been 10 trials go longer than 5 days on the criminal side, which is paid by the county.

Miss Foley commented that if the whole state was on the system, she would have no problem removing the exemptions since the individual could schedule around any working problems. However, she did not see this working until the remainder of the state was on the same program.

Len Fitzgerald of the United Transportation Union commented that the exemptions listed do not prohibit those people from serving on juries. All they must do is not furnish the satisfactory proof of exemption.

Mr. Peterson continued by saying that people who work on freight trains have no regular schedule. Every day is Monday and these people are subject to call at any time after the mandatory rest period, and work sometimes twice in 8 days and sometimes twice in 7 days. The shifts are determined by a list with the top going to work and then being put on the bottom of the list to once again work their way up. In the event someone is called for jury duty, he must forfeit his work and go to the bottom of the list. If for some reason he is not impaneled, then he has lost his work and is called back at another time to serve on the jury. Mr. Peterson commented that the railroad workers must go to work where they are sent, whether in state or out of state. If called for jury duty while out of town, the individual must travel back and again lose work. Mr. Peterson's testimony continued with such examples illustrating the economical hardship placed upon this type of worker in being required to serve on a jury. Allowing these workers an exempt status will still allow them to serve on a jury if they so desire.

Mr. Peterson concluded by urging that the committee put the railroad workers back on an exempt status.

To Mr. Sader's question, Mr. Peterson stated that there are two locals in Sparks with about 270 members total, and about 300 members in Las Vegas. With Winnemucca and Elko locals combined, their membership amounts to about 100.

Chairman Stewart commented that the same problems might occur with employees of truck lines and airlines, but those individuals are not exempt. Mr. Peterson responded by saying that railroad workers cannot plan their schedules in advance, where airline pilots and truck drivers can.

Don Mello, Assembly District 30, stated that he agreed it is our civic duty to serve on juries. He commented that negotiations have been entered into with the railroad who have agreed to pay employees called for jury duty 100 miles. A trip to Carlin pays the employee 600 miles. Most of the crafts will pay the difference, but the railroad will not.

Mr. Mello continued by saying that there are now approximately 30 crews on the main line which work between Sparks and Carlin, a 600 mile round trip. Currently there are 3 people to a crew. There is not possible way that once an individual has worked to the top of the board and is called for jury duty he can go to work. As a result, he must lay off. If the individual is not used on a jury, and his crew is still out of town, he must wait for the crew to come back to town and then climb to the top of the board, which takes approximately 3 days. People cannot be moved to another crew since they are assigned. If someone lays off, he simply does not work, and is replaced on the crew by someone from the extra board. Mr. Mello explained that the crews work by seniority and cannot be bumped from their crews. He added that the extra board is made of individuals who fill absences on crews and are called in the same manner. Trips for individuals average 32 hours from the time called out and return, with times when the trip is 48 hours or longer.

To Mr. Malone's question, Mr. Mello indicated that for the four months he is with the Legislature, he comes off the board and an extra man works his job. He continued by saying that there are hardships involved with working for the railroad and that it is not the fact that these people do not want to serve on juries. If someone wants to serve on a jury, they can.

Floyd Meyers, the Vice Legislative Representative for the Brotherhood of Locomotive Engineers, stated that he concurred in the statements made by Mr. Fitzgerald and Mr. Mello.

Dave Gamble of the Nevada Trial Lawyers Association supported SB 530 and commented that his information was that potential jurors get 30 days' notice. The possibility of getting a letter on Saturday and being ordered to appear on Monday is non-existent. He felt that there should be some system employed between the jury commissioners' offices, the court administrators' offices and the railroads to replace a person at the top of the board once finished with jury duty. He added that in Clark County, if a person appears for jury duty, he is done for two years and is impossible for him to get called three times in a row. He did agree that would be possible at the present time in Washoe County. The point of SB 530 is to implement what is being done in Clark County so that some of the hardships existent with serving on juries can be removed.

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Mr. Gamble continued by saying that it is very frustrating to attempt to serve on juries, and there have always been situations where people have showed up and the trials were cancelled. Mrs. Peterson is attempting to cure that problem by not having excess jurors. He felt that this bill and SB 529 work towards lessening these frustrations. SB 530 broadens the spectrum of jurors available and increases the base number of jurors available. Mr. Gamble stated that the Nevada Trial Lawyers support a removal of the exemption of lawyers, although they would probably not be allowed to serve.

SB 440: Changes monetary amount for jurisdiction of courts and conforms certain statutory provisions to constitutional provisions relating to jurisdiction.

Tom Davis, representing the Nevada Judges Association, stated that raising these fees substantially will provide a tremendous increase of money coming into the justice court and the communities, amounting to roughly 3 times what is presently being taken in. The increase in workload will be obvious through the raising of the jurisdictional limits, with more and more small claims actions being filed. This will also be due to the economy itself since people do not have the money to pay their bills.

Judge Davis continued by saying that the purpose of small claims is not to get into lengthy trials. Putting the jurisdiction at \$2,500, the courts will be deluged with actions that will involve at least one attorney. Even though there is no provision for attorney's fees to be awarded in small claims, there is enough money involved that a private citizen can afford to have counsel representing him. With an attorney on one side of a small claims action, it makes it difficult on the court since the judge must look out for the interests of the party not represented by counsel. He added that it is tough enough with \$750 judgments for the court to assess the financial situation of an individual and set out a monthly payment program equitable to both sides. With a \$2,500 judgment and an individual who can only pay \$50 a month, the time factor is quite lengthy.

Another problem which will be seen is the delay in settings. Judge Davis stated that between January and February, instead of being able to set small claims actions within 2 weeks after the filing of an affidavit, Carson City went to 4 weeks. They are currently at 6 weeks in delay just for small claims. Raising the jurisdictional amount to \$2,500, will increase the time to 3, 6 or 9 months.

1804

Judge Davis next addressed the \$1,250 limit for civil actions, explaining that the difference between civil and small claims is that a justice court civil action is a formal proceeding, filed normally through attorneys, requiring a complaint, summons, answer and request for setting. Small claims is a simple affidavit, a setting, and the private citizens appear with their witnesses. The average small claims case will run from 5 to 15 minutes.

Returning to the increase in fees, Judge Davis stated that SB 440 will treble the income. Lines 7 through 12 of the bill touch on justice court civil actions. It deals with small claims starting at line 12. Judge Davis stated that an individual is looking at a cost to file an action of up to \$500. \$10 is for the services of the clerk and the court and does not account for the process server. Judge Davis commented that these fees are bargains.

Judge Davis stated that the courts are seeking some relief monetarily, as well as being considered deserving of salaries and recognition by the Legislation, wherein they can enjoy a designated salary (AB 340).

Chairman Stewart asked Judge Davis if \$1,000 is an appropriate figure for small claims jurisdiction. Judge Davis agreed it was, commenting that the courts would prefer \$750. He added that the fees as presented in the bill are also appropriate and the Association as a whole is totally in favor of the bill.

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

Judge Davis stated that the language stating "up to 95%" is repugnant throughout the state. The Association would like to set forth a minimum to be included in this bill that would put the smaller county JPs on the same scale as the sheriffs. A part-time JP's salary would be pro-rated to the daily or hourly rate of the salary of the sheriff. This would establish a minimum and still protect the judges in Clark and Washoe Counties who are at or nearly at 95% of the district judges. This recommendation is due to the fact that the Association has accepted the fact that the smaller counties cannot afford the larger salaries.

To Mr. Malone's question about why the sheriff's salary would be used, Judge Davis stated that the sheriff is a very similar position insofar as status is concerned, with similar responsibilities, in the smaller counties. In the larger counties, where the sheriff's responsibilities are greater, the judges' salaries are limited to 95% of the district judges' salaries.

1805

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

Judge Davis commented that this bill was indefinitely postponed by the committee on May 7, but includes some vital language. He stated that the justice courts are courts of record and need a seal. This bill is housekeeping and gives the authority to appoint judges to sit for the JPs. If there are additional expenses, SB 440 has helped to defray those expenses, if not taken care of completely, still leaving a profit for the community.

Miss Foley asked which sections of this bill are vital. Judge Davis stated everything, with the exception of line 2, page 1, and Section 3 beginning at line 8 on page 2.

Chairman Stewart asked why a seal is necessary. Judge Davis stated that the justice court uses a seal outside the law, adding that every document notarized or acknowledged must be sealed. Chairman Stewart commented that the requirement for a seal had been eliminated. Judge Davis stated that other states receiving documents from the justice courts require seals, creating problems for the justice court. With a seal, documents do not need to be exemplified.

Beginning at line 15, page 4, can be eliminated through line 40. At page 5, line 9 through 12 can be eliminated. The other information contained in the bill is necessary.

SB 440: Changes monetary amount for jurisdiction of courts and conforms certain statutory provisions to constitutional provisions relating to jurisdiction.

Dan Fitzpatrick of Clark County stated that with the raising of small claims to \$1,000 and civil actions to \$1,250, the Clark County Justice Court anticipates an increase in workload by approximately 20%. The additional staff that will be required to process small claims will amount to about \$40,000 to \$50,000, for two clerks, possibly another part-time clerk, and to eliminate the need for an additional JP. Instead of asking for the authority to add a JP, justices from either Henderson or North Las Vegas will be asked to sit and hear small claims.

Under the current fee structure, Clark County raises between \$125,000 and \$130,000 per year. The new fee will bring that up to approximately \$330,000 if passed. In proportion to the total budget necessary to service the civil and small claims actions, the budget for Las Vegas Township is \$1,400,000 per year, with approximately 30% dealing with the items in this bill, or about \$460,000. This does not include the additional cost attendant to the workload increase. The fees previously barely made up 1/3 of the cost.

The fees as proposed in this bill will not only take care of the additional costs to the county, but will possibly make up from 55% to 60% of running this particular service to the citizens. It was felt that the fee increases are not substantial and would assist the county in providing the services, with the users paying for them instead of the property owners.

Mr. Sader asked if this would take into consideration the decrease in district court. Mr. Fitzpatrick stated there is no decrease in district court. People do not file actions in district court for \$1,000, but reduce them to \$750 and file in small claims court. For those with claims of \$1,250 or \$1,500, where they would not bargain them down to \$750, they will now bargain them down to \$1,000. Mr. Fitzpatrick next read from a letter from the justice court which said, "The anticipated increase is attributed to the fact that more collection agencies and finance companies would find it more equitable to pursue collection proceedings on the increase to the \$1,250 amount."

Carol Vallardo, representing Citizens for Private Enterprise South, stated that she did not support the bill with the change as is and further does not if going anyplace higher. She read the following statistics: In 1978, small claims in Clark County was at the \$300 level. In that calendar year there were 5,847 cases heard. In 1979, when half the year was at the \$750 level, the caseload jumped to 7,259. Without raising the jurisdiction to \$1,000 in small claims only, from 1979 to 1980, the caseload jumped another 16%. There were 8,417 cases heard. Without raising the jurisdiction, there will be another 12% to 18% in the small claims cases. The problem with raising the jurisdiction is that there is not an additional JP in Clark County to hear the cases.

Ms. Vallardo continued by saying that Supreme Court Justice Mowbray suspended the 5-15 day rule in all small claim cases. Normally, the ruling was that if the public files for small claims, it should be set for hearing within 5 to 15 days. Currently, that time will be from 6 to 10 weeks, depending on the time of year, in small claims. Business people can wait, but it takes away from the concept of a people's court and not having speedy justice. It was preferred that the limit be at \$750, but if raised to \$1,000 another JP should be considered. She added that a jump to \$1,250 would be entirely too high.

To the civil action figures, Ms. Vallardo stated that in 1978 there were 234 cases, in 1979 there were 429 cases and in 1980 there were 702 cases. That is without increasing the level. She urged that the committee consider this very carefully, and asked that the limits in the bill not be exceeded.

Mrs. Cafferata asked what the growth rate of Clark County was for the years mentioned. Dan Fitzpatrick stated that was 10% to 15%.

Rod Barbash, representing the Nevada Collector's Association, stated that the Association concurred in Ms. Vallardo's testimony. He commented that when the limit was \$300, a hearing could be had within 10 days. If filed today, it would be the middle of August. If raised to \$1,000 it would be worse.

Mr. Barbash had no objection to the \$1,250 for civil suits, but did object to the increased fees. Judge Van Waggoner indicated to Mr. Barbash that the operating cost in the budget last year was \$400,000 to operate the Reno Justice Court. They took in over \$1 million. He felt a \$600,000 profit was excessive.

Mr. Barbash added that there are only 2 JPs in Reno and if the limit is raised, they will be working through the night. He urged that the committee leave the small claims rate at \$750 or \$1,000 if necessary.

Mrs. Cafferata asked if there would be an increase in the number of claims filed by the Collectors if the limit is raised. Mr. Barbash stated in order to keep claims out of district court, they will lower the amounts to \$750. He did not anticipate an increase in the number filed if the limit is raised. He added that he personally does not use small claims, but files civil actions in order to get a judgment and execute.

The committee discussed the other bills dealing with jurisdiction that had been heard and passed by the committee. Mrs. Cafferata felt that the limits should all be the same and suggested the limit in this bill be \$1,200 in conjunction with the criminal jurisdiction.

Mrs. Cafferata moved AMEND SB 440 to \$1,200, seconded by Mrs. Ham. Chairman Stewart explained that the \$1,200 addresses civil cases in justice court. The motion failed, with Mr. Stewart, Mrs. Cafferata and Mrs. Ham voting in favor of the motion and Mr. Chaney, Mr. Beyer and Mr. Price being absent.

Mr. Malone raised the question of the impact of raising the jurisdiction. Mr. Sader wondered how much of the increase would be attributable to jurisdiction and how much to economy and growth. He questioned whether there would really be a 20% increase. He further felt that it was not fair for someone to have to compromise their claim by reducing it from \$1,000 to \$750 rather than going to the expense of an attorney to take the case to district court.

Miss Foley felt it fair and equitable to raise the amount to \$1,000 due to inflation.

Miss Foley moved DO PASS SB 440, seconded by Mr. Sader, and carried unanimously, Mr. Chaney, Mr. Beyer and Mr. Price being absent.

SJR 20: Proposes constitutional amendment to provide for selection of supreme court justices by merit.

Miss Foley moved INDEFINITELY POSTPONE SJR 20, seconded by Mrs. Ham. Mr. Sader commented that he felt the merit selection system works well, especially in the selection of federal judges. The motion carried by majority vote, with Mr. Sader voting nay, and Mr. Chaney, Mr. Beyer and Mr. Price being absent.

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

There was a brief discussion of the questions raised by Judge Davis and it was generally agreed that they would not reconsider the previous action on the bill.

SB 529: Provides for random selection of jurors by computer.

Mrs. Cafferata moved DO PASS SB 529, seconded by Miss Foley, and carried unanimously by the committee, Mr. Chaney, Mr. Beyer and Mr. Price being absent.

SB 530: Eliminates all exemptions from service on juries.

The committee discussed the exemptions to be removed, with Mrs. Cafferata commenting that to the nurses, there are not enough in the state now. To doctors, she did not feel it would be proper to expect a patient to postpone surgery to accommodate the doctor serving on a jury. She wanted to exempt all of (e).

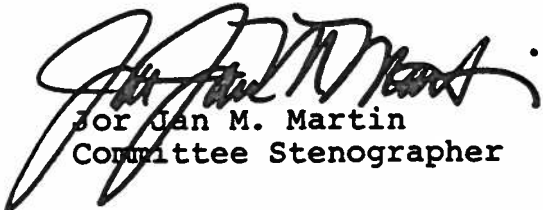
Mrs. Cafferata moved AMEND SB 530 by deleting, physicians, dentists, graduate nurses, & railroads, seconded by Miss Foley.

Chairman Stewart moved AMEND SB 530 by eliminating section (e), seconded by Mr. Malone, with the motion carrying by majority vote. Mrs. Cafferata and Mrs. Ham voted nay, and Mr. Chaney, Mr. Beyer, Mr. Price and Mr. Banner were absent.

Miss Foley moved DO PASS SB 530 as amended, seconded by Mr. Thompson, and carried by majority vote, with Mrs. Cafferata voting nay, and Mr. Chaney, Mr. Beyer, Mr. Price and Mr. Banner being absent.

Since there was no further business, Chairman Stewart adjourned the meeting at 10:30 a.m.

Respectfully submitted,

  
Joe Van M. Martin  
Committee Stenographer

**61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION**

DATE: May 8, 1981  
 SUBJECT: SB 440: Changes monetary amount for jurisdiction of courts and conforms certain statutory provisions to constitutional provisions relating to jurisdiction.

MOTION:  
 DO PASS XX AMEND \_\_\_\_\_ INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_  
 MOVED BY: Foley SECONDED BY: Sader

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	—	—	—	—
Foley	<u>XX</u>	—	—	—	—	—
Beyer	<u>ABSENT</u>	—	—	—	—	—
Price	<u>ABSENT</u>	—	—	—	—	—
Sader	<u>XX</u>	—	—	—	—	—
Stewart	<u>XX</u>	—	—	—	—	—
Chaney	<u>ABSENT</u>	—	—	—	—	—
Malone	<u>XX</u>	—	—	—	—	—
Cafferata	<u>XX</u>	—	—	—	—	—
Ham	<u>XX</u>	—	—	—	—	—
Banner	<u>XX</u>	—	—	—	—	—
TALLY:	<u>8</u>	—	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 8, 1981



**61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION**

DATE: May 8, 1981  
 SUBJECT: SJR 20: Proposes constitutional amendment to provide for selection of supreme court justices by merit.

MOTION:  
 DO PASS \_\_\_\_\_ AMEND \_\_\_\_\_ INDEFINITELY POSTPONE XX  
 RECONSIDER \_\_\_\_\_  
 MOVED BY: Foley SECONDED BY: Ham

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	—	—	—	—
Foley	<u>XX</u>	—	—	—	—	—
Beyer	<u>ABSENT</u>	—	—	—	—	—
Price	<u>ABSENT</u>	—	—	—	—	—
Sader	—	<u>XX</u>	—	—	—	—
Stewart	<u>XX</u>	—	—	—	—	—
Chaney	<u>ABSENT</u>	—	—	—	—	—
Malone	<u>XX</u>	—	—	—	—	—
Cafferata	<u>XX</u>	—	—	—	—	—
Ham	<u>XX</u>	—	—	—	—	—
Banner	<u>XX</u>	—	—	—	—	—
TALLY:	<u>7</u>	<u>1</u>	—	—	—	—

ORIGINAL MOTION: Passed \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 INDEFINITELY POSTPONED XXX \_\_\_\_\_

ATTACHED TO MINUTES OF \_\_\_\_\_ May 8, 1981

**61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION**

DATE: May 8, 1981

SUBJECT: SB 529: Provides for random selection of jurors by computer.

MOTION:

DO PASS XX AMEND      INDEFINITELY POSTPONE       
RECONSIDER     

MOVED BY: Cafferata SECONDED BY: Foley

AMENDMENT:

MOVED BY:                      SECONDED BY:                     

AMENDMENT:

MOVED BY:                      SECONDED BY:                     

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Foley	<u>XX</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Beyer	<u>ABSENT</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Price	<u>ABSENT</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Sader	<u>XX</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Stewart	<u>XX</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Chaney	<u>ABSENT</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Malone	<u>XX</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Cafferata	<u>XX</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Ham	<u>XX</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Banner	<u>XX</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
TALLY:	<u>8</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>

ORIGINAL MOTION: Passed XX Defeated      Withdrawn     

AMENDED & PASSED                      AMENDED & DEFEATED                     

AMENDED & PASSED                      AMENDED & DEFEATED                     

ATTACHED TO MINUTES OF                      May 8, 1981

**61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION**

DATE: May 8, 1981  
 SUBJECT: SB 530: Eliminates all exemptions from service on juries.

**MOTION:**

DO PASS XX AMEND XX INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_

MOVED BY: Foley SECONDED BY: Thompson

**AMENDMENT:**

Eliminate physicians, dentists, graduate nurses and railroad people from the bill.

MOVED BY: Cafferata SECONDED BY: Foley

**AMENDMENT:**

Eliminate section (e) only from the bill.

MOVED BY: Stewart SECONDED BY: Malone

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	—	—	<u>XX</u>	—
Foley	<u>XX</u>	—	—	—	<u>XX</u>	—
Beyer	<u>ABSENT</u>	—	—	—	<u>ABSENT</u>	—
Price	<u>ABSENT</u>	—	—	—	<u>ABSENT</u>	—
Sader	<u>XX</u>	—	—	—	<u>XX</u>	—
Stewart	<u>XX</u>	—	—	—	<u>XX</u>	—
Chaney	<u>ABSENT</u>	—	—	—	<u>ABSENT</u>	—
Malone	<u>XX</u>	—	—	—	<u>XX</u>	—
Cafferata	—	<u>XX</u>	—	—	—	<u>XX</u>
Ham	—	—	—	—	—	<u>XX</u>
Banner	<u>ABSENT</u>	—	—	—	<u>ABSENT</u>	—
TALLY:	<u>6</u>	<u>1</u>	—	—	<u>5</u>	<u>2</u>

ORIGINAL MOTION: Passed \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
 AMENDED & PASSED XX AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF \_\_\_\_\_ May 8, 1981

EXHIBIT <sup>PA</sup>

31  
2008  
1/2  
1/20/08

**THE BOOK**  
**OF THE STATES**  
**1980-1981**

VOLUME 23



THE COUNCIL OF STATE GOVERNMENTS  
LEXINGTON, KENTUCKY

1815

## FINAL SELECTION OF JUDGES

Alabama	Appellate, circuit, district, and probate judges elected on partisan ballots. Judges of municipal courts are appointed by the governing body of the municipality.
Alaska	Supreme court justices and superior court judges appointed by governor from nominations by Judicial Council. Supreme court justices and superior court judges approved or rejected at first general election held more than 3 years after appointment. Reconfirmation every 10 and 6 years, respectively. Magistrates appointed by and serve at pleasure of the presiding judges of each judicial district.
Arizona	Supreme court justices and court of appeals judges appointed by governor from a list of not less than 3 for each vacancy submitted by a 9-member Commission on Appellate Court Appointments. Maricopa and Pima County superior court judges appointed by governor from a list of not less than 3 for each vacancy submitted by a 9-member commission on trial court appointments for each county. Superior court judges of other 12 counties elected on nonpartisan ballot (partisan primary); justices of the peace elected on partisan ballot; city and town magistrates selected as provided by charter or ordinance, usually appointed by mayor and council.
Arkansas	All elected on partisan ballot.
California	Supreme court and courts of appeal judges appointed by governor with approval of Commission on Judicial Appointments. Run for reelection on record. Appointments. Run for reelection on record. All judges elected on nonpartisan ballot.
Colorado	Judges of all courts, except Denver County and municipal, appointed initially by governor from lists submitted by nonpartisan nominating commissions; run on record for retention. Municipal judges appointed by city councils or town boards. Denver County judges appointed by mayor from list submitted by nominating commission; judges run on record for retention.
Connecticut	All appointed by legislature from nominations submitted by governor, except that probate judges are elected on partisan ballot.
Delaware	All appointed by governor with consent of senate.
Florida	All trial judges are elected on a nonpartisan ballot. All appellate judges are appointed by the governor with recommendations by a Judicial Nominating Commission. The latter are retained by running on their records.
Georgia	All elected on partisan ballot except that county and some city court judges are appointed by the governor with consent of the senate.
Hawaii	Supreme court justices and circuit court judges appointed by the governor with consent of the senate. District judges appointed by chief justice of the state. Candidates are to be nominated (on a list of at least 6 names) to governor or chief justice by Judicial Selection Committee.
Idaho	Supreme court and district court judges initially are nominated by Idaho Judicial Council and appointed by governor; thereafter, they are elected on nonpartisan ballot. Magistrates appointed by District Magistrate's Commission for initial 2-year term; thereafter, run on record for retention for 4-year term on nonpartisan ballot.
Illinois	All elected on partisan ballot and run on record for retention. Associate judges are appointed by circuit judges and serve 4-year terms.
Indiana	Judges of appellate courts appointed by governor from a list of 3 for each vacancy submitted by a 7-member Judicial Nomination Commission. Governor appoints members of municipal courts and several counties have judicial nominating commissions which submit a list of nominees to the governor for appointment. All other judges are elected.
Iowa	Judges of supreme, appeals, and district courts appointed initially by governor from lists submitted by nonpartisan nominating commissions. Appointee serves initial 1-year term and then runs on record for retention. District associate judges run on record for retention, if not retained or office becomes vacant, replaced by a full-time judicial magistrate. Full-time judicial magistrates appointed by district judges in the judicial election district from nominees submitted by county judicial magistrate appointing commission. Part-time judicial magistrates appointed by county judicial magistrate appointing commissions.
Kansas	Judges of appellate courts appointed by governor from list submitted by nominating commission. Run on record for retention. Nonpartisan selection method adopted for judges of courts of general jurisdiction in 22 of 29 districts.
Kentucky	All judges elected on nonpartisan ballot.
Louisiana	All elected on open (bipartisan) ballot.
Maine	All appointed by governor with confirmation of the senate, except that probate judges are elected on partisan ballot.
Maryland	Judges of circuit courts and Supreme Bench of Baltimore City appointed by governor, elected on nonpartisan ballot after at least one year's service. District court judges appointed by governor subject to confirmation by senate. Judges of appellate courts appointed by governor with the consent of the senate. Run on record after at least one year of service for retention.
Massachusetts	All appointed by governor with consent of Executive Council. Judicial Nominating Commission, established by executive order, advises governor on appointment of judges.
Michigan	All elected on nonpartisan ballot, except municipal judges in accordance with local charters by local city councils.
Minnesota	All elected on nonpartisan ballot. Vacancy filled by gubernatorial appointment.
Mississippi	All elected on partisan ballot, except that city police court justices are appointed by governing authority of each municipality.
Missouri	Judges of supreme court, court of appeals, circuit courts in St. Louis City and County, Jackson County, Platte County, Clay County, and St. Louis Court of Criminal Correction appointed initially by governor from nominations submitted by special commissions. Run on record for reelection. All other judges elected on partisan ballot.
Montana	All elected on nonpartisan ballot. Vacancies on supreme or district courts and Worker's Compensation Court filled by governor according to established appointment procedure (from 3 nominees submitted by Judicial Nominations Commission). Vacancies at end of term may be filled by election, except Worker's Compensation Court. Gubernatorial appointments face senate confirmation.
Nebraska	Judges of all courts appointed initially by governor from lists submitted by bipartisan nominating commissions. Run on record for retention in office in general election following initial term of 3 years; subsequent terms are 6 years.

Nevada .....  
 New Hampshire .....  
 New Jersey .....  
 New Mexico .....  
 New York .....  
 North Carolina .....  
 North Dakota .....  
 Ohio .....  
 Oklahoma .....  
 Oregon .....  
 Pennsylvania .....  
 Rhode Island .....  
 South Carolina .....  
 South Dakota .....  
 Tennessee .....  
 Texas .....  
 Utah .....  
 Vermont .....  
 Virginia .....  
 Washington .....  
 West Virginia .....  
 Wisconsin .....  
 Wyoming .....  
 Dist. of Col. ....  
 American Samoa .....  
 Guam .....

FINAL SELECTION OF JUDGES—Concluded

Nevada .....	All elected on nonpartisan ballot.
New Hampshire ...	All appointed by governor with confirmation of Executive Council.
New Jersey .....	All appointed by governor with consent of senate except that judges of municipal courts serving only one municipality are appointed by the governing body.
New Mexico .....	All elected on partisan ballot.
New York .....	All elected on partisan ballot except that governor appoints chief judge and associate judges of court of appeals, with advice and consent of senate, from a list of persons found to be well qualified and recommended by the bipartisan Judicial Nominating Commission, and also appoints judges of court of claims and designates members of appellate division of supreme court. Mayor of New York City appoints judges of the criminal and family courts in the city.
North Carolina ....	All elected on partisan ballot. By executive order, governor has extended the trial system for merit selection of superior court judges.
North Dakota .....	All elected on nonpartisan ballot.
Ohio .....	All elected on nonpartisan ballot except court of claims judges who may be appointed by chief justice of supreme court from ranks of supreme court, court of appeals, court of common pleas, or retired judges.
Oklahoma .....	Supreme court justices and court of criminal appeals judges appointed by governor from lists of 3 submitted by Judicial Nominating Commission. If governor fails to make appointment within 60 days after occurrence of vacancy, appointment is made by chief justice from the same list. Run for election on their records at first general election following completion of 12 months' service for unexpired term. Judges of court of appeals, and district and associate district judges elected on nonpartisan ballot in adversary popular election. Special judges appointed by district judges. Municipal judges appointed by governing body of municipality.
Oregon .....	All judges except municipal judges are elected on nonpartisan ballot for 6-year terms. Municipal judges are mostly appointed by city councils except 2 Oregon cities elect their judges.
Pennsylvania .....	All originally elected on partisan ballot; thereafter, on nonpartisan retention ballot, except police magistrates, city of Pittsburgh—appointed by mayor of Pittsburgh.
Rhode Island .....	Supreme court justices elected by legislature. Superior, family, and district court justices and justices of the peace appointed by governor, with consent of senate (except for justices of the peace); probate and municipal court judges appointed by city or town councils.
South Carolina ....	Supreme court, court of appeals, and circuit court judges elected by legislature. City judges, magistrates, and family court judges appointed by governor—the latter on recommendation of the legislative delegation in the area served by the court. Probate judges elected on partisan ballot.
South Dakota .....	All elected on nonpartisan ballot, except magistrates (law trained and others), who are appointed by the presiding judge of the judicial circuit.
Tennessee .....	Judges of intermediate appellate courts appointed initially by governor from nominations submitted by special commission. Run on record for reelection. The supreme court judges and all other judges elected on partisan ballot, except for some municipal judges who are appointed by the governing body of the city.
Texas .....	All elected on partisan ballot except municipal judges, most of whom are appointed by municipal governing body.
Utah .....	Supreme court, district court, and circuit court judges appointed by governor from lists of 3 nominees submitted by nominating commissions. If governor fails to make appointment within 30 days, chief justice appoints. Judges run for retention in office at next succeeding election; they may be opposed by others on nonpartisan judicial ballots. Juvenile court judges are initially appointed by the governor from a list of not less than 2 nominated by the Juvenile Court Commission, and retained in office by gubernatorial appointment. Town justices of the peace are appointed for 4-year terms by town trustees. County justices of the peace are elected for 4 years on nonpartisan ballot.
Vermont .....	Supreme court justices, superior court judges (presiding judges of superior courts), and district court judges appointed by governor with consent of senate from list of persons designated as qualified by the Judicial Nominating Board. Supreme, superior, and district court judges retained in office by vote of legislature. Assistant judges of superior courts and probate judges elected on partisan ballot in the territorial area of their jurisdiction.
Virginia .....	Supreme court justices and all judges of circuit courts, general district, and juvenile and domestic relations district courts elected by legislature.
Washington .....	All elected on nonpartisan ballot except that municipal judges in second-, third- and fourth-class cities are appointed by mayor.
West Virginia .....	Judges of all courts of record and magistrate courts elected on partisan ballot.
Wisconsin .....	All elected on nonpartisan ballot.
Wyoming .....	Supreme court justices, district court judges, and county judges appointed by governor from a list of 3 submitted by nominating committee and stand for retention at next election after 1 year in office. Justices of the peace elected on nonpartisan ballot. Municipal judges appointed by mayor.
Dist. of Col. ....	Nominated by the president of the United States from a list of persons recommended by the District of Columbia Judicial Nomination Commission; appointed upon the advice and consent of the U.S. Senate.
American Samoa ..	Chief justice and associate justice(s) appointed by the U.S. Secretary of Interior pursuant to presidential delegation of authority. Associate judges appointed by governor of American Samoa on recommendation of the chief justice, and subsequently confirmed by the senate of American Samoa.
Guam .....	All appointed by governor with consent of legislature from list of 3 nominees submitted by Judicial Council for term of 7 years; thereafter run on record for retention every 7 years.
Puerto Rico .....	All appointed by governor with consent of senate.

John Goodman  
412 Davenport Ln.  
Las Vegas, NV 89107

Mr. Janson Stewart, Chairman      Re; AB529 and AB530  
Judiciary Committee of the Assembly  
Capitol Complex  
Carson City, NV

Dear Mr. Stewart:

I am a Union Pacific Railroad conductor and President of the United Transportation Union Local 1117 at Las Vegas.

My letter is to voice approval and support of efforts to remove all exemptions from jury duty based on a person's occupation.

I am in favor of removing exemption for railroad employees provided other favored groups also loose their exemption.

Even though I was not seated on a jury, my recent call to jury duty was a pleasant, educational experience which made me proud of our justice system.

When you have the opportunity to do so, I hope you will do me the personal favor of speaking out in my behalf in favor of these two bills. Thank you

Respectfully

