

NEVADA'S COURT STRUCTURE



**LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU**

DECEMBER 1968

BULLETIN NO. 74

NEVADA'S COURT STRUCTURE



**LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU**

DECEMBER 1968

BULLETIN NO. 74

TABLE OF CONTENTS

	Page
1. Senate Concurrent Resolution No. 18, 54th session of the Nevada Legislature (1967), directing the Legislative Commission to study the Nevada court structure.....	5
2. Nevada's Court Structure; 1861-1968.....	7
3. Report of the Legislative Commission.....	23
4. Report to the Legislative Commission from the Subcommittee for Study of the Nevada Court Structure.....	27
I. Introduction.....	27
II. Levels of Courts.....	27
III. Personnel of the Courts.....	31
IV. Ancillary Services.....	34
V. The Jury System.....	36
VI. Financing of the Judicial System.....	36
VII. Juvenile Courts.....	38
VIII. Statistics.....	39
IX. Transitional Period.....	40
Appendix A—Proposed Article 6 of the Nevada Constitution.....	43
Appendix B—Suggested legislation providing for court administrator and improvement of justices' and municipal courts.....	47
Appendix C—Suggested legislation placing state law library under direct control of supreme court and providing for improvement of district court libraries.....	51
Appendix D—Exhibits summarizing receipts and expenditures for fiscal years 1965-66 and 1966-67 of court system as administered by state and local governments.....	59
Appendix E—Statistical information bearing on present performance of Nevada court system.....	65
Appendix F—Summary of number of judges initially appointed to bench as compared to those initially elected.....	83
Appendix G—Suggested legislation providing for investment of moneys deposited in court.....	85
Appendix H—Suggested legislation removing restriction on days when justices' and municipal courts may be held.....	87
Appendix I—Suggested legislation providing for uniform rules in traffic cases and defining reckless driving.....	89
Appendix J—Suggested legislation substituting written contract for civil ceremony of marriage.....	91

* * * *

LEGISLATIVE COMMISSION

Senator B. Mahlon Brown
 Senator Carl F. Dodge
 Senator James I. Gibson
 Senator Archie Pozzi, Jr.

Assemblyman Melvin D. Close, Jr.
 Assemblyman Zelvin D. Lowman
 Assemblyman Marvin L. White
 Assemblyman James E. Wood

SENATE CONCURRENT RESOLUTION NO. 18 (1967)

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the Nevada court structure.

WHEREAS, The State of Nevada has never made a complete study of the organization and structure of its court system; and

WHEREAS, The basic structure of Nevada's court system is now over 100 years old; and

WHEREAS, The problems faced by the courts today are vastly different and more complex than those of 100 years ago; and

WHEREAS, There have been numerous amendments and changes in the laws governing the court system made in a piecemeal fashion over the last 100 years; and

WHEREAS, All the citizens of Nevada desire efficient, effective and speedy administration of justice in this state; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to make a study of the Nevada court structure, including the handling of juvenile matters, and to report the results of such study and make recommendations for any appropriate constitutional amendments or legislation to the 55th general session of the legislature of the State of Nevada.

NEVADA'S COURT STRUCTURE

1861-1968

I. INTRODUCTION

In 1850 the Congress created the Territory of Utah, the boundaries of which included a portion of the present State of Nevada. Carson County was organized by the Utah territorial legislature in 1854, but little attention was paid by territorial authorities to the judicial needs of its inhabitants. A sparse population began to settle in the western valleys along the eastern base of the Sierra Nevada mountains, which were suitable for grazing or agricultural purposes, and in 1859-1860 the discovery of the silver mines of the region caused a population explosion.

As early as 1858 overtures had been made by the settlers to the California legislature for the annexation of Carson Valley,¹ and in 1859 Colonel John J. Musser was sent to Washington to urge the Congress to establish the Territory of Nevada. At a rump constitutional convention held in Genoa in July, 1859, Musser said:

This country is destitute of law * * * a sense of danger prevails in our community. We have no law to protect us in our private rights, or to give redress for public wrongs; for nearly 5 years have we asked protection of the powers that be, yet none have been granted; we have been forced to try civil and criminal cases before tribunals unauthorized by law, or submit to the even more hasty action of a guideless mob.

Although the *Territorial Enterprise* expressed high hopes for Colonel Musser's success,² he remained in Washington nearly a year without accomplishing the object of his mission. Nevada's territorial status was not achieved until 1861, when the Congress passed "An Act to organize the Territory of Nevada."³ Geographically, the created territory was an enlargement of Carson County. President Lincoln's executive and judicial appointees were greeted by the residents with something less than enthusiasm. "The new government was tolerated by the mining population as a necessary convenience, and more or less resented by the established settlers. * * * Nevada Territory's population was a wild patchwork made up of established settlers, miners, purveyors of one kind or another

¹The 1858 California legislature adopted Concurrent Resolution V stating "that in view of the impending difficulties in Utah, and fully impressed with the importance of a speedy organization of a territorial government in Carson Valley, our senators in Congress are hereby instructed, and our representatives earnestly requested, to procure the passage of an act securing the establishment of said territorial government, with such boundaries as circumstances may warrant and require." *Statutes of California 1858*, p. 350.

²"He has reasons numerous and cogent to urge upon Congress, in favor of Nevada Territory. * * * We say, God speed! to Col. Musser. It will be a proud day for him, and for the residents of these Valleys, when he shall return with the Bill organizing the Territory of Nevada * * *." *Territorial Enterprise*, December 17, 1859.

³12 *United States Statutes at Large* (1863), pp. 209-214.

—claim brokers, stage drivers, bookkeepers and mill owners—Indians, and a large floating mass of transient mineralogists, speculators, gamblers, peddlers, camp followers, and professional do-gooders. The territorial government formed the centerpiece of this crazy quilt, a group of imported and alien politicians, burdened by voluminous regulations and pinched for administrative cash.”¹

Section 9 of the 1861 federal act vested the judicial power of the territory in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court consisted of a chief justice and two associate justices, any two of whom constituted a quorum. The territory was divided into three judicial districts and the supreme court justices did double duty as district judges, each justice being required to reside in the judicial district assigned him by the legislative assembly. Jurisdiction of the several courts, both appellate and original, was to be determined by the legislative assembly, which did so at its first meeting on November 29, 1861, by passing “An Act to regulate Proceedings in Civil Cases in the Courts of Justice of the Territory of Nevada.”² The supreme court, district courts, probate courts, justices’ courts and recorders’ (municipal) courts were denominated courts of justice and the act detailed jurisdiction of the courts and the rights and duties of the territorial judicial officers.

Faced with inadequate salaries, a lack of adequate court facilities, crowded court calendars caused by heavy mining litigation resulting from feverish activity on the Comstock and in the Unionville, Aurora and other mining districts, and an almost unworkable appellate judicial system, the supreme court justices soon began to forage for themselves. Litigant, lawyer and layman soon became disenchanted with their courts and the judges. John A. Collins, a member of the 1863 and 1864 constitutional conventions said: “* * * the delay of justice, under our present system, is practically a bar to justice * * *,”³ and Dr. B. S. Mason from Esmeralda County commented: “I look upon the whole system, as it has existed in this Territory, as little better than a nuisance, which should be abolished * * *.”⁴ But before the people of the territory could get around to abolishing the judicial system by the adoption of a state constitution, public opinion, spurred on by the bar and the newspapers, abolished the justices by causing their mass resignation. On July 21, 1864, the *Territorial Enterprise* made a vitriolic attack on the judges:

We do not believe there is a man in the territory today who entertains a profound respect for any of our supreme and district judges, not that they are deficient in social qualities or legal talent but because it is the general belief that they have been purchased time and again and will continue to sell themselves while they continue to occupy the bench.

The judges could not stand the heat. They all resigned on August 22, 1864. The territory was without a supreme court or district courts until

¹Hinkle, George and Hinkle, Bliss, *Sierra Nevada Lakes*, Bobbs Merrill, 1949, pp. 190, 191.

²*Laws of the Territory of Nevada 1861*, ch. CIII, pp. 314-435.

³*Nevada Constitutional Debates and Proceedings (1864)*, p. 236.

⁴*Ibid.*, p. 647.

the first Monday of December, 1864, when the elected state judges entered upon the performance of their duties.

The unsatisfactory condition of the territorial judicial system was an important factor in inducing the people to vote for statehood. In 1862 the territorial legislative assembly passed an act providing that an election be held in September, 1863, at which the electors were to vote for or against the adoption of a state government, and also to elect delegates to a convention to frame a state constitution. If the majority of the electors voted for a state government, then the convention was to assemble on the first Tuesday in November, 1863, and frame a constitution to be submitted to the people for their ratification or rejection.⁸ The vote in September was largely in favor of a state government; so the convention met in November, 1863, and framed a constitution. Of the 39 delegates all but five had come from California. It was natural that the constitution was based largely on the constitution of the State of California. Justice John W. North (one of the supreme court justices who resigned on August 22, 1864) was elected president of the convention.

Section 1 of Article VI of the 1863 proposed constitution read:

The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, and in Justices of the Peace. The Legislature may also establish Courts for municipal purposes, in incorporated towns and cities, and may, by a two-thirds vote of the members elect to each branch of the Legislature, establish a Court with original jurisdiction over the estates of deceased persons, and the persons and estates of minors and insane persons, in any county where the same may be deemed necessary."

The state was spared an initial complex, cumbersome judicial system for, on being submitted to a vote of the people at the election held in January, 1864, the proposed constitution was rejected by better than a 4 to 1 majority. The first state constitutional convention had been authorized only by the territorial legislative assembly of 1862 and did not have the sanction of the Congress. By February, 1864, admission of Nevada as a state had the support of both Lincoln and radical Republicans in the Congress, and legislation enabling the people of Nevada to form a constitution and state government was thus passed by the Congress and approved by the President on March 21, 1864.¹⁰ Under the provisions of this act, an election was held on the first Monday of June for delegates to the constitutional convention. The delegates assembled at Carson City on the first Monday of July and in 25 days framed a constitution which was submitted to the people at an election held in September. This constitution was ratified and adopted by a large majority,

⁸*Laws of the Territory of Nevada 1862*, ch. CXXXIII, "An Act to frame a Constitution and State Government for the State of Washoe," pp. 128-130.

⁹In 1863 section 1 of Article VI of the California Constitution read: "The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town."

¹⁰*13 United States Statutes at Large (1864)*, pp. 30-32.

NEVADA'S COURT STRUCTURE

and by presidential proclamation Nevada was admitted as a state of the Union on October 31, 1864.

During the 1864 constitutional convention Charles E. De Long, lawyer and former California state senator, asserting that the territory was peopled almost exclusively by Californians, urged that the California constitution be taken as the basis of the constitution to be adopted by the convention.¹¹ He did not prevail, John A. Collins remarking: "We are different from California. In almost every respect this Territory may be declared to be *sui generis*. There is nothing on the east or the west, the north or the south, like her, and she needs a Constitution based upon her own peculiarities—a Constitution adapted to her own condition * * *."¹² The California court structure was abandoned, and ultimately the convention adopted a simple judicial structure in section 1 of Article 6:

The Judicial power of this State shall be vested in a Supreme Court, District Courts, and in Justices of the Peace. The Legislature may also establish Courts for municipal purposes only in incorporated cities and towns.

James A. Banks described the proposal made by J. Neely Johnson, president of the convention and former governor of California (and later an associate justice of the Nevada state supreme court) as "a radical change in the judicial system which has generally prevailed."¹³ Johnson reasoned: "* * * we can obtain and establish such a judicial system, which, while it dispenses with County and Probate Courts, will enable us, instead, to have a judge in each county, upon whom can be conferred the jurisdiction ordinarily possessed by the District Courts, as well as that exercised by the County and Probate Courts."¹⁴ Concurring with Johnson's plan, Cornelius M. Brosnan, later elected a member of the state's first supreme court, said:

* * * we have ample force on the bench, in each county, to discharge all the duties that could be discharged in that county by the District and County Judges, and we have those duties performed, too, more expeditiously, and more economically; and we, at the same time, obviate the necessity of an appeal from the County Judge, or, if you please, from the Justice of the Peace to the County Judge, and from the County Judge to the District Judge, and then again from the District Judge to the Supreme Court. We rid ourselves of all this delay and difficulty by adopting this resolution, and thus we avoid, as it were, two intermediate stumbling-blocks in the way of justice, wiping them out of our judicial system altogether.¹⁵

Article 6 of the Nevada constitution contains but 18 sections, only two of which have been amended since 1864. These amendments, ratified

¹¹*Nevada Constitutional Debates and Proceedings (1864)*, p. 14.

¹²*Ibid.*, p. 19.

¹³*Ibid.*, p. 234.

¹⁴*Ibid.*, p. 231.

¹⁵*Ibid.*, p. 233.

NEVADA'S COURT STRUCTURE

by the people in 1920 and 1950, dealt with appellate criminal jurisdiction of the supreme court and ineligibility of judges for other public offices.

II. SUPREME COURT

1. Jurisdiction; issuance of original writs.

The supreme court has appellate jurisdiction:

- (a) In all cases in equity.
- (b) In all cases at law in which is involved the title or right of possession to, or the possession of, real estate or mining claims, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest on the value of the property in controversy, exceeds \$300.
- (c) In all other civil cases not included in the general subdivisions of law and equity.
- (d) On questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts.¹⁶

The supreme court has jurisdiction to review upon appeal:

- (a) A judgment in an action or proceeding, commenced in a district court, when the matter in dispute is embraced in the general jurisdiction of the supreme court, and to review upon appeal from such judgment any intermediate order or decision involving the merits and necessarily affecting the judgment.
- (b) An order granting or refusing a new trial in such cases; an order granting or refusing to change the place of trial of an action or proceeding after motion is made therefor in the cases in which that court has appellate jurisdiction; and from an order granting or refusing to grant an injunction or mandamus in the case provided for by law.¹⁷

The supreme court has power to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus, and also all writs and process necessary to the complete exercise of its appellate jurisdiction.¹⁸

2. Number of justices.

Section 2 of Article 6 of the Nevada constitution provides that the "Supreme Court shall consist of a Chief Justice and two Associate Justices, a majority of whom shall constitute a quorum; Provided, that the Legislature by a majority of all the members elected to each branch thereof may provide for the election of two additional Associate Justices, and if so increased three shall constitute a quorum. The concurrence of a Majority of the whole Court shall be necessary to render a decision." From 1864 to 1967 the supreme court was composed of three justices. The 1967 legislature increased the number to five effective October 1, 1967.¹⁹

¹⁶Nevada Constitution, Article 6, section 4; NRS 2.080.

¹⁷NRS 2.090.

¹⁸Nevada Constitution, Article 6, section 4; NRS 2.100.

¹⁹Chapter 293, Statutes of Nevada 1967, pp. 835-836.

NEVADA'S COURT STRUCTURE

3. Qualifications of justices.

The constitution is silent concerning qualifications for candidates seeking election to the supreme court, but NRS 2.020 provides:

No person shall be a candidate for or be eligible to the office of justice of the supreme court unless:

1. He shall have attained the age of 25 years at the time of such election; and
2. He shall be an attorney duly licensed and admitted to practice law in all the courts of this state; and
3. He shall be a qualified elector and a bona fide resident of this state for two years next preceding the election.

4. Method of selection; filling of vacancies; chief justice.

The justices of the supreme court are chosen at general elections by the qualified electors of the state. Since 1915 the office of justice of the supreme court has been a nonpartisan office.²⁰

Whenever a vacancy occurs in the office of justice of the supreme court, the governor fills the same by appointment, which appointment is effective until the next general election, when a justice is elected for the balance of the unexpired term.²¹

The senior justice in commission is the chief justice. He is assigned additional administrative duties by statute and rule of court but receives no extra compensation.²²

5. Term of office.

Each justice holds his office for the term of 6 years from the first Monday of January next succeeding his election. By statute a staggered system is created so that all terms of office do not expire on the same date.²³

6. Salary.

The annual salary of a justice of the supreme court is \$22,000.²⁴

Following is a schedule of salaries of the justices from 1864 to date:

1864-1881.....	\$7,000
1881-1891.....	6,000
1891-1907.....	4,500
1907-1927.....	6,000
1927-1945.....	7,500
1945-1951.....	8,000
1951-1953.....	10,000
1953-1957.....	15,000
1957-1961.....	18,000
1961-1965.....	20,000
1965.....	22,000

²⁰Nevada Constitution, Article 6, section 3; NRS 2.030; 293.195.

²¹NRS 2.040.

²²Nevada Constitution, Article 6, section 3; NRS 2.030.

²³*Ibid.*

²⁴NRS 2.050.

NEVADA'S COURT STRUCTURE

Section 15 of Article 6 of the Nevada constitution provides that a justice's salary shall not be increased or diminished during the term for which he has been elected. This provision has created difficulties in attempting to effect equitable salary increases so that each justice receives the same amount of salary. The legislature has employed the device of assigning ex officio duties to the justices and compensating them for such duties or providing compensation for the justices for their constitutional memberships on the state board of pardons commissioners.²⁵

7. Terms, sessions of court.

The constitution provides that the legislature by statute shall fix the time when the justices shall hold court. Terms of the supreme court must be held at Carson City, the seat of government.²⁶ NRS 2.130 states that the supreme court shall hold such regular sessions during each calendar year as are necessary to dispose of its business and shall always be open for the issuance of writs.

8. Expenses of justices.

Justices receive the same traveling expenses and subsistence allowances paid to other state officers for the transaction of public business outside of Carson City: a maximum of \$20 per day inside the state; a maximum of \$25 per day when they are outside the state. Transportation allowances are paid for actual expenses incurred.²⁷

9. Retirement; benefits for justices' widows.

A justice of the supreme court who has served as a justice or judge of a district court in any one or more of those courts for a period or periods aggregating 20 years and has reached the age of 60 years may retire and receive an annual pension equal to two-thirds of the salary he received during his last year of service. He may also retire at the age of 60 years with 12 years of service and receive an annual pension equal to one-third of the salary he received during his last year of service.²⁸ Under the above described retirement plans the justices do not contribute from their salaries, the state paying the entire amount of retirement. Justices may also become members of the state's public employees retirement system under a statute enacted in 1960. This plan provides retirement payments to justices at age 60 and with 20 years of public service (not judicial service) who might not otherwise qualify for justices' pensions because they became judges at a late age after serving, for example, as district attorneys. However, no justice may receive benefits both under the justices' pension plan and the public employees' retirement system.²⁹

²⁵Chapter 329, Statutes of Nevada 1957, p. 543 (Compensation of justices for duties as statute revision commissioners); NRS 213.015 (Compensation as member of state board of pardons commissioners).

²⁶Nevada Constitution, Article 6, section 7; NRS 2.150.

²⁷NRS 281.160.

²⁸NRS 2.060.

²⁹NRS 286.305.

NEVADA'S COURT STRUCTURE

If a justice of the supreme court at the time of his death had retired and was then receiving a pension, or if at the time of his death he had not retired but had performed sufficient service for retirement, his widow, providing she has attained the age of 65 years, shall be entitled, until her death or remarriage, to receive the sum of \$350 per month.³⁰

10. Staff.

The staff of the court consists of:

- (a) The clerk of the supreme court;
- (b) A deputy clerk of the supreme court;
- (c) Clerical assistants in the clerk's office necessary to carry out the duties of that office;
- (d) Official reporter (who also serves as a secretary to a justice);
- (e) Four secretaries to the justices;
- (f) Five law clerks; and
- (g) The bailiff.

From 1864 to 1957 the clerk of the supreme court was elected by the voters at large in the state. The court now appoints the clerk, who holds office and is removable at the pleasure of the court.³¹ NRS 2.210 provides the clerk's qualifications. He must be 21 years of age or over and a qualified elector and citizen resident of Nevada for 1 year next preceding his appointment.³² The supreme court fixes the annual salary of the clerk within the limits of legislative appropriations.³³ The clerk may appoint a deputy and employ clerical assistants.³⁴ The office of clerk of the supreme court is the clerical office of the court. The clerk charges and receives fees set by statute, files all papers legally required of him, administers oaths and is an ex officio reporter of decisions, publishing the opinions of the court.

The court employs an official reporter, four secretaries and five law clerks. The court may designate one of the law clerks to act as bailiff (without additional compensation), or may designate the sheriff of Ormsby County to so act. If the sheriff is the bailiff he receives \$50 per month for his services.³⁵

11. Fees.

NRS 2.250 requires the clerk to collect a fee of \$25 when an appeal is taken from a final judgment or order of a district court, and when a special proceeding is brought in or to the supreme court. No fees are charged when the state, a county, city or town, or officer thereof, is a party in his or its official capacity. Also no fees are charged in habeas corpus proceedings of a criminal or quasi-criminal nature.³⁶ All fees collected by the clerk are deposited in the general fund in the state treasury. Every person, before receiving a license to practice law in this

³⁰NRS 2.070.

³¹NRS 2.200.

³²NRS 2.210.

³³NRS 2.220.

³⁴NRS 2.230; 2.240.

³⁵NRS 2.290.

³⁶NRS 2.250.

NEVADA'S COURT STRUCTURE

state, must pay a fee of \$25 to the clerk of the supreme court. All moneys so received are also placed in the state's general fund.³⁷

12. Costs of the court.

For the fiscal year ending June 30, 1966, the cost of operating the supreme court was \$168,132:

Payroll costs.....	\$124,323
Pension costs.....	21,664
Travel.....	914
Operating and capital.....	21,231

For the fiscal year ending June 30, 1967, the cost of operating the supreme court was \$182,461:

Payroll costs.....	\$131,085
Pension costs.....	31,231
Travel.....	1,703
Operating and capital.....	18,442

For the biennium, July 1, 1967, to June 30, 1969, the legislature has appropriated for the support of the supreme court \$553,912.

III. DISTRICT COURTS

1. Judicial districts; number of judges.

The state is presently divided into eight judicial districts and there are 18 district judges:

First Judicial District:	Ormsby, Douglas, Churchill, Storey and Lyon Counties—two district judges.
Second Judicial District:	Washoe County—five district judges.
Third Judicial District:	Eureka and Lander Counties—one district judge.
Fourth Judicial District:	Elko County—one district judge.
Fifth Judicial District:	Mineral, Esmeralda and Nye Counties—one district judge.
Sixth Judicial District:	Pershing and Humboldt Counties—one district judge.
Seventh Judicial District:	White Pine and Lincoln Counties—one district judge.
Eighth Judicial District:	Clark County—six district judges. ³⁸

The constitution provides that the legislature may alter the boundaries of the districts and also increase or diminish the number of judicial districts and district judges therein.³⁹ Since 1864 there has been considerable legislative tinkering with the districts and the number of judges:

³⁷NRS 7.030. It is obvious that the fees collected by the clerk of the supreme court constitute only an infinitesimal part of the amount required to operate the supreme court. For the fiscal year ending June 30, 1967, the clerk collected \$4,302; for the fiscal year ending June 30, 1966, he collected \$3,459.

³⁸NRS 3.010.

³⁹Nevada Constitution, Article 6, section 5.

NEVADA'S COURT STRUCTURE

1864-1866:	9 judicial districts, 11 district judges
1866-1877:	9 judicial districts, 9 district judges
1877-1885:	7 judicial districts, 7 district judges
1885-1889:	1 judicial district, 3 district judges
1889-1891:	1 judicial district, 4 district judges
1891-1897:	4 judicial districts, 4 district judges
1897-1905:	5 judicial districts, 5 district judges
1905-1907:	4 judicial districts, 5 district judges
1907-1908:	6 judicial districts, 7 district judges
1908-1909:	7 judicial districts, 9 district judges
1909-1913:	9 judicial districts, 11 district judges
1913-1929:	10 judicial districts, 11 district judges
1929-1945:	8 judicial districts, 9 district judges
1945-1947:	8 judicial districts, 10 district judges
1947-1953:	8 judicial districts, 11 district judges
1953-1957:	8 judicial districts, 12 district judges
1957-1960:	8 judicial districts, 14 district judges
1960-1965:	8 judicial districts, 15 district judges
1965-1967:	8 judicial districts, 16 district judges
1967- :	8 judicial districts, 18 district judges

2. Jurisdiction of district courts:

The district courts, severally, have original jurisdiction in:

- (a) All cases in equity.
- (b) All cases at law which involve the title or the right of possession of real property or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine.
- (c) All actions to foreclose mechanics' liens.
- (d) All cases in which the demand, exclusive of interest, or the value of the property in controversy, exceeds \$300.
- (e) All cases relating to the estates of deceased persons, and the persons and estates of minors and insane persons.
- (f) The action of forcible entry and unlawful detainer.
- (g) All criminal cases not otherwise provided for by law.
- (h) Certain election contests.

District courts have final appellate jurisdiction in cases arising in justices' and municipal courts, and have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction. They also have the power to issue writs of habeas corpus.¹⁰

In 1949 the legislature enacted the Juvenile Court Act, investing the district courts with exclusive original jurisdiction over children less than 18 years of age, directing the district judges to hold juvenile sessions and the courts to be termed juvenile courts. These courts, in 1963, were also given jurisdiction over adults as is incidental to their jurisdiction over children.¹¹

¹⁰Nevada Constitution, Article 6, section 6; NRS 3.190.

¹¹NRS Chapter 62.

3. Term of office; election; vacancies.

District judges are elected by the qualified electors of their respective judicial districts at general elections for terms of four years from the first Monday of January next after their election. Vacancies in office are filled by appointment by the governor until the next general election, when a district judge is elected for the balance of the unexpired term. At the general election in 1966 all offices of district judge were filled by election for terms of four years. At the general election to be held in 1968 only those offices which were filled as vacancies will be filled by election and at the 1970 general election all offices will be filled by election.¹²

4. Qualifications of district judges.

No person shall be a candidate for or be eligible to the office of district judge unless he is a qualified elector of the state and judicial district in which he resides, over the age of 25 years, and an attorney licensed to practice in Nevada.¹³

5. Terms, sessions of court.

The constitution requires that "terms" of the district courts be held at the county seats. In fact there are no terms of district courts, the courts always being open for the transaction of business (except on nonjudicial days).¹⁴

6. Salaries of district judges.

The annual salary of each district judge is \$19,500 and is paid by the state.¹⁵ From 1864 to 1959 district judges' salaries were paid by the counties composing the judicial districts. The wealth, or lack of wealth, of a county resulted in inconsistencies in judicial salaries. For example, in 1897 with five judicial districts in the state and five district judges, four of the judges received annual salaries of \$4,000 and one judge received \$2,400. In 1907, four judges received \$4,000 each, one judge was paid \$4,500, and another \$7,000.

In 1955 the legislature reviewed the problem, being faced with the constitutional prohibition against increasing salaries of district judges during the term for which they were elected. By statute the district judges were assigned duties as ex officio circuit judges, paid for their services amounts, which when added to their salaries, totaled \$15,000. Thus each district judge, in 1955, was paid a similar amount. The only difficulty with the plan was that, by constitutional mandate, district judges had to be paid from county treasuries. The legislature overcame this obstacle by the simple device of transmitting the state moneys to the county treasurers, who in turn returned it to the state for disbursement to the

¹²NRS 3.050.

¹³NRS 3.060.

¹⁴Nevada Constitution, Article 6, section 7; NRCP 77(a); NRS 1.130.

¹⁵NRS 3.030.

NEVADA'S COURT STRUCTURE

district judges.⁴⁶ At the 1968 general election the constitution was amended to provide that district judges shall "be paid in the manner provided by law." It is assumed that the 1969 legislative session will amend existing statutes to provide that the district judges' compensation shall be paid directly by the state. Since 1955 the district judges have each been paid annually:

1955-1961.....	\$15,000
1961-1965.....	17,500
1965-.....	19,500

7. Retirement; benefits for widows of district judges.

Retirement benefits for district judges are the same as for justices of the supreme court.⁴⁷ Widows of district judges receive the same benefits as widows of supreme court justices.⁴⁸

8. Expenses of district judges.

District judges receive the same traveling expenses and subsistence allowances paid to state officers for the transaction of public business.⁴⁹

9. Staff.

The county clerk is the clerk of the district court of his county.⁵⁰ All county clerks are authorized to appoint deputies who have power to transact all official business pertaining to the office to the same extent as their principals.⁵¹ The clerk's several duties are specified by statute.

The district judge of each district court may appoint a bailiff for the court in counties polling 4,500 or more votes. The bailiff may be appointed and removed at the pleasure of the judge appointing him. In all judicial districts where there is more than one judge, there may be a number of bailiffs at least equal to the number of judges. Compensation of each bailiff is fixed by the board of county commissioners.⁵²

A district judge may appoint an official reporter to hold office during the pleasure of the appointing judge. Qualifications are spelled out by statute and the appointee is required to pass a competency examination. Each official reporter receives \$40 per day for reporting civil and criminal testimony and proceedings, and statutory fees are provided for transcribing.

10. Fees.

There is no uniformity in the county clerks' fee schedules.⁵³ It is anticipated that legislation to effect uniformity will be sought at the 1969

⁴⁶Chapter 440, Statutes of Nevada 1955, p. 916.

⁴⁷NRS 3.090.

⁴⁸NRS 3.095.

⁴⁹NRS 281.160.

⁵⁰NRS 3.250.

⁵¹NRS 3.260.

⁵²NRS 3.310.

⁵³NRS 19.120 *et seq.*

NEVADA'S COURT STRUCTURE

legislative session. A \$3 court fee and a \$15 state civil fee are paid on the commencement of each action or proceeding in addition to the county fee. Representative of this lack of uniformity are the costs of filing a complaint in:

Churchill county.....	\$35 (\$36 in divorce actions)
Douglas county.....	\$33 (\$34 in divorce actions)
Elko county.....	\$30 (\$31 in divorce actions)
Ormsby county.....	\$33 (\$34 in divorce actions)
Storey county.....	\$29 (\$30 in divorce actions)

(The \$1 extra fee is collected to pay the costs of collecting divorce statistics and is transmitted to the state treasurer for deposit in the state's general fund. The \$15 state civil fee likewise ends up in the state's general fund.)⁵⁴

11. Costs of the district courts.

Determining actual costs for operating Nevada's district courts is difficult. The county clerk's expenditures for any one fiscal year include some moneys for the operating cost of the courts. Courthouse expenditures or equivalent fair rental values are impossible to allocate, and centralized administration expenditures are difficult of division. For the fiscal year ending June 30, 1966, the fiscal analyst of the State of Nevada estimates the expenditures for district courts were \$329,206, and for the fiscal year ending June 30, 1967, \$349,897. These figures are only for the following categories: payroll costs, pension costs and travel. He estimates that the total expenditures of the district courts for:

1966-1967 were \$1,110,406; and for
1967-1968 were \$1,115,660.

IV. JUSTICES' COURTS

1. Number and jurisdiction of justices' courts.

Section 8 of Article 6 of the constitution provides that the legislature shall determine the number of justices of the peace to be elected in each city and township of the state, and shall fix by law their powers, duties and responsibilities. The board of county commissioners are empowered, from time to time as the public good may require, to divide the county into a convenient number of townships, but not more than one incorporated city in any county shall be included within the same township.⁵⁵ In June, 1968, there were 57 townships in the state having 58 justices of the peace.

Justices' courts are courts of limited jurisdiction, both in civil actions and criminal proceedings. Civil jurisdiction is limited to cases in which the money amount does not exceed \$300 and in which the title of real property or mining claims, or questions affecting the boundaries of land, are involved. The criminal jurisdiction of the justices' courts is limited

⁵⁴During the fiscal year 1965-1966 it is estimated that \$255,108 were collected in the state as civil action fees, for the fiscal year 1966-1967, \$251,845.

⁵⁵NRS 257.010.

NEVADA'S COURT STRUCTURE

to misdemeanors, which are punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$500, or by both fine and imprisonment.⁵⁶ The justice's court also conducts preliminary examinations in criminal matters.

In 1923 the justices' courts were given jurisdiction of small claims which is limited to actions in which the recovery of money only is sought and in which the amount sued for does not exceed \$200. Writs of attachment and garnishment cannot issue and attorneys' fees are not allowed.⁵⁷

Appeals are authorized from justices' courts to district courts.

2. Terms of office of justices of the peace; election.

The term of office of justices of the peace is 2 years from the first Monday in January next succeeding their election by the qualified electors of the township. One justice of the peace is elected for each township having a population of less than 100,000. Two justices of the peace are elected for townships having a population of 100,000 or more. Las Vegas Township today has two justices of the peace.⁵⁸

3. Qualifications of justices of the peace.

Any qualified elector is eligible to the office of justice of the peace.⁵⁹

4. Sessions of the court.

A justice's court is always open (except on nonjudicial days) for the transaction of business.⁶⁰

5. Salaries and compensation of justices of the peace.

NRS 4.040 requires the boards of county commissioners, at the regular meeting in July of any year in which an election of justices of the peace is to be held, to fix the minimum compensation of the justices of the peace within their respective townships for the ensuing term, either by stated salaries, payable monthly, or by fees, or both. The county commissioners may thereafter increase or change such compensation during the term but cannot reduce it below the minimum so established.

Justices of the peace are authorized to solemnize marriages and retain all fees collected therefor as perquisites of office.

6. Retirement benefits.

Justices of the peace may qualify as members of the public employees' retirement system.

7. Fees.

Justices of the peace collect fees established by an antiquated statutory fee schedule,⁶¹ collecting as little as 15 cents for filing each paper and \$5

⁵⁶Nevada Constitution, Article 6, section 8; NRS 4.370.

⁵⁷NRS Chapter 73.

⁵⁸NRS 4.020.

⁵⁹NRS 4.010.

⁶⁰NRS 4.360; NJRCP 77(a)

⁶¹NRS 4.060, 4.070.

NEVADA'S COURT STRUCTURE

for solemnizing a marriage. Bookkeeping is a chore especially where the justice's court does not have a clerk.

8. Clerks of justices' courts.

The board of county commissioners may appoint a clerk for the justice's court upon the recommendation of the justice of the peace. Compensation of a clerk is fixed by the board of county commissioners.⁶² Clerks have been appointed in the larger townships but their existence is the exception rather than the rule.

9. Justices as ex officio coroners.

NRS 259.020 reads: "All justices of the peace in this state are hereby made ex officio coroners." Each justice of the peace is allowed certain fees for acting as ex officio coroner.

10. Costs of justices' courts.

The fiscal analyst estimates the cost of operating justices' courts in Nevada during the fiscal year ending June 30, 1966, to have been \$383,949, and for the fiscal year ending June 30, 1967, \$427,124.

V. MUNICIPAL COURTS

1. Generally.

By constitutional authority the legislature may establish courts for municipal purposes only in incorporated cities and towns.⁶³ The constitution also provides that incorporated cities may be created pursuant to general law or by special legislative charter.⁶⁴

The cities of Ely, Fallon, Lovelock and Winnemucca are incorporated under the provisions of general law,⁶⁵ and Carlin and Boulder City have a commission form of government incorporated pursuant to chapter 267 of NRS. The cities of Caliente, Carson City, Elko, Gabbs, Henderson, Las Vegas, North Las Vegas, Reno, Sparks, Wells and Yerington are incorporated by specially enacted legislative charters.

2. Jurisdiction.

Generally, all municipal courts have jurisdiction to try all cases, whether civil or criminal, for the breach or violation of a city ordinance. Trials are summary and without a jury. All fines imposed by the court and paid are deposited in the general fund of the city. Appeals may be taken to the district court.

3. Qualifications of police or municipal judge.

Qualifications vary from city to city. A municipal judge must be a citizen of the state, a bona fide resident of the city for at least one year

⁶²NRS 4.350.

⁶³Nevada Constitution, Article 6, sections 1, 9.

⁶⁴Nevada Constitution, Article 8, sections 1, 8.

⁶⁵NRS Chapter 266.

NEVADA'S COURT STRUCTURE

(and in some cities as long as three years); and anywhere from 21 to 30 years of age as a minimum qualification. In Reno the municipal judge must be an attorney licensed in Nevada (but he may not engage in private practice). In Gabbs, Carson City and Yerington, justices of the peace also serve as the municipal judges.

4. Terms of office.

In some cities municipal judges are elected for terms of two or four years; in other cities they are appointed by the city council or other city governing body and may be removed by a majority vote of the governing body.

5. Compensation.

In most cities compensation is fixed by ordinance. However, in Reno, the municipal judge's salary, although it is set by the city council, cannot be less than \$15,000 nor more than \$19,000 annually.

6. Staff.

Municipal courts in the larger cities have clerks.

7. Retirement.

Municipal judges may qualify for retirement benefits under the public employees' retirement system.

8. Costs and Receipts.

For the fiscal year ending June 30, 1966, the fiscal analyst estimated that the incorporated cities expended \$279,128 for the operation of their municipal courts. For the same period estimated receipts (fines imposed and paid) were \$1,738,103. For the fiscal year ending June 30, 1967, total expenditures were estimated at \$345,512 and income from fines was \$1,886,394.

**REPORT OF THE LEGISLATIVE COMMISSION
TO THE MEMBERS OF THE 55TH SESSION
OF THE NEVADA LEGISLATURE:**

Senate Concurrent Resolution No. 18 of the 1967 session of the legislature, adopted March 20, 1967, directs the legislative commission to make a study of the Nevada court structure, including the handling of juvenile matters, and to report the results of such study and make recommendations for any appropriate constitutional amendments on legislation to the 55th general session of the legislature of the State of Nevada.

In May 1967 the legislative counsel provided the legislative commission with the following outline of suggested procedure for the assigned study.

1. Explanation:

The test of a court system is not its formal structure, but its performance in dispensing prompt and effective justice. Effective conduct of the assigned study therefore requires an evaluation of the Nevada court system in its practical functioning, to be followed by the recommendation of appropriate measures to improve it in this respect. As defined by the Nevada constitution (section 1 of article 6), the court system embraces the supreme court, the district courts, the justices' courts and the municipal courts.

Study of the practical functioning of these courts will necessarily include the services rendered to them by other agencies, particularly court reporters, clerks of court, probation officers and, in the case of the juvenile court, court services officers and welfare agencies. Such a study, particularly in the case of courts not of record, will entail actual visitation in the courts and discussion with judges and other personnel.

Because of the importance of the study and the need for evaluating problems and suggested remedies in the light of actual experience, it is recommended that a subcommittee be appointed for the study and authorized to recruit capable advisers from among the judges and attorneys of the state. Interim results would then be submitted to the subcommittee and its advisers for review and tentative policy decisions made for remedial measures.

2. Outline of work:

- (a) Study, visitation and collection of statistics on performance of Nevada courts.
- (b) Examination of statutes of other states having comparable conditions and problems, and correspondence if appropriate with judicial agencies in such states.
- (c) Drafting of any indicated legislation or constitutional amendments to be submitted to the next session of the legislature.

3. Action requested by the legislative commission at this time:

- (a) Appointment of subcommittee.
- (b) Approval of travel for visitation.

NEVADA'S COURT STRUCTURE

On June 2, 1967, the legislative commission created a subcommittee for the study of the Nevada court structure and, pursuant to authority contained in NRS 218.635, assigned number one work priority to the study. The following individuals were named as subcommittee members:

HON. CARL F. DODGE, Chairman Senator from Churchill and Lyon Counties	JOHN W. DIEHL, Esq. Attorney at Law President, State Bar of Nevada
MELVIN D. CLOSE, JR., Esq. Assemblyman from Clark County Attorney at Law	LLOYD GEORGE, Esq. Justice of the Peace North Las Vegas Township
MR. NORMAN D. GLASER Assemblyman from Elko County	JUDGE LAURANCE M. HYDE, JR. National College of State Trial Judges
HON. CHIC HECHT Senator from Clark County	MR. DWIGHT A. NELSON Chief Probation Officer Washoe County
BART SCHOUWEILER, Esq. Assemblyman from Washoe County Attorney at Law	HARRY B. SWANSON, Esq. Attorney at Law
MR. WOODROW WILSON Assemblyman from Clark County	HAROLD O. TABER, Esq. Attorney at Law Member of the Board of Directors American Judicature Society
HON. HOWARD W. BABCOCK District Judge Eighth Judicial District	HON. GORDON THOMPSON Chief Justice Supreme Court of Nevada
ROLAND W. BELANGER, Esq. District Attorney Pershing County	HON. RICHARD L. WATERS, JR. District Judge First Judicial District
HON. GRANT L. BOWEN District Judge Second Judicial District	
MISS LORETTA BOWMAN County Clerk, Clark County Ex-Officio Clerk of the Eighth Judicial District Court	

The subcommittee met many times and the staff of the legal division of the legislative counsel bureau collected the statistics for the subcommittee's use, both by mail and personally visiting most of the justices' and municipal courts in the state. By July 1968, the subcommittee had prepared a preliminary report, copies of which were provided all Nevada citizens who were invited to attend the Citizens' Conferences on Nevada Courts sponsored by the American Judicature Society and the State Bar of Nevada and held in Reno and Las Vegas on July 10-11 and July 12-13, 1968, respectively. The purpose of the conferences was nonlawyer consideration of the subcommittee's preliminary recommendations with the object of taking the public pulse to ascertain the climate for possible acceptance of the subcommittee's recommendations and to obtain additional thoughts, reactions and ideas which might influence final recommendations made by the subcommittee. The consensus statements of the citizens' conferences commended the subcommittee's study and endorsed its recommendations in principal.

On December 6, 1968, the subcommittee presented its report to the

NEVADA'S COURT STRUCTURE

legislative commission, and the commission accepted it. That report follows.

The legislative commission acknowledges the constructive assistance given it by all subcommittee members, whose contributions of time and talent greatly aided the legislative commission in its assigned duty.

Respectfully submitted,

Legislative Commission

State of Nevada

Carson City, Nevada

December, 1968

REPORT TO THE LEGISLATIVE COMMISSION FROM THE SUBCOMMITTEE FOR STUDY OF THE NEVADA COURT STRUCTURE

I. INTRODUCTION

Your subcommittee at its first meeting adopted as the scope of its work an outline of five principal fields as follows:

1. Levels of courts, actual and potential;
2. Personnel of the courts;
3. Ancillary services to the courts;
4. The jury system; and
5. Court fees.

In addition to this functional outline, the subcommittee noted that it was required to give particular attention to the place and function of the juvenile courts in the court structure of the state.

The subcommittee noted further that any extensive change in court structure would require amendment to the constitution of the state. This in turn involves a time lag from the the date of adoption of any recommendations by the legislature to their final implementation by statute of approximately four years under normal circumstances. The subcommittee therefore determined that it should recommend not only the fundamental constitutional changes necessary to effect whatever changes its study might show to be desirable in the court structure, but also any statutory changes which might be made by the legislature without constitutional amendment in order to deal with immediate problems. The recommendations which follow will be arranged primarily according to the scope outline, and will refer both to constitutional and to statutory changes proposed.

II. LEVELS OF COURTS

Nevada's present court structure establishes three basic levels. The lowest of these is composed of the justices' courts and municipal courts; the next level comprises the district courts, which are courts of general trial jurisdiction; and the appellate level comprises only the supreme court. It is an outstanding characteristic of such a system, not only in Nevada but in most states, that the lowest courts, the justices' and municipal courts, which are the courts which deal with the overwhelming majority of those persons who come into contact with the court system at all, are entirely unrelated to one another, unsupervised by any central authority within the judicial system, and unaided by any judicial or administrative authority. The subcommittee therefore recommends not only an ultimate transformation of these courts, as will be explained below, but an immediate provision of training and administrative assistance for them. Fortunately, we have in Nevada the National College of State Trial Judges whose faculty have both the necessary skill and the necessary time to conduct informative seminars for the justices of the peace. Accordingly, Appendix B contains a statute requiring the

NEVADA'S COURT STRUCTURE

attendance of justices of the peace and municipal judges at these seminars under certain conditions and providing the requisite financial support. The same draft statute further provides for the development of a uniform system of recordkeeping for these courts flexible enough to suit the needs of large and small courts alike. Such a system, desirable in itself, is also necessary in order to meet Program Recommendations D and F of Highway Standard 4.4.7, which relates to traffic courts. The budget of the state judicial system should also include provision for the optional continuing education of district judges and supreme court justices.

Another inconvenience of the present structure is that an appeal perfected from a justice's or municipal court presents the case to the district court for a complete trial *de novo*. The legislature in 1967 somewhat limited the subsequent trial in criminal cases, but it is ironic that in a case where lesser value or punishment is at stake, two trials are possible, whereas in the graver cases but one trial is afforded. A more rational arrangement is suggested below in the discussion of appeals.

In devising its recommendations for a new court structure, the subcommittee determined that it should be guided by two fundamental principles. These will be briefly expressed as "first class justice for all" and the concept of a "people's court." The former refers to the right of all persons, whether the offense of which they are accused is trivial or grave, or whether the claim for which they seek civil redress is small or large, to have their guilt determined or their claim judged by the same high quality of judicial personnel. The latter refers to the need for a forum in which the individual without the assistance of counsel, if he does not desire to employ counsel, may defend himself or prosecute his own civil claim. The problem is further complicated by the unique geography of Nevada in which an appreciable number of persons live in areas very remote from any substantial concentration of population and yet are as entitled to the convenient services of the courts as are the dwellers in large urban centers.

In order to satisfy and reconcile these several requirements, the subcommittee proposes the adoption of a unified court system comprising two levels, trial and appellate. The present justices of the peace and judges of the municipal courts would, where needed, be transformed into magistrates within the district court. Their number, jurisdiction, qualifications and salaries should be spelled out appropriately in statutes to be enacted to implement the constitutional amendment providing for the unified court system. Within this framework of enabling legislation, the judge or judges of each geographical division within the district court would determine from time to time the number and placement of magistrates needed, if any, in that division, and would establish, increase or diminish their number accordingly.

In attempting to frame its recommendation for the exact role of the magistrates, however, the subcommittee finds itself lacking certain essential information. The statistical questionnaire (see Appendix E) sent to all justices' and municipal courts requested, among other things, the number of cases in each category which were disposed of without trial (by dismissal, plea of guilty, settlement, etc.) as compared to those

NEVADA'S COURT STRUCTURE

actually tried. In the smaller courts, this information was obtained by actual examination of the records, but in the larger courts (for the urban areas of Clark, Ormsby and Washoe counties) such direct examination was impossible for the subcommittee staff and deemed not feasible by the personnel of the courts themselves.

In the smaller courts, fewer than 1 percent of the cases filed are actually tried: most civil cases (small claims) are settled by installment payments directly or through court, and most criminal defendants forfeit bail or plead guilty. If this is the case throughout the state, all matters requiring actual trial can be referred to judges of the district court without substantially increasing the case load of that court, and the function of the magistrate would be essentially ministerial. At least the figures show that this is true in all those areas where the primary purpose of the magistrate is to provide convenient and accessible justice. In the urban areas, where removal of trial work from the magistrates might well increase the required number of judges, the present municipal judges and justices of the peace receive an effective compensation which is little less (and sometimes much greater) than that of a district judge. It is in these areas that the demand arises to require that these judges of minor courts be lawyers. The subcommittee believes it far better to provide all the needed judges upon an equal rank and salary, in keeping with the concept of "first class justice for all."

In any event, before the legislature is called upon to enact any enabling legislation with respect to magistrates, figures will be available from the court administrator, as recommended and explained in Part IV of this report, which will show in detail the actual trial load of the present justices of the peace and municipal judges in the urban areas, and permit fully informed choice among the possible alternatives. Until this choice is made by the legislature, the incumbent justices of the peace and municipal judges will become magistrates (see Appendix A, section 9), and the legislature may simply provide that their present jurisdiction shall continue.

The subcommittee therefore recommends (1) that all contested matters be heard before a judge, (2) that the magistrates conduct arraignments in misdemeanor cases, preliminary examinations in other criminal cases, and minor civil cases in which a trial is not demanded, and (3) that magistrates be appointed by, be responsible to and serve at the pleasure of the judge or judges of their division of the district court. This allocation of duties would automatically remove the need for any trial de novo.

The subcommittee wishes to emphasize that if this recommendation is followed, the procedure before a judge with respect to misdemeanors and minor civil matters should be no more formal than it now is in justices' and municipal courts, and that the judge should sit for these matters at times convenient to the persons affected. In fact, a further benefit to be derived from consolidating the justices' courts into the district court, and concurrent removal of the present \$300 jurisdictional limit, would be the opportunity to raise the amount to which small claims procedure, either the present procedure or one further simplified, could be applied. A limit of \$1,000 is recommended in the light of today's

purchasing power and our desire to develop the concept of the "people's court." Another possibility which would follow from uniform procedure and coordination of operations of all courts would be to authorize a creditor to file his small claim in the district where he lives or where the debt was incurred, with the burden upon the departed debtor to show why he should not be required to satisfy the claim or defend in that district. These changes, which could be made without risk to individual rights when a uniformly high standard of judicial personnel is assured, would enhance the "people's court" concept of effective simplified procedure.

In the alternative, if the legislature determines that magistrates should exercise trial jurisdiction, then provision should be made for their selection, tenure and discipline accordingly, and for appeal from their decisions. The subcommittee would then recommend:

1. That the district court be given discretion, upon a writ of review, to grant a trial de novo of any matter tried before a magistrate, but that no absolute right of appeal be allowed.
2. That the magistrates be selected by a commission constituted for this purpose in such a way as to assure representation by the persons to be served, who best know the qualified persons available. This is especially important in smaller communities.
3. That the magistrates be selected for definite terms, and made subject to discipline and removal by the commission on judicial discipline.

Whichever of the alternatives is ultimately selected for the role, and hence for the selection, tenure, discipline and removal, of magistrates, the subcommittee recommends that each magistrate be paid a salary wholly independent of any fees collected, that the magistrate retain no fees for his own use, and that each magistrate enjoy the same retirement benefits as other public employees.

Another recommendation of the subcommittee in connection with minor offenses is that traffic violations not amounting to hazardous moving violations not be heard before a magistrate or judge at all, unless the defendant so demands, but if the defendant is willing to pay a fine for the offense cited that this fine be simply accepted by an administrative officer such as the clerk. This is, in fact, the practice on most traffic citations at the present time, for the records of the justices of the peace in most counties simply show a list of traffic citations issued without any record of a formal hearing. It is also the practical fact of the situation in which the traffic violator posts bail and thereupon forfeits it. This procedure would comply with Highway Safety Program Standard 4.4.7, which requires only that "all individuals charged with moving hazardous traffic violations are required to appear in court." At the same time, it would free both judges and magistrates for tasks generally judicial in nature.

A draft statute is attached as Appendix I which, pursuant to the Standard, confers upon the supreme court the power to make uniform rules of procedure to govern traffic cases. The rules would, among other things, provide for the simplified procedure and enumerate the

offenses for which a court appearance would be required. To simplify this latter task, the draft statute separates genuine "reckless driving" from merely negligent driving. The draft constitutional provision for the unified court system, which appears as Appendix A, also provides with respect to the trial division the necessary flexibility to create not only geographical divisions within the district court for ordinary purposes, but specialized judges who would not be restricted in their functional authority to the geographical divisions so created. This would, for example, permit the designation of one or two juvenile court judges who could serve all of the 15 smaller counties of the state, thus providing a specialized juvenile court equivalent to the juvenile department of the district court in the two large counties of Clark and Washoe, or the further refinement of a "family court" as explained in Part VII of this report. In this way, coupled with the flexible assignment of judges throughout the district court, the best use could be made of the specialized knowledge acquired by certain judges in certain matters.

Another dimension of flexibility, which the subcommittee recommends be provided by statute after the constitution has unified the district court, is the transfer of cases, as well as judges, between geographical divisions. The transfer of a case should be conditioned upon the consent of all parties, to prevent oppression, but this device has proved its worth in Colorado in balancing the workload of courts.

The draft constitutional provision also provides with respect to the supreme court the necessary flexibility to permit enlargement of the court and a system of panels within the court, if it should be later found with the growth of the state that the present enlarged court is not alone sufficient. The subcommittee—and this is also the position of the American Judicature Society—considers that this is preferable to the creation of a separate intermediate court of appeal as has been done, for example, in Arizona. The draft constitutional provision contemplates that cases of less general public concern would be heard by panels, and reserves to the legislature the power to specify what kinds of cases must be heard by the full court. This is preferred to specification in the constitution, for the significance of kinds of litigation changes with time. For example, the preoccupation in 1864 was with mining cases; today motor vehicle accident cases far outnumber them.

III. PERSONNEL OF THE COURTS

Three principal topics require consideration. First, the selection and tenure of judges; secondly, the discipline and removal of judges; and, third, the use of retired judges and justices. As will be seen, the solutions to these three problems are closely related.

For the selection of judges the committee, after considering the many disadvantages of requiring the judges periodically to run for election in contested elections, even on a nonpartisan basis, determined to recommend what is known as the Missouri Plan with certain modifications. As shown by the draft constitutional provision, selection would be in the first instance by a judicial selection commission which, for each vacancy, would nominate three candidates of whom the governor would appoint one. When the vacancy occurs in the supreme court, the basic selection

NEVADA'S COURT STRUCTURE

commission of five members would make the recommendation. When the vacancy occurs within a geographical division of the district court, the basic commission would be enlarged by two members appointed from the geographical division in which the vacancy occurs, in order to get the benefit of local knowledge of the attorneys best qualified for appointment to the bench, and secondly, to assure that adequate consideration and preference where appropriate would be given to local candidates for appointment.

The method of screening by a commission assures that only qualified persons would be suggested to the governor for appointment, while the provision for actual appointment by the governor assures that an elected official responsible to the people would make each initial appointment. In fact, the proposal for appointment as such does not differ radically from the present practice, for figures compiled by the committee, attached as Appendix F, indicate that during the past 40 years a very large majority of the judges who have served on the district court and justices who have served on the supreme court have initially been appointed rather than elected. Of course, many have subsequently been returned to the bench by election. The principal difference, therefore, is the use of the screening commission to assure that the governor makes his appointment from among the candidates best qualified.

After his initial appointment, a judge or justice would then serve until the next general election falling more than two years after his appointment, at which time and at six-year intervals thereafter, he would run against his record. This means that instead of being opposed by a candidate, he would run on the question "Shall Judge be retained in office?". If the voters desire not to retain the particular judge, and the majority of them votes "no" upon this question, a vacancy is created to which a new appointment is made. This judge, in turn, serves his initial period and runs against his record.

A fundamental factor in the superiority of the method of merit selection combined with retention on the judge's record is the availability of the best qualified attorneys for judicial service. In 1966, the Judicial Study Commission of the State of Indiana conducted a survey of the members of the bar, to which almost 2,000 attorneys or 53 percent of the total number responded. This is the broadest and most recent survey known to your subcommittee. Responses to the questions concerning each attorney's availability for judicial service showed that:

1. As the method of selection progressed from partisan election to non-partisan election to selection through a nominating commission, the percentage of attorneys so available (relating to this single factor) increased from 14 to 92 percent. (Page 44 of the Commission's report.)
2. In going from competitive to noncompetitive reelection, the percentage of availability (relating to this single factor) increased from 20 to 48 percent. (Page 51 of the Commission's report.)
3. These factors are cumulative, so that in going from nonpartisan but competitive election (the present Nevada system) to selection by nominating commission and retention by noncompetitive election (as

proposed in this report), the combined percentage of availability increased from 20 to 60 percent.

For discipline and removal of judges, the subcommittee recommends a modification of the California Plan, which again employs a commission. The membership of this commission, however, would be weighted more heavily with members of the judiciary itself upon the theory that they are the persons best qualified to analyze one another's performance. At the same time, the commission should not be composed exclusively or even principally of judges lest the people believe the judiciary formed a closed corporation. Under this system any person—layman, lawyer or other judge—could complain about the performance of any judge to the commission on judicial qualifications, which would investigate the complaint, dismiss it summarily if frivolous, or request an explanation from the judge involved if the commission believed that the complaint showed sufficient grounds. If, after hearing the explanation, the commission believes the complaint to be well-founded, the commission may hold a form of hearing and at the conclusion may either dismiss the complaint or recommend to the supreme court the censure, retirement or removal of the judge involved. An important characteristic of this system is that the nature and existence of a complaint remain confidential throughout the first two stages, and are disclosed only if the commission actually makes a recommendation to the supreme court for action against the judge. Thus the reputation of a judge is protected against any unjustified complaint.

The grounds for action are:

1. Willful misconduct in office;
2. Willful and persistent failure to perform judicial duties;
3. Habitual intemperance;
4. Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; and
5. Disability seriously interfering with the performance of judicial duties which is, or is likely to become, permanent.

The corollary of this system in California is that in many cases no formal proceedings need be had, for once the matter is brought to his attention a judge may rectify a correctable fault in his own conduct, or recognize his disability and voluntarily retire.

In either event, however, a means is provided whereby the performance of judges can be weighed by an informed and impartial commission, which has proven to be more effective than an election by the people in actually removing judges who have either lost their qualifications through disability or, in the rare instance, become temperamentally unfit to continue in that post. This is true for the simple reason that the ordinary voter has no means of evaluating the performance of a judge through his own knowledge.

The draft constitutional provision would also authorize the chief justice of the supreme court to recall to the bench for temporary active service retired judges of the district court or justices of the supreme court. These men while so serving would be compensated for their services, in addition

to such pension as they might be receiving as retired members of the judiciary. It should be noted that this utilization of retired judicial personnel, which can be of great value in relieving temporary congestion of the courts, would not be possible under the present constitutional premise that the only way a judge or justice may be seated is either through a permanent appointment or through election, but upon the new premise that what is important is the initial determination of the qualification of the judge, and that once this has been determined he is deemed to be qualified unless the commission or the people by election have affirmatively removed him, it is perfectly logical to utilize his services after a voluntary retirement. A judge who had been removed either by election or by the commission would not be eligible for such temporary service. The subcommittee also recommends establishment of a mandatory retirement age, 70 years, to meet the problem of the judge who has slowed down, does not recognize the fact by voluntary retirement, but is not conspicuous enough to be nudged into retirement by the commission. The active, vigorous judge past 70 could, of course, be recalled to virtually full-time service.

It was the considered and unanimous opinion, both of the judges and of the other members of the subcommittee, that the so-called Missouri Plan for selection and tenure and the California Plan for discipline and removal should be adopted together or not at all. The subcommittee did not believe that a judge should be placed in office and insulated against any opposition candidate during his tenure, unless there were an effective, informed body having the right to discipline or remove him. On the other hand, if a judge must stand for election in the first instance and stand continually for reelection against the possibility of opposition, he should not at the same time be made subject to another process of removal. For this reason, the subcommittee recommends that the legislature lay aside Assembly Joint Resolution No. 5, adopted by the 54th session, which would provide only for removal by a commission as in the California Plan.

IV. ANCILLARY SERVICES

The subcommittee recommends as an integral part of the unified court system the creation of the position of court administrator. The unified court system is to be operated as an administrative whole under the supervision and control of the chief justice of the supreme court. This chief justice, however, although the commission further recommends that he be selected with a view to his possessing the qualifications for an administrative head of a large system as well as the qualities necessary for an appellate justice, will have heavy responsibilities of a purely judicial nature, and it may not be possible effectively to combine in one man all of the desirable qualities and experience. Even if it is, the time and strength of every human being have limits, and the chief justice should not be expected to carry alone the burden both of judicial and administrative functions.

The concept of the court administrator, therefore, is not that of an official who exercises independent power but rather of the good right arm of the chief justice who supplies first whatever peculiarly administrative qualifications may be found to be necessary and who is free to devote his entire time to the discharge of the administrative responsibilities within the

NEVADA'S COURT STRUCTURE

unified court system under the supervision of the chief justice. In large state court systems, it is undoubtedly desirable that such a man be an expert in the technical details of data processing and other modern management techniques. In Nevada at the present time such a high degree of technical competence may be unnecessary and probably is, but it will be essential that the person selected as court administrator have an underlying knowledge of how the courts function and the ability to work constructively and harmoniously with the individual judges who compose the system. For this reason, the subcommittee recommends that the qualifications of court administrator be fixed substantially as in the Idaho statute which was enacted by the 1967 legislature but vetoed in connection with other matters by the governor. That is to say, the court administrator should be a lawyer admitted to the bar of this state and with some experience of legal practice in this state. This is important also because in representing the chief justice, he must himself be a person whom judges will accept as a peer.

The principal duties of the administrator would be to coordinate the assignment of judges in the district court and to prepare the budget of the state judicial system which, as will be seen from the discussion of finances, will be an item of greater importance under the proposed system. For this purpose, he would collect and maintain statistics on the performance of the various courts. He would also serve as ex officio secretary of the two commissions on judicial selection and judicial qualification. He could also serve as ex officio clerk of the supreme court, thus completely coordinating the administrative activities which are under the supervision of that court. In any event, it would be proper for him to discharge certain of the responsibilities now imposed upon the clerk which do not strictly relate to the business of the supreme court, such as handling travel of the district judges, pension plans of judicial personnel and the like. In the most populous counties, it might prove desirable to appoint deputy court administrators who would coordinate assignments within that county and supervise the personnel now supervised by the county clerk, whose function primarily is service to the courts.

With respect to the other personnel of the ancillary services such as bailiffs, masters and court reporters, the subcommittee recommends no substantial change except as will appear below under the discussion of financial arrangements.

An important ancillary service to the courts is law libraries. The subcommittee did not study this area exhaustively, but the personal experience of its members and the comments of other judges testify to the wide variety in quality—necessarily resulting from variation in money available—of the law libraries available in the several counties. This is directly at variance with the concept of “first class justice for all.” The subcommittee therefore recommends that the cost of maintaining county law libraries be absorbed by the state—as is recommended for other costs of the state judicial system—and an adequate minimum library be provided in each county. This should not detract from or supersede the adequate libraries now maintained in the larger counties. The subcommittee also recommends placing the state law library under the supreme court for financing and administration. A draft statute appears as Appendix C.

V. THE JURY SYSTEM

The subcommittee met with Professor Hans Zeisel of the University of Chicago Law School, a nationally recognized authority upon the subject of delay in the courts and upon the use of the jury in court trials and its relationship to court delays. Professor Zeisel noted first that Nevada's problems of court delays are very slight in comparison with those of states such as Illinois and New York and congratulated Nevada on taking steps to meet the problem before it becomes serious. With particular reference to the role of the jury, Professor Zeisel made two suggestions of measures which might be taken to expedite jury trials. First is to provide a "split trial," first determining the issue of liability and then, only if liability is found, proceeding separately to determine the issue of damages. Second is the reduction of the jury below the traditional number of 12 and the use of majority verdicts rather than requiring unanimous verdicts. Under the constitution of Nevada, any of these measures may be adopted by simple statute without constitutional amendment. The Nevada Rules of Civil Procedure already provide for the use of juries of four or eight members, if the parties so stipulate, and in the justice's court for the use of majority verdicts. Because no substantial delay would be involved in a future change in these respects, and because particularly the question of the split trial is a technical one upon which a great deal may be said on both sides, the subcommittee did not undertake to reach a conclusion on either of these points at this time. The subcommittee, therefore, points out that Nevada already has flexibility to adopt any of the suggested procedural changes, and recommends that such changes be considered for adoption if, after making the other recommended changes in court administration, experience demonstrates a need.

VI. FINANCING OF THE JUDICIAL SYSTEM

The financing of the state's judicial system is a matter of fundamental importance. At the present time the salaries of the district judges and all of the expenses of the supreme court are borne by the state. All other expenses, including the provision of clerical services to the district courts, jury fees and the compensation of justices of the peace are borne by the county in which the court is held. This raises serious practical problems. For example, the subcommittee is informed that the cost of an average murder trial in a district court approximates \$20,000. One such trial can have a very substantial impact upon the budget of a small county. During the recent revision of the criminal laws, the study committee, the Legislative Commission and the legislature were successively confronted with the problem that whereas a symmetrical structure of criminal penalties would, in certain instances, dictate that an offense be classed as a gross misdemeanor, the practical effect of such a classification would be greatly to increase the financial burden upon the counties by reason of the fact, first, that a trial in the district court is inherently more expensive and, second, that an indigent defendant would be entitled to demand counsel to be paid from the county treasury. For this reason, certain offenses which the study committee felt should be classified as gross misdemeanors were, in the final statute as adopted, classified merely as misdemeanors.

Neither the administration of justice nor the punishment of crime should depend upon the irrelevant circumstance that prosecution would be too expensive for certain counties of the state. The ideal solution clearly would be to make all the expenses of the administration of justice—the salaries of all judicial personnel, jury fees and the cost of ancillary services—a state expense to be borne out of the state treasury from the tax revenues collected throughout the state. This would spread the load, preventing sudden and disproportionate burdens upon small counties while, at the same time, permitting future legislatures to legislate in the area of crimes and punishment without having to consider county budgets.

The committee further found that, in fact, such a development would not necessarily be more expensive than the present system; it might be less so, particularly when taken in conjunction with the recommendation to upgrade the qualifications of magistrates. In certain instances, it will be almost necessary, for again the smaller counties might be unable to bear the burden of increased salaries. An interesting sidelight is shed by a study made in Colorado, which adopted a program of judicial modernization similar to the one here proposed and made a study of the possibility of financing the entire judicial system on the state level. It was reported to the subcommittee that this study actually showed a decrease in total expense. The subcommittee's recommendation, therefore, is that the administration of justice be recognized as a legitimate state expense and paid entirely from the state treasury. Only in this way can a uniform level of justice be made to prevail in all the counties of the state. As a practical matter, the counties are constantly calling upon the legislature for additional sources of revenue. Assumption of costs of the court system would have the same effect in providing financial relief, and would represent no actual increase in burden to the taxpayer as compared to equivalent relief otherwise provided.

A closely related subject is the partial support of the judicial system from the fees paid by litigants. The recent revision of the criminal procedure law did away with the obsolete and unrealistic concept of financing criminal justice from costs levied against defendants, but it is the practice to require litigants in civil cases to pay a filing fee and to bear certain costs, including jury fees. The subcommittee found that no studies have been made of the relationship between the various fees charged and the costs of rendering the services involved. In the justices' courts there is a hodgepodge of detailed fees: 25 cents or 15 cents for filing a paper, \$1 or 75 cents for issuing the initial writ by which suit is commenced, 25 cents or 20 cents per folio for taking depositions, and so on.

The subcommittee believes that these detailed small fees merely create additional bookkeeping for the justices of the peace and could, with propriety, be replaced by a single filing fee for a civil action, as is done in the case of small claims. At the same time, the subcommittee believes that the flat filing fee for a civil action in the district court of each county certainly does not accurately reflect the cost of service provided for the obvious reason that a complicated personal injury action tried over a period of a week will involve, quite apart from jury fees, expenses in the office of the clerk and demands upon the court's time far in excess of the filing fee, whereas an uncontested divorce heard and granted in five minutes will involve substantially less. For want of any precise information, however,

NEVADA'S COURT STRUCTURE

the subcommittee is unable to recommend any differentiation in these fees by class of action at this time. It recommends, however, that this matter be studied by the court administrator when appointed and that adjustments may be desirable later.

An incidental source of revenue for the support of the court system, which has not thus far been tapped, is the investment of moneys deposited by litigants with the clerks of the various courts, which may remain for some time. A draft statute providing for such investment is attached as Appendix G. Until experience is developed, the statute is drawn in discretionary terms.

An approximate analysis made by the Fiscal Analyst of Legislative Counsel Bureau indicates that, apart from the fines collected in municipal courts and paid into city treasuries, the judicial system of the state is approximately self-balancing. That is to say, the amount of revenue collected in fees and fines is approximately equal to the expense of conducting the system. Fines, however, which are collected for violation of the penal laws of the state are paid into the state permanent school fund, so that they are not available for the support of the courts. This analysis appears as Appendix D. It would, of course, be a matter of policy to determine whether the net amount of fines collected by the unified trial courts for violation of municipal ordinances—net, that is, after deducting a proportionate amount of the expense of the court—should be paid over to the respective municipalities as a source of revenue. The adoption of the state financing system, and the adoption of the unified court, would by no means preclude this.

An additional source of revenue, as well as a means of equalizing the compensation of judicial officers and concentrating their attention upon judicial duties, is offered by the proposal to make civil marriage complete upon signature of the marriage contract by the parties. The married couple could then have their marriage solemnized by a religious ceremony if, when and where they chose. At one stroke, the abuses which have grown up in Nevada in connection with justices of the peace and "wedding chapels" alike would be abolished. Each justice of the peace or successor magistrate should be paid a salary appropriate to his judicial duties, and the marriage fees paid into the treasuries, first to the counties while they pay the salaries of the justices of the peace, and then into the state treasury when it assumes the payment of all judicial salaries. A draft statute to this effect is attached as Appendix J.

VII. JUVENILE COURTS

At its May, 1968 meeting, the subcommittee consulted with the chairman and certain members of a special Committee on Juvenile Concerns appointed by the Governor, and with the chairman of the Clark County Juvenile Welfare Advisory Committee. It was indicated that the report of a task force from the Children's Bureau of the federal Department of Health, Education, and Welfare, which is studying the provision of juvenile services in Nevada in conjunction with the Governor's committee, will be available in September, 1968. At that time, the subcommittee will further consider its recommendations concerning the juvenile courts. Meanwhile, certain preliminary observations are in order.

NEVADA'S COURT STRUCTURE

At the date of preparation of this report, it appears that the report of the task force, and hence the report of the Committee on Juvenile Concerns, will not be available before January 1969.

This subcommittee makes no recommendation for any change in the statutes governing juvenile court procedure. The decision of the United States Supreme Court in *Application of Gault*, 87 Sup.Ct. 1428 (1967), did not settle the law with respect to the constitutional rights of juveniles; it only threw that law into deep confusion. This is illustrated by the opposite results of *In re Urbasek*, 232 N.E.2d 716 (Ill. 1967), and *In re Wylie*, 231 A.2d 81 (D.C. App. 1967). Other cases must be decided and doubtless soon will be to resolve the questions raised by *Gault*. Until this is done, it would be an exercise in futility for the Nevada legislature to rewrite the Juvenile Court Act in an attempt to anticipate the decisions of the United States Supreme Court.

This subcommittee likewise recommends against the creation by constitutional fiat of a separate juvenile court, for two reasons. First, it is the fundamental goal of this report to simplify, not to complicate, the court system. Second, to create a separate juvenile court would be to define inflexibly its jurisdiction. The modern trend, as noted by both the specialized committees in their discussion with us, is to integrate traditional juvenile court functions within the larger framework of a "family court" charged also with divorces, child support and related matters which combine to affect the welfare of children. This subcommittee believes that this need can best be met, and the continued flexibility to meet other needs which may develop in this area can best be assured, by the recommendation for specialization of judges without regard to geographical districts, explained in Part II of this report and embodied in Appendix A.

This subcommittee also concurs with those committees and with the juvenile judges in advocating that responsibility for the administration of juvenile detention and probation be removed from the courts, where it now rests by default, and placed in an appropriate agency of the executive department, where under the doctrine of separation of powers it rightly belongs. The subcommittee further suggests that initial responsibility for the determination of neglect and dependency of children might well be vested in a welfare agency of the state, subject to requirements of administrative due process and to appeal to the courts.

VIII. STATISTICS

The subcommittee at its first meeting determined to collect certain statistical information bearing on the present performance of the Nevada court system. For this purpose, it adopted questionnaires adapted to the various courts, caused them to be distributed, and caused members of the staff to visit most of the courts. A copy of each of the questionnaires, and a summary of the responses, are attached as Appendix E.

It is significant that some of the information sought, especially as to pending cases, is obtainable only with great difficulty from the records as now kept. This points up the importance of centralized administration of the court system, and of the usefulness of a court administrator to work with the persons actually responsible for keeping and using the records.

Interesting by-products of the visits are (1) strong and widespread support among the justices of the peace and the municipal judges, especially those who are not lawyers, for the subcommittee's proposal for their education, explained in Part II; (2) initiation of the proposal for the improvement of county law libraries explained in Part IV and included in Appendix C; and (3) the discovery that in certain communities most of the business of the justices' courts is transacted on what are not usually regarded as court days, namely Saturday and Sunday. The reason, persuasive upon reflection, is that these are the days when most employed persons can attend court without interrupting their work. To avoid question as to the legality of this practice, a draft statute is attached as Appendix H excepting justices' and municipal courts from the definition of nonjudicial days.

IX. TRANSITIONAL PERIOD

In view of the time required to effect constitutional amendments in Nevada and the necessity, as pointed out in the beginning of this report, to make major changes in the court structure by constitutional amendment, the subcommittee makes the following recommendations for the interim period:

1. That the 55th session of the legislature enact statutes covering the following recommendations:
 - (a) The provision of training, and assistance in recordkeeping, to the several justices of the peace and municipal judges of the state.
 - (b) The appointment, qualifications and duties of a court administrator. Some question was raised during the 54th session, on considering a bill for the creation of the position of court administrator concerning the value of such an officer in the absence of constitutional amendment which would provide for a more centralized administration of the courts. The subcommittee believes that the various observations made earlier in this report concerning the duties of a court administrator and concerning materials which should be compiled by a court administrator in order to afford the basis for further legislative or court rule-making action, justify the creation of the position both as a statistical agency and for such assistance as it can afford the chief justice in the discharge of his present responsibilities with respect to the assignment of district court judges, even before constitutional amendment creates the commissions which the administrator will serve and fully provides for unification of court administration.
 - (c) The uniform handling of traffic violations in the justices' and municipal courts of the state, including the disposition of minor offenses, where appearance in court is not required by the Federal Highway Safety Standards, by an administrative official without court appearance.
 - (d) The improvement of law libraries.
 - (e) The authorization of regular sessions of minor courts on otherwise nonjudicial days.

NEVADA'S COURT STRUCTURE

- (f) Abolition of the role of justices of the peace, and other judicial officers, in marriage.

The subcommittee has not prepared drafts of the further statutes which would be necessary fully to implement the proposed constitutional amendment as discussed in this report. It suggests that the detailed language of such drafts can better be prepared after consideration of the constitutional changes by successive legislatures.

- 2. That throughout the interim period and especially when the proposed constitutional amendments are being considered by the 55th and 56th sessions of the Nevada legislature and are about to be presented to the people at a general election, the State Bar of Nevada, interested legislators, other interested organizations and individuals make every effort fully to inform the people concerning the changes proposed, the need for such changes, and the benefits to be derived therefrom. As the Hon. Arthur T. Vanderbilt, late Chief Justice of the Supreme Court of New Jersey, has put it, court reorganization is not a sport for the short-winded.

APPENDIX A

PROPOSED ARTICLE 6 OF THE NEVADA CONSTITUTION

1 SECTION 1. The judicial power of this state is vested in a unified
2 court system, comprising a supreme court and a district court. The legis-
3 lature may provide by law, or the supreme court may provide by rule
4 not inconsistent with any such law, for:

5 1. The creation and modification from time to time of geographical
6 divisions within the district court.

7 2. The assignment of one or more judges of the district court to
8 one or more specialized functions, throughout the district court or in
9 one or more divisions.

10 3. The appointment of one or more magistrates in one or more
11 divisions, and the jurisdiction and qualifications of such magistrates.

12 SEC. 2. 1. The supreme court consists of the chief justice and two
13 or more associate justices, as may be provided by law. In increasing or
14 diminishing the number of associate justices, the legislature shall provide
15 for the arrangement of their terms so that an equal number of terms, as
16 nearly as may be, expire every 2 years.

17 2. Unless otherwise provided pursuant to subsection 3, the supreme
18 court shall hold court at the seat of government.

19 3. The legislature may provide by law, or the supreme court may
20 provide by rule not inconsistent with any such law:

21 (a) For the hearing and decision of cases by panels of no fewer than
22 three justices, the resolution by the full court of any conflicts between
23 decisions so rendered, and the kinds of cases which must be heard by the
24 full court.

25 (b) For the holding of court by panels of justices, but not by the
26 full court, at places other than the seat of government.

27 4. The justices of the supreme court shall elect one of themselves
28 to be chief justice for a term of 3 years, beginning on the 1st Monday of
29 January in the appropriate years. A vacancy shall be filled for the unex-
30 pired term. In making their election, the justices shall consider fitness
31 for the duties prescribed by section 8 of this article. A chief justice may
32 be reelected as often as the justices desire.

33 SEC. 3. 1. When a vacancy occurs for any reason in the supreme
34 court or among the judges of the district court, the governor shall appoint
35 a justice or judge from among three nominees selected for such individ-
36 ual vacancy by the commission on judicial selection.

37 2. Each nomination for the supreme court shall be made by the
38 permanent commission, composed of:

39 (a) The chief justice or an associate justice designated by him;

40 (b) Two members of the State Bar of Nevada, a public corporation
41 created by statute, appointed by its board of governors; and

42 (c) Two persons, not members of the legal profession, appointed by
43 the governor.

44 3. Each nomination for the district court shall be made by a tem-
45 porary commission composed of:

46 (a) The permanent commission;

1 (b) A member of the State Bar of Nevada resident in the geographical
2 division, if any, in which the vacancy occurs, appointed by the board of
3 governors of the State Bar of Nevada; and
4 (c) A resident of such division, if any, not a member of the legal
5 profession, appointed by the governor.
6 4. The term of office of each appointive member of the permanent
7 commission, except the first members, is 4 years. Each appointing
8 authority shall appoint one of the members first appointed for a term of
9 2 years, so that one term will expire every 2 years. If a vacancy occurs,
10 the appointing authority shall fill the vacancy for the unexpired term.
11 The additional members of a temporary commission shall be appointed
12 when a vacancy occurs, and their terms shall expire when the nomina-
13 tions for such vacancy have been transmitted to the governor.
14 5. The members of the permanent commission appointed by each
15 appointing authority shall not be residents of the same county. No
16 appointive member of the permanent commission may be a member of
17 the commission on judicial discipline.
18 6. After the expiration of 30 days from the date on which the
19 committee on judicial selection has delivered to him its list of nominees
20 for any vacancy, if the governor has not made the appointment required
21 by this section, he shall make no other appointment to any public office
22 until he has appointed a justice or judge from the list submitted.
23 SEC. 4. 1. The initial term of office of each judge of the district
24 court appointed pursuant to section 3 of this article expires on the 1st
25 Monday of January next following the first general election held after the
26 year in which such judge was appointed. The initial term of office of each
27 justice of the supreme court so appointed expires at the end of the full
28 term of the justice whom he succeeds. The term of office of each justice
29 or judge who succeeds himself is 6 years, beginning and ending on the
30 1st Monday of January in the respectively appropriate years.
31 2. Each justice or judge who desires to succeed himself shall, on or
32 before July 1 next preceding the expiration of his term of office, declare
33 his candidacy in a manner which shall be provided by law. With respect
34 to each justice or judge who so declares, the question shall be presented
35 at the next general election, in a form which shall be provided by law,
36 whether such justice or judge shall succeed himself.
37 3. If a justice or judge does not declare his candidacy, or if a
38 majority of the votes cast on the question are cast against his succeeding
39 himself, a vacancy is created at the expiration of his term which shall be
40 filled by appointment pursuant to section 3 of this article.
41 SEC. 5. 1. No justice or judge may be removed from office by any
42 alteration of the number of justices of the supreme court or judges of
43 the district court, or by any alteration of a geographical division. The
44 salary of a justice or judge shall not be diminished during his term of
45 office. No justice or judge, during his tenure as such, is eligible for elec-
46 tion or appointment to any nonjudicial office.
47 2. Each justice and judge who reaches the age of 70 years while in
48 office shall retire upon the date when he reaches such age. This sub-
49 section does not apply to any person who:

- 1 (a) On the date of the approval of this article by the people was
2 serving as a justice of the supreme court or a district judge; and
3 (b) Has served continuously as a justice or judge from such date
4 until he reaches the age of 70 years.
- 5 SEC. 6. 1. A justice or judge may, in addition to the provision of
6 article 7 for impeachment, be censured, retired or removed by the
7 supreme court on recommendation of the commission on judicial disci-
8 pline. The commission is composed of:
- 9 (a) The chief justice, who shall act as chairman;
10 (b) Two justices or judges appointed by the supreme court;
11 (c) Two members of the State Bar of Nevada, a public corporation
12 created by statute, appointed by its board of governors; and
13 (d) Two persons, not members of the legal profession, appointed by
14 the governor.
- 15 If the chief justice is disqualified, the associate justice who has served
16 longest in the supreme court shall serve in his stead.
- 17 2. The term of office of each appointive member of the commis-
18 sion, except the first members, is 4 years. Each appointing authority shall
19 appoint one of the members first appointed for a term of 2 years, so
20 that one term will expire every 2 years. If a vacancy occurs, the appoint-
21 ing authority shall fill the vacancy for the unexpired term. The members
22 appointed by each appointing authority shall not be residents of the
23 same county. No appointive member may be a member of the permanent
24 commission on judicial selection.
- 25 3. The supreme court shall make appropriate rules concerning the
26 procedure to be followed for investigations and hearings.
- 27 4. No justice or judge may by virtue of this section be:
- 28 (a) Removed except for willful misconduct, willful or persistent fail-
29 ure to perform the duties of his office or habitual intemperance; or
30 (b) Retired except for mental or physical disability which prevents
31 the proper performance of his judicial duties and which is likely to be
32 permanent in nature.
- 33 5. Any person may bring to the attention of the commission any
34 matter relating to the fitness of a justice or judge. The commission shall,
35 after preliminary investigation, dismiss the matter or order a hearing to
36 be held before it. If a hearing is ordered, a statement of the matter shall
37 be served upon the justice or judge against whom the proceeding is
38 brought. A justice or judge who is a member of the commission or
39 supreme court shall not participate in any proceeding involving his own
40 censure, removal or retirement. The commission in its discretion may
41 suspend a justice or judge from the exercise of his office pending the
42 determination of the proceedings before the commission. The action of
43 the commission shall not extend further than to recommend censure,
44 removal from office or retirement for disability; but any justice or judge
45 whose removal is sought is liable to indictment and punishment according
46 to law. A justice or judge retired for disability in accordance with this
47 section is entitled thereafter to receive such compensation as the legis-
48 lature may provide.
- 49 6. The commission may:

- 1 (a) Designate for each hearing an attorney or attorneys at law to act
2 as counsel to conduct the proceeding;
- 3 (b) Summon witnesses to appear and testify under oath and compel
4 the production of books, papers, documents and records;
- 5 (c) Grant immunity from prosecution or punishment when the com-
6 mission deems it necessary and proper in order to compel the giving of
7 testimony under oath and the production of books, papers, documents
8 and records; and
- 9 (d) Exercise such further powers as the legislature may from time to
10 time confer upon it.
- 11 SEC. 7. 1. The district court has original jurisdiction of all matters
12 judicial in nature. The special jurisdiction of judges assigned to special-
13 ized functions shall be provided by law.
- 14 2. An action properly brought in one geographical division of the
15 district court may be transferred to another division under such condi-
16 tions as the legislature may provide by law or the supreme court may
17 provide by rule not inconsistent with any such law.
- 18 3. The supreme court has jurisdiction:
- 19 (a) Of all appeals from the district court, as the legislature may pro-
20 vide by law or the supreme court may provide by rule not inconsistent
21 with any such law.
- 22 (b) To issue writs of mandamus, certiorari, prohibition, quo warranto
23 and other writs appropriate to the exercise of its appellate jurisdiction and
24 of its supervisory power over the court system.
- 25 (c) To answer a question of law certified to it by a court of another
26 jurisdiction, under such conditions as the legislature may provide by law
27 or the supreme court may provide by rule not inconsistent with any such
28 law.
- 29 4. A justice of the supreme court may issue writs of habeas corpus
30 to any part of the state, and may make such writs returnable before
31 him or before any established division or judge of the district court, or
32 established panel within the supreme court.

APPENDIX B

SUMMARY—Provides for court administrator and improvement of justices' and municipal courts. (BDR 1-260)

AN ACT relating to courts of justice; establishing the office of court administrator; providing for the training of justices of the peace and police judges; requiring the keeping of certain records; making an appropriation; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. Chapter 1 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 8, inclusive, of this act.
3 SEC. 2. *There is hereby created the office of court administrator.*
4 SEC. 3. *The court administrator:*
5 1. *Shall be appointed by the chief justice of the supreme court with*
6 *the approval of the associate justices, and shall serve at the pleasure of*
7 *the chief justice.*
8 2. *Is entitled to receive the same salary as is provided for district*
9 *judges in NRS 3.030.*
10 SEC. 4. *The court administrator, with the approval of the chief jus-*
11 *tice of the supreme court, may appoint and fix the compensation of*
12 *such assistants as are necessary to enable him to perform the duties*
13 *required of him by this act.*
14 SEC. 5. *During his term of office neither the court administrator nor*
15 *any of his assistants may engage directly or indirectly in the private*
16 *practice of law.*
17 SEC. 6. *Under the supervision and direction of the chief justice, the*
18 *court administrator shall:*
19 1. *Examine the administrative methods and systems employed in the*
20 *offices of the judges, clerks, court reporters and employees of all courts of*
21 *this state and make recommendations, through the chief justice, for the*
22 *improvement of such methods and systems;*
23 2. *Examine the condition of the dockets of the district courts and*
24 *determine the need for assistance by any district court;*
25 3. *Make recommendations to the chief justice relating to the assign-*
26 *ment of district judges where district courts are in need of assistance and*
27 *carry out the direction of the chief justice as to the assignments of judges*
28 *to judicial districts where the courts are in need of assistance;*
29 4. *Collect and compile statistical and other data and make reports of*
30 *the business transacted by all courts and transmit such information to the*
31 *chief justice to the end that proper action may be taken in respect thereto;*
32 5. *Prepare and submit budget estimates of state appropriations nec-*
33 *essary for the maintenance and operation of the judicial system and make*
34 *recommendations in respect thereto;*
35 6. *Collect statistical and other data and make reports relating to the*
36 *expenditure of public moneys, state and local, for the maintenance and*
37 *operation of the judicial system and the offices connected therewith;*

7. Formulate and submit to the supreme court of this state recommendations of policies or proposed legislation for the improvement of the judicial system;

8. Submit annually, on February 1, to the chief justice a report of the activities of the administrator's office for the preceding calendar year; and

9. Attend to such other matters as may be assigned by the supreme court or prescribed by law.

SEC. 7. The chief justice shall consider all recommendations made by the court administrator for the assignment of district judges, and, pursuant to NRS 3.040, direct any district judge to hold court in any judicial district where the need therefor exists.

SEC. 8. 1. All judges, clerks and employees of the district courts, justices' courts and municipal courts shall provide the court administrator with any records, papers or other information that he may require and shall cooperate with him in every possible manner in order to effectuate the purposes of this act.

2. Subsection 1 does not authorize disclosure by the court administrator of records and papers not otherwise open to public inspection.

SEC. 9. Chapter 4 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The court administrator shall arrange for the giving of instruction, at the National College of State Trial Judges in Reno, Nevada, or elsewhere:

(a) In court procedure, recordkeeping and the elements of substantive law appropriate to a justice's court, to each justice of the peace who is first elected or appointed to office after the effective date of this act, and to other justices of the peace who so desire and who can be accommodated, between each general election and January 1 next following.

(b) In statutory amendments and other developments in the law appropriate to a justice's court, to all justices of the peace at convenient intervals.

2. Each justice of the peace who attends the instruction provided pursuant to subsection 1 is entitled to receive his traveling and living expenses computed as provided in NRS 281.160. The court administrator shall include money for this purpose in the budget for operation of the state judicial system.

3. Claims under this section shall be presented to the court administrator for approval and paid as other claims against the state are paid.

SEC. 10. NRS 4.010 is hereby amended to read as follows:

4.010 1. No person who is not a qualified elector shall be eligible to the office of justice of the peace.

2. Each justice of the peace who is first elected or appointed to office after the effective date of this act shall attend the instruction provided pursuant to section 9 of this act, if physically able to do so, on the first occasion when such instruction is offered after his election or appointment. If he fails to do so, he forfeits his office.

SEC. 11. NRS 4.230 is hereby amended to read as follows:

4.230 1. Every justice must keep a [book, denominated a "docket,"] docket, in which he must enter:

[1.] (a) The title of every action or proceeding.

1 **[2.]** (b) The object of the action or proceeding; and if a sum of
2 money be claimed, the amount thereof.

3 **[3.]** (c) The date of the summons, and the time of its return; and if
4 an order to arrest the defendant be made, or a writ of attachment be
5 issued, a statement of the fact.

6 **[4.]** (d) The time when the parties, or either of them, appear, or their
7 nonappearance, if default be made; a minute of the pleadings and
8 motions; if in writing, referring to them; if not in writing, a concise state-
9 ment of the material parts of the pleading.

10 **[5.]** (e) Every adjournment, stating on whose application and to
11 what time.

12 **[6.]** (f) The demand for a trial by jury, when the same is made, and
13 by whom made, the order for the jury, and the time appointed for the
14 return of the jury and for the trial.

15 **[7.]** (g) The names of the jurors who appear and are sworn, and
16 the names of all witnesses sworn, and at whose request.

17 **[8.]** (h) The verdict of the jury, and when received; if the jury
18 disagree and are discharged, the fact of such disagreement and discharge.

19 **[9.]** (i) The judgment of the court, specifying the costs included, and
20 the time when rendered.

21 **[10.]** (j) The issuing of the execution, when issued and to whom; the
22 renewals thereof, if any, and when made, and a statement of any money
23 paid to the justice, when and by whom.

24 **[11.]** (k) The receipt of a notice of appeal, if any be given, and of
25 the appeal bond, if any be filed.

26 2. *The court administrator shall prescribe the form of the docket and*
27 *of any other appropriate records to be kept by the justice, which form*
28 *may vary from court to court according to the number and kind of cases*
29 *customarily heard.*

30 SEC. 12. Chapter 5 of NRS is hereby amended by adding thereto a
31 new section which shall read as follows:

32 *Every police judge is entitled to the same benefits and subject to the*
33 *same duties as are provided for justices of the peace with respect to*
34 *instruction arranged by the court administrator.*

35 SEC. 13. There is hereby appropriated from the general fund in the
36 state treasury, for the payments of claims pursuant to section 9 of this
37 act:

38 For the fiscal year 1969-1970.....\$15,500
39 For the fiscal year 1970-1971..... 11,500

40 After June 30, 1970, any unexpended balance of the appropriation herein
41 made shall not be encumbered or committed for expenditure, and shall
42 revert to the general fund on September 1, 1970.

APPENDIX C

SUMMARY—Places state law library under direct control of supreme court and provides for improvement of district court libraries. (BDR 1-261)

AN ACT relating to law libraries; placing the state law library under the direct control of the supreme court; authorizing the provision of adequate district court libraries at state expense; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 2 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 to 6, inclusive, of this act.
- 3 SEC. 2. *The state law library shall be under the supervision and*
- 4 *control of the supreme court, which may make and enforce such rules*
- 5 *and regulations as may be necessary for the government, use and services*
- 6 *of the library.*
- 7 SEC. 3. 1. *The supreme court may appoint a librarian who shall*
- 8 *serve at the pleasure of the supreme court.*
- 9 2. *The state law librarian, with the approval of the supreme court,*
- 10 *may employ such personnel as the execution of his duties and the mainte-*
- 11 *nance and operation of the library may require.*
- 12 3. *All of the personnel of the supreme court library shall be exempt*
- 13 *from the provisions of chapter 284 of NRS, and shall be entitled to such*
- 14 *leaves of absence as the supreme court prescribes.*
- 15 SEC. 4. 1. *Funds for operation and maintenance of the state law*
- 16 *library shall be provided by legislative appropriation from the general*
- 17 *fund as a budgeted part of the appropriation for the support of the*
- 18 *supreme court, and shall be paid out on claims as other claims against*
- 19 *the state are paid.*
- 20 2. *All unappropriated funds received by the state law library shall*
- 21 *be deposited in the state law library fund, which is hereby created in the*
- 22 *state treasury, and shall be used for library purposes. Gifts or bequests*
- 23 *shall be expended in accordance with the terms of the gift or bequest.*
- 24 SEC. 5. *The state law librarian may purchase and exchange the*
- 25 *Nevada Reports, Nevada Revised Statutes and supplements, or any other*
- 26 *compilation or code of Nevada laws, or any book or periodical with other*
- 27 *law libraries in the United States in return for their legal compilations,*
- 28 *books or periodicals when, in the judgment of the state law librarian,*
- 29 *such exchange is in the best interests of the state law library.*
- 30 SEC. 6. 1. *At the request of the supreme court, the state librarian*
- 31 *shall deliver to the supreme court one copy of each legal book, document*
- 32 *or publication in the possession of the state library, including such books,*
- 33 *documents or publications received by the state library from the United*
- 34 *States Government Printing Office under 44 U.S.C. § 92.*
- 35 2. *Books, documents or publications received under 44 U.S.C. § 92*
- 36 *which are requested by the supreme court shall be on loan to and shall*
- 37 *remain in the state law library, subject to the provisions of 44 U.S.C. §*

92. All other books and material so requested shall remain in and become a part of the state law library.

SEC. 7. NRS 244.118 is hereby amended to read as follows:

244.118 Two copies of the county code shall be filed with the librarian of the [Nevada] state law library after such code becomes effective, and thereafter in all civil actions and in all prosecutions for the violation of any of the provisions of such county code, whether in a court of original jurisdiction or in any appellate court, it shall not be necessary to plead or prove the contents of the code, but the court shall take judicial notice of the contents of such code.

SEC. 8. NRS 244.119 is hereby amended to read as follows:

244.119 The county code may, by ordinance regularly passed, adopted and published, be amended or extended. All general ordinances passed after the adoption of a county code shall be amendments or extensions thereof. No section of the code shall be amended by reference only, but the section, as amended, shall be reenacted and published at length. Three copies of any amendment or extension shall be filed with the county clerk and two copies of any amendment or extension shall be filed with the librarian of the [Nevada] state law library.

SEC. 9. NRS 266.160 is hereby amended to read as follows:

266.160 1. The city council shall have the power to codify and publish a code of its municipal ordinances in the form of a municipal code, which code may, at the election of the council, have incorporated therein a copy of this chapter and such additional data as the council may prescribe. When such a publication is published, two copies shall be filed with the librarian of the [Nevada] state law library, and thereafter the same shall be received in all courts of this state as an authorized compilation of the municipal ordinances of the city.

2. The ordinances in the code shall be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signature of the mayor, attestations and other formal parts.

3. The codification shall be adopted by an ordinance which shall not contain any substantive changes, modifications or alterations of existing ordinances and the only title necessary for the ordinance shall be "An ordinance for codifying and compiling the general ordinances of the City of"

4. The codification may, by ordinance regularly passed, adopted and published, be amended or extended.

SEC. 10. NRS 269.168 is hereby amended to read as follows:

269.168 Two copies of the town code shall be filed with the librarian of the [Nevada] state law library after such code becomes effective, and thereafter in all civil actions and in all prosecutions for the violation of any of the provisions of such town code, whether in a court of original jurisdiction or in any appellate court, it shall not be necessary to plead or prove the contents of the code, but the court shall take judicial notice of the contents of such code.

SEC. 11. NRS 345.010 is hereby amended to read as follows:

345.010 Upon publication of the Statutes of Nevada, the secretary of state shall distribute them as follows:

- 1 1. To each of the judges of the District Court of the United States
2 for the District of Nevada, one copy.
- 3 2. To the Nevada state library, **[two copies.] one copy.**
- 4 3. *To the state law library, two copies.*
- 5 4. To each state officer, justice of the supreme court, clerk of the
6 supreme court, district judge, county officer and justice of the peace in
7 this state, one copy.
- 8 **[4.]** 5. To each public library in this state, one copy.
- 9 **[5.]** 6. To the Nevada historical society, one copy.
- 10 SEC. 12. NRS 345.020 is hereby amended to read as follows:
- 11 345.020 Upon receipt of copies of each volume of Nevada Reports
12 from the superintendent of state printing, as provided in NRS 2.380,
13 the secretary of state shall distribute them as follows:
- 14 1. To each of the judges of the District Court of the United States
15 for the District of Nevada, one copy.
- 16 2. To the Nevada state library, **[two copies.] one copy.**
- 17 3. *To the state law library, two copies.*
- 18 4. To each state officer, justice of the supreme court, clerk of the
19 supreme court, district judge, district attorney, county clerk, and justice
20 of the peace in this state, one copy.
- 21 **[4.]** 5. To each public library in this state, one copy.
- 22 **[5.]** 6. To the Nevada historical society, one copy.
- 23 SEC. 13. NRS 345.023 is hereby amended to read as follows:
- 24 345.023 The secretary of state shall distribute such additional copies
25 of the Statutes of Nevada and of Nevada Reports to the **[Nevada]** state
26 law library as in his opinion may secure an interchange of appropriate
27 works for such library, including newspapers published in the State of
28 Nevada.
- 29 SEC. 14. NRS 378.080 is hereby amended to read as follows:
- 30 378.080 1. The state librarian shall serve as the executive officer
31 of the state library, and shall administer all its activities and services.
- 32 2. He shall have the following powers and duties:
- 33 (a) To administer the state library **[, including the law and govern-**
34 **ment library and the public and other departments,]** in accordance with
35 law and good library practice.
- 36 (b) To select and purchase books, periodicals, pamphlets, films and
37 other library materials, supplies, equipment and services.
- 38 (c) **[To purchase and exchange the Nevada Revised Statutes and**
39 **supplements, or any other compilation or code of Nevada laws which**
40 **may be thereafter published, with each of the state libraries of the United**
41 **States in return for their legal compilations.**
- 42 **(d)]** To withdraw from the library collection and dispose of any items
43 no longer needed.
- 44 **[(e)]** *(d)* To borrow books from, lend books to, and exchange
45 books with other libraries.
- 46 **[(f)]** *(e)* To enter into agreements with other libraries in the state
47 for the improvement of library service.
- 48 **[(g)]** *(f)* To make and enforce rules and regulations necessary for
49 the administration, government and protection of the state library and all
50 property belonging thereto.

1 **[(h)]** (g) To render, in his discretion, financial assistance to
2 regional, county, city or town free public libraries.

3 **[(i)]** (h) To render, in his discretion, technical assistance to any
4 library seeking such assistance.

5 SEC. 15. NRS 380.180 is hereby amended to read as follows:

6 380.180 The **[state]** librarian of the state law library is authorized
7 and directed to distribute among the law libraries in this state established
8 pursuant to the provisions of this chapter such duplicates of books as
9 may be in the state law library and not needed for the purposes of the
10 state law library.

11 SEC. 16. Chapter 380 of NRS is hereby amended by adding thereto a
12 new section which shall read as follows:

13 1. *In any county of this state in which there does not exist a law*
14 *library governed by a board of trustees and maintained from fees as pro-*
15 *vided in this chapter, the state law librarian shall provide a law library,*
16 *as prescribed by the supreme court, for the use of the courts and of*
17 *counsel practicing therein. The expense of bringing any existing collection*
18 *of books up to the prescribed standard, and of maintaining the library,*
19 *shall be paid from funds appropriated for the support of the state judicial*
20 *system, as other claims against the state are paid.*

21 2. *It is the intent of this section that the supreme court prescribe*
22 *such standards, taking account of the amount and nature of litigation in*
23 *the counties affected, as will provide the minimum library required at*
24 *the least practicable expense to the state.*

25 SEC. 17. Section 29.5 of chapter II of the charter of the City of Elko,
26 being chapter 417, Statutes of Nevada 1965, at page 1110, is hereby
27 amended to read as follows:

28 Section 29.5 1. The board of supervisors shall have the power to
29 codify and publish a code of its municipal ordinances in the form of a
30 municipal code, which code may, at the election of the board of super-
31 visors, have incorporated therein a copy of this charter and such addi-
32 tional data as the board of supervisors may prescribe. When such a
33 publication is published, two copies shall be filed with the librarian of
34 the **[Nevada]** state law library, and thereafter the same shall be received
35 in all courts of this state as an authorized compilation of the municipal
36 ordinances of the city.

37 2. The ordinances in the code shall be arranged in appropriate
38 chapters, articles and sections, excluding the titles, enacting clauses,
39 signature of the mayor, attestations and other formal parts.

40 3. The codification shall be adopted by an ordinance which shall not
41 contain any substantive changes, modifications or alterations of existing
42 ordinances, and the only title necessary for the ordinance shall be "An
43 ordinance for codifying and compiling the general ordinances of the
44 City of Elko."

45 4. The codification may, by ordinance regularly passed, adopted and
46 published, be amended or extended.

47 SEC. 18. Section 25 of Article VI of the charter of the City of
48 Henderson, being chapter 240, Statutes of Nevada 1965, at page 447,
49 is hereby amended to read as follows:

50 Section 25. Codification of ordinances; publication of code.

1 1. The city council has the power to codify and publish a code of its
2 municipal ordinances in the form of a municipal code, which code may,
3 at the election of the council, have incorporated therein a copy of this
4 charter and such additional data as the council may prescribe. When
5 such a publication is published, two copies shall be filed with the librarian
6 of the [Nevada] state law library, and thereafter the same shall be
7 received in all courts of this state as an authorized compilation of the
8 municipal ordinances of the city.

9 2. The ordinances in the code shall be arranged in appropriate chap-
10 ters, articles and sections, excluding the titles, enacting clauses, signature
11 of the mayor, attestations and other formal parts.

12 3. The codification shall be adopted by an ordinance which shall not
13 contain any substantive changes, modifications or alterations of existing
14 ordinances and the only title necessary for the ordinance shall be "An
15 ordinance for codifying and compiling the general ordinances of the city
16 of Henderson."

17 4. The codification may, by ordinance regularly passed, adopted and
18 published, be amended or extended.

19 SEC. 19. Section 32.5 of chapter II of the charter of the City of
20 North Las Vegas, being chapter 283, Statutes of Nevada 1953, as added
21 by chapter 320, Statutes of Nevada 1963, and amended by chapter 440,
22 Statutes of Nevada 1965, at page 1215, is hereby amended to read as
23 follows:

24 Section 32.5. Codification of Ordinances; Publication of Municipal
25 Code.

26 1. The city council shall have the power to codify and publish a code
27 of its municipal ordinances in the form of a municipal code, which code
28 may, at the election of the city council, have incorporated therein a copy
29 of this charter and such additional data as the city council may pre-
30 scribe. When such a publication is published, two copies shall be filed
31 with the librarian of the [Nevada] state law library and two copies shall
32 be filed with the Clark County law library, and thereafter the same shall
33 be received in all courts of this state as an authorized compilation of the
34 municipal ordinances of the city.

35 2. The ordinances in the code shall be arranged in appropriate chap-
36 ters, articles and sections, excluding the titles, enacting clauses, signature
37 of the mayor, attestations and other formal parts.

38 3. The codification shall be adopted by an ordinance which shall not
39 contain any substantive changes, modifications or alterations of existing
40 ordinances and the only title necessary for the ordinance shall be "An
41 ordinance for codifying and compiling the general ordinances of the City
42 of North Las Vegas."

43 4. The codification may, by ordinance regularly passed, adopted and
44 published be amended or extended.

45 SEC. 20. Section 3.06 of Article III of the charter of the City of
46 Sparks, being chapter 180, Statutes of Nevada 1949, as last amended by
47 chapter 107, Statutes of Nevada 1960, at page 124, is hereby amended to
48 read as follows:

49 Section 3.06. The style of all ordinances shall be as follows: "The

1 City Council of the City of Sparks do ordain," and all proposed ordi-
2 nances when first proposed shall be read by title to the city council and
3 referred to a committee for consideration, after which an adequate num-
4 ber of copies of the ordinance shall be filed with the city clerk for public
5 distribution, and notice of such filing shall be published once in a news-
6 paper published in the city of Sparks, if any there be, otherwise in some
7 newspaper published in the county and having a general circulation in
8 the city, at least 1 week prior to the adoption of the ordinance, or the
9 ordinance as amended, within 30 days from the date of such publication.
10 In cases of emergency, by unanimous consent of the whole council, final
11 action may be taken immediately or at a special meeting called for that
12 purpose, and no notice of the filing of copies of the ordinance with the
13 city clerk need be published. At the next regular meeting or adjourned
14 meeting of the council following the proposal of an ordinance and its
15 reference to committee, such committee shall report such ordinance back
16 to the council, and thereafter it shall be read in full as first introduced,
17 or if amended, as amended, and thereupon the proposed ordinance shall
18 be finally voted upon or action thereon postponed. All ordinances shall
19 be signed by the mayor, attested by the city clerk, and be published in
20 full, together with the names of the councilmen voting for or against
21 their passage, in a newspaper published in the city of Sparks, if any
22 there be, otherwise in some newspaper published in the county and
23 having a general circulation in the city, for at least one publication in
24 such newspaper, before the same shall go into effect; provided, that
25 whenever a revision is made and the revised ordinances are published
26 in book or pamphlet form by authority of the city council, no further
27 publication shall be deemed necessary. The city clerk shall record all
28 ordinances in a book kept for that purpose, together with the affidavits
29 of publication by the publisher and the book or a certified copy of the
30 ordinances therein recorded, under the seal of the city, shall be received
31 as prima facie evidence in all courts and places without further proof,
32 or if published in book or pamphlet form, by authority of the city
33 council, they shall be so received.
34 The council shall have the power to revise, codify and publish a code
35 of its municipal ordinances in the form of a municipal code, which code
36 may, at the election of the council, have incorporated therein the charter
37 of the city and such additional data as the council may prescribe. When
38 such a publication is published, two copies shall be filed with the [state]
39 librarian of the state law library, and thereafter the same shall be received
40 in all courts of this state as an authorized revision and codification of the
41 municipal ordinances and a compilation of the charter of the city of
42 Sparks. The ordinances in such code shall be arranged in appropriate
43 chapters, articles, and sections, excluding the titles, enacting clauses,
44 signatures of the mayor, attestations and other formal parts. Such revision
45 and codification shall be adopted by an ordinance and the only title
46 necessary for such ordinance shall be "An ordinance for revising, codi-
47 fying and compiling the general ordinances of the city of Sparks." Such
48 municipal code may, by ordinance regularly passed, adopted and pub-
49 lished, be amended or extended.
50 SEC. 21. Section 41 of chapter II of the charter of the City of Wells,

1 being chapter 159, Statutes of Nevada 1967, at page 299, is hereby
2 amended to read as follows:

3 Section 41. Codification of general ordinances.

4 1. The board of councilmen have the power to codify and publish
5 a code of its municipal ordinances in the form of a municipal code, which
6 code may, at the election of the board of councilmen, have incorporated
7 therein a copy of this charter and such additional data as the board of
8 councilmen may prescribe. When such a publication is published, two
9 copies shall be filed with the librarian of the [Nevada] state *law* library,
10 and thereafter such code shall be received in all courts of this state as an
11 authorized compilation of the municipal ordinances of the city.

12 2. The ordinances in the code shall be arranged in appropriate chap-
13 ters, articles and sections, excluding the titles, enacting clauses, signature
14 of the mayor, attestations and other formal parts.

15 3. The codification shall be adopted by an ordinance which shall not
16 contain any substantive changes, modifications or alterations of existing
17 ordinances, and the only title necessary for the ordinance shall be "An
18 ordinance for codifying and compiling the general ordinances of the City
19 of Wells."

20 4. The codification may, by ordinance regularly passed, adopted and
21 published, be amended or extended.

APPENDIX D

RUSSELL W. McDONALD
DIRECTOR
FRANK W. DAYKIN
Deputy Director

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU
Room 45, CAPITOL BUILDING
CARSON CITY, NEVADA 89701

FISCAL AND AUDITING DIVISION
ROBERT E. BRUCE,
Fiscal Analyst
LEGAL DIVISION
RUSSELL W. McDONALD,
Legislative Counsel
RESEARCH DIVISION
J. E. SPRINGMEYER,
Research Director

March 27, 1968

Mr. Frank Daykin
Deputy Director
Legislative Counsel Bureau
Carson City, Nevada

Dear Frank:

Transmitted herewith are exhibits summarizing the receipts and expenditures for the fiscal years ending June 30, 1966 and 1967, of the court systems of the State of Nevada as administered by the state and local governments.

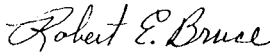
The summaries of local government receipts and expenditures were compiled from data obtained in reports published by these jurisdictions, and we feel that such summaries fairly present the combined revenues and expenses arising from cash transactions of the local governments, with certain exceptions which follow:

1. The county clerks' expenditures have not been included, even though we recognize that a portion of such expenditures would be properly includable in the operating cost of the courts.
2. The courthouse expenditures or equivalent fair rental values have not been included.
3. The centralized administration expenditures such as printing, postage, payroll taxes, etc., have not been included, as a reasonable basis upon which to allocate a portion of the total expenditures to the operating cost of the courts has not been established.

The summaries of state receipts and expenditures were obtained from data reported by the State Controller's office.

We have detailed schedules supporting these summary exhibits in the event that such information would be helpful to you.

Respectfully submitted,



Robert E. Bruce
Fiscal Analyst

REB:ss
Enclosures

EXHIBIT 1

STATE OF NEVADA
COMBINED RECEIPTS AND EXPENDITURES OF
ALL THE COURTS OF NEVADA
FOR THE FISCAL YEAR ENDED JUNE 30, 1967

	Supreme Court	District Courts	Justice Courts	Municipal and Police Courts	Combined Totals
RECEIPTS:					
State—					
Supreme Court Fees.....	\$4,302	.....	.....	.....	\$4,302
Counties—					
District Courts—					
Clerks Fees, Fines, etc.....	.....	\$956,801	.....	.....	956,801
State Fines and Fees.....	.....	508,755	.....	.....	508,755
Law Libraries.....	.....	55,849	.....	.....	55,849
Justices of the Peace—					
Fines, Fees, and Forfeitures....	.....	.....	\$380,578	.....	380,578
State Fines and Fees.....	.....	.....	242,499	.....	242,499
Cities—					
Fines.....	.....	.....	.....	\$1,886,394	1,886,394
Total Receipts of the Courts.....	\$4,302	\$1,521,405	\$623,077	\$1,886,394	\$4,035,178
EXPENDITURES:					
State—					
Supreme Court Salaries.....	\$131,085	.....	.....	.....	\$131,085
District Judges' Salaries.....	.....	\$300,156	.....	.....	300,156
Pensions.....	31,231	26,950	.....	.....	58,181
Operating and Capital.....	20,145	22,791	.....	.....	42,936
Counties—					
District Courts—					
Other Salaries.....	.....	210,044	.....	.....	210,044
Grand and Trial Jury.....	.....	171,204	.....	.....	171,204
Operating and Capital.....	.....	308,267	.....	.....	308,267
Law Libraries.....	.....	76,248	.....	.....	76,248
Justices of the Peace—					
Justices' Salaries.....	.....	.....	\$148,646	.....	148,646
Operating and Capital.....	.....	.....	220,419	.....	220,419
Coroners.....	.....	.....	58,059	.....	58,059
Cities—					
Salaries.....	.....	.....	.....	\$257,863	257,863
Operating and Capital.....	.....	.....	.....	87,649	87,649
Total Expenditures of the Courts.....	\$182,461	\$1,115,660	\$427,124	\$345,512	\$2,070,757
Excess (Deficit) of Receipts Over Expenditures.....	\$(178,159)	\$405,745	\$195,953	\$1,540,882	\$1,964,421

EXHIBIT 4

STATE OF NEVADA
CITIES' RECEIPTS AND EXPENDITURES
FOR THE COURTS OF NEVADA
FOR THE FISCAL YEAR ENDED JUNE 30, 1967

	<i>General Fund Total</i>
RECEIPTS:	
Municipal Court Fines.....	\$1,886,394
EXPENDITURES:	
Salaries.....	\$257,863
Operating and Capital.....	87,649
Total Expenditures.....	\$345,512
Excess of Receipts over Expenditures.....	\$1,540,882

EXHIBIT 5

STATE OF NEVADA
COMBINED RECEIPTS AND EXPENDITURES OF
ALL THE COURTS OF NEVADA
FOR THE FISCAL YEAR ENDED JUNE 30, 1966

	<i>Supreme Court</i>	<i>District Courts</i>	<i>Justice Courts</i>	<i>Municipal and Police Courts</i>	<i>Combined Totals</i>
RECEIPTS:					
State—					
Supreme Court Fees.....	\$3,459				\$3,459
Counties—					
District Courts—					
Clerks Fees, Fines, etc.....		\$959,375			959,375
State Fines and Fees.....		513,329			513,329
Law Libraries.....		53,370			53,370
Justices of the Peace—					
Fines, Fees and Forfeitures.....			\$284,662		284,662
State Fines and Fees.....			248,027		248,027
Cities—					
Fines.....				\$1,738,103	1,738,103
Total Receipts of the Courts.....	\$3,459	\$1,526,074	\$532,689	\$1,738,103	\$3,800,325
EXPENDITURES:					
State—					
Supreme Court Salaries.....	\$124,323				\$124,323
District Judges' Salaries.....		\$284,002			284,002
Pensions.....	21,664	18,200			39,864
Operating and Capital.....	22,145	27,004			49,149
Counties—					
District Courts—					
Other Salaries.....		197,683			197,683
Grand and Trial Jury.....		195,793			195,793
Operating and Capital.....		330,277			330,277
Law Libraries.....		57,447			57,447
Justices of the Peace—					
Justices' Salaries.....			\$141,632		141,632
Operating and Capital.....			169,212		169,212
Coroners.....			73,105		73,105
Cities—					
Salaries.....				\$219,897	219,897
Operating and Capital.....				59,231	59,231
Total Expenditures of the Courts.....	\$168,132	\$1,110,406	\$383,949	\$279,128	\$1,941,615
Excess (Deficit) of Receipts over Expenditures.....	\$(164,673)	\$415,668	\$148,740	\$1,458,975	\$1,858,710

EXHIBIT 6

STATE OF NEVADA
STATE OF NEVADA RECEIPTS AND EXPENDITURES
FOR THE COURTS OF NEVADA
FOR THE FISCAL YEAR ENDED JUNE 30, 1966

	Supreme Court	School Fund	General Fund	Combined Total
RECEIPTS:				
Marriage Licenses.....			\$249,399	\$249,399
Civil Action Fees.....			255,108	255,108
Supreme Court Fees.....	\$709		2,750	3,459
Fines.....		\$286,366		286,366
Total Receipts.....	<u>\$709</u>	<u>\$286,366</u>	<u>\$507,257</u>	<u>\$794,332</u>
GENERAL FUND				
	Supreme Court	District Court	Total	
EXPENDITURES:				
Payroll Costs.....	\$124,323	*\$284,002	\$408,325	
Pension Costs.....	21,664	18,200	39,864	
Travel.....	914	27,004	27,918	
Operating and Capital.....	21,231		21,231	
Total Expenditures.....	<u>\$168,132</u>	<u>\$329,206</u>	<u>\$497,338</u>	
Excess of Receipts over Expenditures.....				\$296,994

*\$280,025 of this total payroll cost was transferred to the counties, which in turn paid the salaries to the district court judges.

EXHIBIT 7

STATE OF NEVADA
COUNTIES' RECEIPTS AND EXPENDITURES
FOR THE COURTS OF NEVADA
FOR THE FISCAL YEAR ENDED JUNE 30, 1966

	<i>County General Fund</i>	<i>Other Funds</i>	<i>State Fund</i>	<i>Combined Total</i>
RECEIPTS:				
District Judges' Salaries.....		\$280,025		\$280,025
Clerks Fees, Fines, etc.....	\$959,375			959,375
State Fines etc. District Courts.....			\$513,329	513,329
Law Library Fees.....		53,370		53,370
Justice Courts Fines & Forfeitures.....	284,662			284,662
State Fines etc. Justice Courts.....			248,027	248,027
Total Receipts.....	\$1,244,037	\$333,395	\$761,356	\$2,338,788
EXPENDITURES:				
District Courts—				
Judges Salaries.....		\$280,025		\$280,025
Other Salaries.....	\$197,683			197,683
Trial and Grand Juries.....	195,793			195,793
Operating and Capital.....	330,277			330,277
Law Library.....		57,447		57,447
State Settlements.....			\$510,998	510,998
Total District Courts.....	\$723,753	\$337,472	\$510,998	\$1,572,223
Justice Courts—				
Salaries.....	\$141,632			\$141,632
Operating and Capital.....	169,212			169,212
Coroners.....	73,105			73,105
State Settlements.....			\$279,875	279,875
Total Justice Courts.....	\$383,949		\$279,875	\$663,824
Total Expenditures.....	\$1,107,702	\$337,472	\$790,873	\$2,236,047
Excess (Deficit) of Receipts over Expenditures.....	\$136,335	\$(4,077)	\$(29,517)	\$102,741

EXHIBIT 8

STATE OF NEVADA
CITIES' RECEIPTS AND EXPENDITURES
FOR THE COURTS OF NEVADA
FOR THE FISCAL YEAR ENDED JUNE 30, 1967

	<i>General Fund Total</i>
RECEIPTS:	
Municipal Court Fines.....	\$1,738,103
EXPENDITURES:	
Salaries.....	\$219,897
Operating and Capital.....	59,231
Total Expenditures.....	\$279,128
Excess of Receipts over Expenditures.....	\$1,458,975

APPENDIX E

GENERAL QUESTIONS CONCERNING DISTRICT COURTS (CONSOLIDATED)

.....Judicial District

1. Disposition of criminal actions July 1, 1966–June 30, 1967 (give number of cases).

	Cases Originating in District Court	Cases Heard on Appeal from Lower Court
Before trial was begun:		
By dismissal		
By plea of guilty		
After trial was begun:		
By acquittal		
By conviction		

2. Office of the clerk of court.
- (a) If one or more persons are employed full time on court work, how many are so employed?.....
- (b) If no person is employed full time on court work, approximately how many man-hours per week are spent on court work?
.....
- (c) What is the total salary per year of the persons employed on court work (prorated if such persons are so employed only part time)?.....
3. Cases appealed to the supreme court.
 (Explanation of column headings:
 (1) Civil actions and proceedings.
 (2) Criminal actions and writs of habeas corpus in connection there-with.)

	Col. (1)	Col. (2)
Number of cases where the time from filing notice of appeal to delivery or mailing of record to supreme court was:		
Less than 40 days		
41–90 days		
3–6 months		
More than 6 months		

**PROCEEDINGS IN THE DISTRICT COURT
(CONSOLIDATED)**

(Explanation of column headings:

- (1) Personal injury: motor vehicle.
- (2) Other personal injury.
- (3) Eminent domain.
- (4) Contested divorce.
- (5) Uncontested divorce.
- (6) Other civil actions.
- (7) Contests of wills.
- (8) Other contested matters relating to estates of decedents.
- (9) Uncontested matters relating to estates of decedents.
- (10) Adoptions, guardianships, trusts and missing persons.
- (11) Sanity hearings.
- (12) Appeals from justices' and municipal courts in civil matters.
- (13) Actions under Uniform Reciprocal Enforcement of Support Act.
- (14) Juvenile cases.
- (15) Criminal actions.
- (16) Habeas corpus and other writs.
- (17) Appeals from justices' and municipal courts in criminal matters.

Where columns are divided:

- (J) Tried by jury.
- (NJ) Tried without a jury.

Where columns relating to criminal matters are blanked out, see sheet headed General Questions.

Please fill in each blank space in each of the columns by writing the figure representing the number of individual cases. If there were no cases, enter 0.)

(Please fill in each blank space in each of the columns below by writing the figure representing the number of individual cases. If there were no cases, enter 0.)

Judicial District																	
	Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)	Col. (6)	Col. (7)	Col. (8)	Col. (9)	Col. (10)	Col. (11)	Col. (12)	Col. (13)	Col. (14)	Col. (15)	Col. (16)	Col. (17)
Cases pending July 1, 1966.....																	
Cases disposed of (by dismissal, judgment or settlement) July 1, 1966-June 30, 1967:																	
Before trial was begun.....																	
	J	NJ	J	NJ	J	NJ	J	NJ	J	NJ	J	NJ	J	NJ	J	NJ	J
After trial was begun.....																	
Cases pending June 30, 1967.....																	
(Time Interval Instruction:																	
To avoid distorting these figures, please do not include any case for which the second action described was not completed during the fiscal year July 1, 1966-June 30, 1967. For example:																	
1. If a case was filed but not set for trial, do not include it at all.																	
2. If a case was filed and set but not tried, include it in the "filing until setting" figures but not in the other groups.																	
3. If a case was set before July 1, 1966, tried after July 1, 1966, and judgment entered before June 30, 1967, include it only in the "setting until trial" and "trial until entry of judgment" groups.)																	
	Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)	Col. (6)	Col. (7)	Col. (8)	Col. (9)	Col. (10)	Col. (11)	Col. (12)	Col. (13)	Col. (14)	Col. (15)	Col. (16)	Col. (17)
	J	NJ	J	NJ	J	NJ	J	NJ	J	NJ	J	NJ	J	NJ	J	NJ	J
Cases where the time from filing until setting for trial was:																	
Less than 15 days.....																	
16-31 days.....																	
1-2 months.....																	
3-6 months.....																	
7-12 months.....																	
More than 1 year.....																	

	Col. (1) J NJ	Col. (2) J NJ	Col. (3) J NJ	Col. (4)	Col. (5)	Col. (6) J NJ	Col. (7) J NJ	Col. (8)	Col. (9)	Col. (10)	Col. (11)	Col. (12) J NJ	Col. (13)	Col. (14)	Col. (15) J NJ	Col. (16)	Col. (17) J NJ
Cases where the time from setting for trial until beginning of trial was:																	
Less than 15 days.....																	
16-31 days.....																	
1-2 months.....																	
3-6 months.....																	
7-12 months.....																	
More than 1 year.....																	
Estimate of trial time per case, if possible.....																	

PROCEEDINGS IN THE DISTRICT COURT
(Segregated by Individual Judges)

Please make out a separate sheet for each judge, whether regularly assigned or visiting, who held court in your district.
The explanation of column headings and other instructions contained in the consolidated proceedings questionnaire apply equally to these sheets. (Note that only one question is duplicated.)

Judicial District

Judge

	Col. (1) J NJ	Col. (2) J NJ	Col. (3) J NJ	Col. (4)	Col. (5)	Col. (6) J NJ	Col. (7) J NJ	Col. (8)	Col. (9)	Col. (10)	Col. (11)	Col. (12) J NJ	Col. (13)	Col. (14)	Col. (15)	Col. (16) J NJ	Col. (17)
Cases where the time from beginning of trial until entry of judgment was:																	
Less than 15 days.....																	
16-31 days.....																	
1-2 months.....																	
3-6 months.....																	
7-12 months.....																	
More than 1 year.....																	
Cases disposed of (by dismissal, settlement or judgment) July 1, 1966- June 30, 1967																	
After trial was begun																	
Cases under submission:																	
On July 1, 1966																	
On June 30, 1967																	
Number of motions heard:																	
Contested.....																	
Uncontested.....																	

.....
(Signature of Clerk)

.....
(Date)

GENERAL QUESTIONS CONCERNING DISTRICT COURTS
(to be answered by each judge individually)

Judge.....
(Name)

1. To what extent do you use masters, commissioners or other aids (such as law clerks) to conserve your own time devoted to hearings or research?.....
.....
.....
.....
.....
.....
.....
2. Approximately how much time per year do you spend in traveling between your principal office and places of holding court:
(a) In your own district?.....
(b) Outside your own district?.....

.....
(Signature of Judge)

.....
(Date)

GENERAL QUESTIONS TO EACH JUSTICE OF THE PEACE

1. Your name.....
2. Name or other designation of your township.....
.....
3. Amount of your yearly salary (if any) \$.....
4. Amount of fees collected during the fiscal year July 1, 1966-June 30, 1967, which you retained:
(a) For solemnizing marriages
(b) For other services
5. Amount of fees collected during the fiscal year July 1, 1966-June 30, 1967, which you paid over to the county treasurer:
(a) For solemnizing marriages
(b) For other services
6. Estimated amount of time spent on your duties as ex officio coroner during the fiscal year July 1, 1966-June 30, 1967.....hours

GENERAL QUESTIONS TO EACH JUSTICE OF THE PEACE—Continued

Please comment on the extent to which you consulted or used the services of a pathologist or other physician in these duties.....

.....

.....

.....

7. Estimated amount of time spent per week in performing marriages:
- (a) During regular hours (9 a.m.-5 p.m.).....
- (b) Outside these hours.....

CIVIL ACTIONS TRIED IN YOUR JUSTICE'S COURT

(Explanation of column headings:

- (1) Small claims: Under chapter 73 of NRS.
- (2) Eviction proceedings: Under NRS 40.220-40.420.
- (3) Other civil actions.

Please fill in each blank space in each of the three columns below by writing the figure representing the number of individual cases. If there were no cases, enter 0.)

	Col. (1)	Col. (2)	Col. (3)
Cases pending July 1, 1966			
Cases filed July 1, 1966-June 30, 1967			
Cases disposed of by dismissal, judgment or settlement July 1, 1966-June 30, 1967:			
Before trial was begun			
After trial was begun			
Cases pending June 30, 1967			

(Time Interval Instruction:

To avoid distorting the following figures, please do not include any case for which the second action described was not completed during the fiscal year July 1, 1966-June 30, 1967. For example:

1. If a case was filed but not set for trial, do not include it at all.
2. If a case was filed and set but not tried, include it in the "filing until setting" figures but not in the other groups.
3. If a case was set before July 1, 1966, tried after July 1, 1966, and judgment entered before June 30, 1967, include it only in the "setting until trial" and "trial until entry of judgment" group.)

Appendix E NEVADA'S COURT STRUCTURE

CIVIL ACTIONS TRIED IN YOUR JUSTICE'S COURT—Continued

	Col. (1)	Col. (2)	Col. (3)
Cases where the time from filing until setting for trial was:			
Less than 15 days			
16-31 days			
1-2 months			
3-6 months			
7-12 months			
More than 1 year			
Cases where the time from setting for trial until beginning of trial was:			
Less than 15 days			
16-31 days			
1-2 months			
3-6 months			
7-12 months			
More than 1 year			
Cases where the time from beginning of trial until entry of judgment was:			
Less than 15 days			
16-31 days			
1-2 months			
3-6 months			
7-12 months			
More than 1 year			
Estimate of average trial time per case, if possible			
Cases where trial was complete but judgment had not been entered:			
On July 1, 1966			
On June 30, 1967			

CRIMINAL ACTIONS TRIED IN YOUR JUSTICE'S COURT

(Explanation of column headings:

- (1) Violations of NRS 484.050 and 484.060, except exceeding a posted speed limit.
- (2) Any moving traffic violation not included under column (1).
- (3) Any nonmoving traffic violation, such as unlawful parking or operating unsafe vehicle.
- (4) Intoxication: Under NRS 207.030 and 207.160.
- (5) Other misdemeanors.

Please fill in each blank space in each of the five columns below by writing the figure representing the number of individual cases. If there were no cases, enter 0.)

CRIMINAL ACTIONS TRIED IN YOUR JUSTICE'S COURT—Continued

	Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
Cases pending July 1, 1966					
Cases filed July 1, 1966–June 30, 1967					
Cases disposed of July 1, 1966– June 30, 1967:					
Before trial was begun:					
By dismissal					
By plea of guilty					
After trial was begun:					
By acquittal					
By conviction					
Otherwise (before or after trial)					
Cases pending June 30, 1967					

(Time Interval Instruction:

To avoid distorting these figures, please do not include any case for which the second action described was not completed during the fiscal year July 1, 1966–June 30, 1967. For example:

1. If a case was filed but not set for trial, do not include it at all.
2. If a case was filed and set but not tried, include it in the "filing until setting" figures but not in the other groups.
3. If a case was set before July 1, 1966, tried after July 1, 1966, and judgment entered before June 30, 1967, include it only in the "setting until trial" and "trial until entry of judgment" groups.)

	Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
Cases where the time from filing until setting for trial was:					
Less than 15 days					
16–31 days					
1–2 months					
3–6 months					
7–12 months					
More than 1 year					
Cases where the time from set- ting for trial until beginning of trial was:					
Less than 15 days					
16–31 days					
1–2 months					
3–6 months					
7–12 months					
More than 1 year					

Appendix E NEVADA'S COURT STRUCTURE

CRIMINAL ACTIONS TRIED IN YOUR JUSTICE'S COURT—Continued

	Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
Cases where the time from beginning of trial until entry of judgment was:					
Less than 15 days					
16-31 days					
1-2 months					
3-6 months					
7-12 months					
More than 1 year					
Estimate of average trial time per case, if possible					

PRELIMINARY EXAMINATIONS HAD IN YOUR JUSTICE'S COURT

(Explanation of column headings:

(1) Where accused was released on bail after arrest.

(2) Where accused was not released on bail after arrest.

Please fill in each blank space in each of the two columns below by writing the figure indicating the number of individual hearings. If there were no hearings, enter 0.)

	Col. (1)	Col. (2)
Time between arrest and preliminary examination:		
Less than 24 hours		
1-3 days		
4-7 days		
8-14 days		
15-30 days		
More than 30 days		

.....
(Signature of Justice of the Peace)

.....
(Date)

GENERAL QUESTIONS CONCERNING EACH MUNICIPAL COURT

CITY OF.....

1. Name of municipal judge.....
2. Name of clerk (if any).....
3. Yearly salary of judge \$.....
4. Total yearly salaries of clerk and other court personnel \$.....

**GENERAL QUESTIONS CONCERNING EACH MUNICIPAL
COURT—Continued**

5. How many criminal actions (if any) of each category were prosecuted under state statute? (Do not include justice's court cases if you are ex officio justice of the peace.)

Col. (2)

Col. (3)

Col. (4)

Col. (5)

6. Are preliminary examinations conducted in your court? (Do *not* answer if municipal judge is ex officio justice of the peace.)

7. If the answer to Question 6 is yes, please fill in the columns below.

(Explanation of column headings:

(1) Where accused was released on bail after arrest.

(2) Where accused was not released on bail after arrest.)

**Col.
(1)**

**Col.
(2)**

Time between arrest and preliminary examination:

Less than 24 hours

1-3 days

4-7 days

8-14 days

15-30 days

More than 1 month

PROCEEDINGS IN YOUR MUNICIPAL COURT

CITY OF

(Explanation of column headings:

(1) Proceedings for abatement of nuisance and any other civil proceedings.

(2) Moving traffic violations.

(3) Nonmoving traffic violations (includes operating unsafe vehicle).

(4) Intoxication.

(5) Other misdemeanors.

Please fill in each blank space in each of the five columns below by writing the figure representing the number of individual cases. If there were no cases, enter 0.)

	Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
Cases pending July 1, 1966					
Cases filed July 1, 1966-June 30, 1967					
Cases disposed of July 1, 1966-June 30, 1967:					

Appendix E NEVADA'S COURT STRUCTURE

PROCEEDINGS IN YOUR MUNICIPAL COURT—Continued

	Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
Before trial was begun					
By dismissal					
By plea of guilty					
After trial was begun					
By acquittal					
By conviction					
Otherwise (before or after trial)					
Cases pending June 30, 1967					

(Time Interval Instruction:

To avoid distorting these figures, please do not include any case for which the second action described was not completed during the fiscal year July 1, 1966–June 30, 1967. For example:

1. If a case was filed but not set for trial, do not include it at all.
2. If a case was filed and set but not tried, include it in the “filing until setting” figures but not in the other groups.
3. If a case was set before July 1, 1966, tried after July 1, 1966, and judgment entered before June 30, 1967, include it only in the “setting until trial” and “trial until entry of judgment” groups.)

	Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
Cases where the time from filing until setting for trial was:					
Less than 15 days					
16–31 days					
1–2 months					
3–6 months					
7–12 months					
More than 1 year					

Cases where the time from setting for trial until beginning of trial was:

Less than 15 days . . . . .	.....	.....	.....	.....	.....
16–31 days . . . . .	.....	.....	.....	.....	.....
1–2 months . . . . .	.....	.....	.....	.....	.....
3–6 months . . . . .	.....	.....	.....	.....	.....
7–12 months . . . . .	.....	.....	.....	.....	.....
More than 1 year . . . . .	.....	.....	.....	.....	.....

PROCEEDINGS IN YOUR MUNICIPAL COURT—Continued

	Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
Cases where the time from beginning of trial until entry of judgment was:					
Less than 15 days					
16-31 days					
1-2 months					
3-6 months					
7-12 months					
More than 1 year					
Estimate of trial time per case, if possible					

.....
(Signature of Municipal Judge)

.....
(Date)

COMMENT ON STATISTICS

Following are selected statistics concerning the present operation of the Nevada court structure. All have been reduced to a 12-month basis, though in some cases the figures are for the calendar year 1967 and in some cases for the fiscal year ended June 30, 1967.

The reporter (who personally visited most of the courts of the state) would comment that the small number of cases, both civil and criminal, noted as filed in some of the geographically isolated justices' courts does not reflect the real function of these courts in their communities. Many of the justices apparently fulfill the historic function of their office by settling controversies on the spot and taking pride in reducing the number formally filed in court.

No compilation has been made of the intervals from filing to setting, setting to trial and trial to decision, for it was found that:

1. In the justices' and municipal courts for which figures are available, it is the rare case which is tried more than 30 days after the action is commenced, if a trial is needed at all, and most are tried within 15 days.
2. In the district courts, in the large counties where delay has proven to be a problem, meaningful figures were not available. In the smaller counties, only the First Judicial District believes that delay is a problem, and there it is receiving the attention of bench and bar.
3. Delayed decisions (as distinct from delayed trials), which have historically been a vexing problem in Nevada, are so no longer, with the possible exception of a single court. This is shown by the reports of the county clerks to the supreme court (NRS 3.295) and their responses to this subcommittee.

A similar situation obtains with respect to preliminary examinations. All the justices' courts which reported indicated that, either from figures

Appendix E NEVADA'S COURT STRUCTURE

COMMENT ON STATISTICS—Continued

compiled or from knowledgeable estimates, such examinations are not delayed except at the request of the defendant. The reporter also observed that in the smaller counties preliminary examinations are almost always held at the county seat rather than before outlying justices of the peace.

PROCEEDINGS IN THE SUPREME COURT

(Explanation of column headings: (1) Civil appeals. (2) Criminal appeals. (3) Original writs.)

	Col. (1)	Col. (2)	Col. (3)
Pending January 1, 1967.....	49	36	16
Filed January 1, 1967–December 31, 1967.....	101	78	67
Disposed of January 1, 1967–December 31, 1967:			
Before argument.....	22	28	36
After argument.....	56	42	20
By affirmance.....	25	34	1
By reversal.....	16	7	....
Otherwise.....	26	29	66
Pending December 31, 1967.....	83	44	16
Cases where the time from docketing to argument was:			
Less than 90 days.....	1	5	10
3–6 months.....	70	31	18
7–12 months.....	41	31	5
More than 1 year.....	10	9	....
Cases where the time from argument to filing of decision was:			
15 days or less.....	22	19	11
16–31 days.....	15	19	5
1–2 months.....	15	4	4
More than 2 months.....	5	....	....

Origin of appeals:

	Civil	Criminal
First Judicial District.....	6	6
Second Judicial District.....	44	18
Third Judicial District.....	1	....
Fourth Judicial District.....	....	1
Fifth Judicial District.....	2	2
Sixth Judicial District.....	....	....
Seventh Judicial District.....	1	1
Eighth Judicial District.....	47	50

CASES HEARD OR SETTLED OUT OF COURT DISTRICT COURTS

(Explanation of column headings: (1) Personal injury: motor vehicle. (2) Other personal injury. (3) Eminent domain. (4) Contested divorce. (5) Uncontested divorce. (6) Other civil actions. (7) Contests of wills. (8) Other contested matters relating to estates of decedents. (9) Uncontested matters relating to estates of decedents. (10) Adoptions, guardianships, trusts and missing persons. (11) Sanity hearings. (12) Appeals from justices' and municipal courts in civil matters. (13) Actions under Uniform Reciprocal Enforcement of Support Act. (14) Juvenile cases. (15) Criminal actions. (16) Habeas corpus and other writs. (17) Appeals from justices' and municipal courts in criminal matters.)

Counties	KIND OF CASE																
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
Clark Co. (8th Jud. Dist.).....	(a)	(a)	(a)	203	4,637	1,773	(b)	(b)	220	408	168	(a)	275	864	(c) 98	(e)	846
Washoe Co. (2nd Jud. Dist.).....	(a)	(a)	(a)	(c) 116	3,506	(c) 160	(b)	(b)	807	236	234	(a)	(d) 491	115	(c) 36	(e)	(e)
Churchill Co.....	0	0	0	3	15	62	0	0	37	9	0	0	11	7	8	0	0
Douglas Co.....	0	0	2	1	149	68	0	0	20	14	3	0	40	13	47	3	0
Lyon Co.....	1	1	0	0	53	37	0	0	21	10	5	0	10	20	9	3	0
Ormsby Co.....	0	0	0	10	327	105	0	0	0	17	4	0	16	27	29	26	0
Storey Co.....	0	0	0	1	21	8	0	0	5	2	0	0	0	9	0	0	0
(1st Jud. Dist.).....	1	1	2	15	565	280	0	0	83	52	12	0	77	76	93	32	0
Eureka Co.....	0	0	0	0	15	20	0	0	2	3	0	0	1	3	6	3	1
Lander Co.....	0	0	0	0	9	6	0	0	11	2	0	0	3	8	1	0	0
(3rd Jud. Dist.).....	0	0	0	0	24	26	0	0	13	5	0	0	4	11	7	3	1
Elko Co. (4th Jud. Dist.).....	2	1	0	0	119	32	0	0	0	0	0	0	0	0	0	0	0
Esmeralda Co.....	0	0	0	0	1	1	0	0	2	3	0	1	0	0	0	0	0
Mineral Co.....	0	0	1	8	62	20	0	1	76	13	7	0	6	79	1	6	0
Nye Co.....	2	1	0	1	66	16	1	0	26	13	6	0	12	12	20	0	0
(5th Jud. Dist.).....	2	1	1	9	129	37	1	1	104	29	13	1	18	91	21	6	0
Humboldt Co.....	0	0	0	1	86	20	0	0	102	60	1	0	0	73	20	0	0
Pershing Co.....	0	0	6	2	20	15	0	1	16	6	0	0	8	6	6	0	0
(6th Jud. Dist.).....	0	0	6	3	106	35	0	1	118	66	1	0	8	79	26	0	0
Lincoln Co.....	0	0	1	1	18	14	0	0	6	5	2	0	4	5	0	0	2
White Pine Co.....	0	1	0	0	120	62	0	1	1	4	3	0	12	36	9	1	0
(7th Jud. Dist.).....	0	1	1	1	138	76	0	1	7	9	5	0	16	41	9	1	2

NOTES: (a) Consolidated under Column 6. (b) Consolidated under Column 9. (c) Hearings only: Does not include settlements, dismissals or guilty pleas. (d) 1966 figure. (e) Probably consolidated under Column 15.

CASES HEARD OR SETTLED OUT OF COURT

JUSTICES' COURTS AND MUNICIPAL COURTS

(Explanation of column headings: (1) Small claims. (2) Eviction proceedings. (3) Other civil actions. (4) Serious moving traffic violations. (5) Other moving traffic violations. (6) Nonmoving traffic violations. (7) Intoxication (other than in vehicle). (8) Other misdemeanors.)

County and Name of Court	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Clark—								
Boulder City								
Municipal.....	0	0	0	0	34	16	27	123
Bunkerville Justice.....	1	0	0	0	0	0	1	3
Goodsprings Justice.....	0	0	0	0	0	50	0	0
Henderson Justice.....	540	486	42	8	960	17	0	0
Henderson Municipal.....	0	0	0	0	1,968	764	90	183
				(e)	(e)	(e)		
Las Vegas Justice.....	5,050	200	1,350	2,575	4,975	550	805	1,628
Las Vegas Municipal.....	0	0	0	0	4,640	(a)	1,156	3,586
Logan Justice.....	2	0	25	5	0	0	5	15
Mesquite Justice.....	4	0	6	50	30	10	4	4
Nelson Justice.....	39	0	67	4	2	0	0	0
North Las Vegas								
Justice.....	1,109	98	52	0	0	0	0	0
North Las Vegas								
Municipal.....	0	0	0	0	4,285	476	886	735
Overton Justice.....	30	0	0	9	14	10	32	10
Searchlight Justice.....	0	0	0	0	0	0	0	0
	6,775	784	1,542	2,651	16,908	1,893	3,006	6,287
Washoe—								
Bald Mountain								
Justice.....	0	0	0	0	0	0	0	1
Gerlach Justice.....	12	0	0	0	0	0	0	1
Reno Justice.....	1,787	18	968	170	287	43	219	284
Reno Municipal.....	0	0	0	0	15,000	182,741	(b)	5,400
Sparks Justice.....	1,094	5	70	31	11	10	0	32
Sparks Municipal.....	0	0	0	0	1,694	1,296	(b)	906
Verdi Justice.....	12	0	1	0	10	22	0	1
Wadsworth Justice.....	2	0	0	10	0	0	1	3
	2,907	23	1,039	211	17,002	184,112	220	6,628
Churchill—								
Fallon Municipal.....	0	0	63	0	1,123	(a)	421	23
					(c)	(c)		
New River Justice.....	318	0	37	66	32	7	2	128
Stillwater Justice.....	2	0	0	0	0	0	0	4
	320	0	100	66	1,155	7	423	155
Douglas—								
Eastfork Justice.....	233	7	3	32	105	40	37	120
Tahoe Justice.....	43	0	31	51	900	96	106	353
	276	7	34	83	1,005	136	143	473
Elko—								
Carlin Justice.....	118	0	0	0	29	3	5	9
Carlin Municipal.....	0	0	0	0	73	39	31	32
Eastline Justice.....	5	0	0	0	35	0	50	0
Elko Justice.....	501	4	35	26	111	77	19	229
Elko Municipal.....	0	0	0	0	835	556	493	298
Jarbidge Justice (d)								
Mountain City Justice.....	0	0	13	0	0	0	50	46
Wells Justice.....	92	0	1	0	288	11	2	23
Wells Municipal.....	0	0	0	0	143	109	43	26
	716	4	49	26	1,514	795	693	663
Esmeralda—								
Esmeralda Justice.....	3	0	0	22	31	15	1	11
Eureka—								
Beowawe Justice.....	1	0	0	4	54	1	0	8
Eureka Justice.....	15	0	0	3	4	7	0	39
	16	0	0	7	58	8	0	47

NEVADA'S COURT STRUCTURE

Appendix E

CASES HEARD OR SETTLED OUT OF COURT—Continued

County and Name of Court	KIND OF CASE							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Humboldt—								
Gold Run Justice.....	8	0	1	0	1	0	0	0
McDermitt Justice.....	18	0	0	0	6	14	1	10
Paradise Justice.....	1	0	0	0	0	0	0	1
Union Justice.....	157	0	7	9	43	3	2	77
					(c)	(c)		
Winnemucca Municipal..	0	0	0	1	33	29	158	21
	184	0	8	10	83	46	161	109
Lander—								
Argenta Justice.....	145	1	16	0	305	11	46	48
Austin Justice.....	4	0	1	15	55	8	3	58
	149	1	17	15	360	19	49	106
Lincoln—								
Alamo Justice.....	1	0	0	0	1	0	0	14
Caliente Justice.....	3	0	0	0	0	0	0	1
Caliente Municipal.....	0	0	0	0	23	9	15	13
Panaca Justice.....	0	0	1	1	2	1	0	0
Pioche Justice.....	34	0	0	12	17	24	0	25
	38	0	1	13	43	34	15	53
Lyon—								
Canal Justice.....	20	0	0	19	142	74	3	7
Dayton Justice.....	0	0	0	15	123	1	3	26
Mason Valley Justice.....	133	0	13	32	49	4	9	35
Smith Valley Justice.....	11	0	0	7	2	0	12	2
Yerington Municipal.....	0	0	0	0	98	46	94	25
	164	0	13	73	414	125	121	95
Mineral—								
Hawthorne Justice.....	300	0	2	25	75	50	20	25
Mina Justice.....	24	1	0	14	88	21	1	3
Schurz Justice.....	0	0	0	4	50	6	1	0
	324	1	2	43	213	77	22	28
Nye—								
Beatty Justice.....	4	4	4	41	91	5	20	20
Gabbs Justice.....	40	1	11	0	2	0	0	13
Gabbs Municipal.....	0	0	0	0	30	0	0	3
Pahrump Justice.....	3	0	0	4	3	0	1	11
Round Mountain Justice.....	8	8	8	0	0	0	0	6
Tonopah Justice.....	36	0	1	17	14	11	0	48
	91	13	24	62	140	16	21	101
Ormsby—								
Carson Justice.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Carson Municipal.....	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Pershing—								
Humboldt Justice.....	3	0	0	0	0	0	0	8
Lake Justice.....	90	0	9	19	387	4	1	22
Lovelock Justice.....	0	0	0	0	43	12	50	26
	93	0	9	19	430	16	51	56
Storey—								
Virginia Justice.....	0	0	0	17	4	56	1	30
White Pine—								
Baker Justice.....	0	0	0	0	0	0	0	0
Ely Justice.....	617	0	119	15	118	90	1	112
Ely Municipal.....	0	0	51	0	159	162	20	6
Lund Justice.....	0	0	0	0	0	0	0	0
	617	0	170	15	277	252	21	118

NOTES: (a) Consolidated under Column 5. (b) Consolidated under Column 8. (c) Excludes citations. (d) Operates only in summer. (e) Rough estimates based on sampling. N.A.—Not available.

APPENDIX F

SUMMARY OF THE NUMBER OF JUDGES INITIALLY APPOINTED TO THE BENCH AS COMPARED TO THOSE INITIALLY ELECTED

District courts—	1864-1967	1928-1967
Appointed.....	54	34
Elected.....	70	14
Supreme court—		
Appointed.....	16	11
Elected.....	21	2

NOTE—These figures may not be precise, because of the difficulty of positively identifying individuals apparently similar in name, but the effect of any such error is not statistically significant.

APPENDIX G

SUMMARY—Provides for investment of moneys deposited in court. (BDR 31-262)

AN ACT relating to courts of justice; authorizing the investment of moneys deposited; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 355 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
 - 3 1. *When any money has been deposited in any court pursuant to law*
4 *or rule of court, and when in the judgment of the clerk of such court pay-*
5 *ment out of such deposit will not be required for 90 days or more, the*
6 *clerk may invest the money so deposited, either alone or by commingling*
7 *it with other moneys deposited.*
 - 8 2. *The investment may be made:*
 - 9 (a) *By deposit at interest in a state or national bank in the State of*
10 *Nevada; or*
 - 11 (b) *In bills, bonds, debentures, notes or other securities whose pur-*
12 *chase by a board of county commissioners is authorized by NRS 355.170.*
 - 13 3. *The interest earned from any investment of money pursuant to*
14 *this section shall be applied to the support of the court by whose clerk*
15 *such investment was made.*
- 16 SEC. 2. NRS 356.200 is hereby amended to read as follows:
 - 17 356.200 1. With unanimous consent of their bondsmen, county
18 officers, other than county treasurers, may deposit county funds received
19 in their respective offices in any bank located at the county seat.
 - 20 2. Whenever the written consent of any bondsman or bondsmen to
21 such deposit has not been obtained, such bondsman or bondsmen shall,
22 upon giving notice as required by law, be released from all responsibility
23 on the bond of such officer.
 - 24 3. Such accounts shall be kept in the name of the county in such
25 manner as the board of county commissioners may prescribe.
 - 26 4. The balances in such banks, as certified by the proper officer
27 thereof, and by oath of the county treasurer, may be counted as cash.
 - 28 5. All moneys deposited in any depository bank by such county
29 officer may be drawn out by such officer on check payable only to the
30 county treasurer or his order, but every county assessor may also with-
31 draw money received in payment of motor vehicle license fees by check
32 payable to the department of motor vehicles, and may also withdraw
33 money received in payment of motor vehicle use taxes by check payable
34 to the Nevada tax commission.
 - 35 6. The county officer shall keep a check register which shall show the
36 amount of county money on deposit and shall list every check drawn
37 upon the depository bank, numbering such checks consecutively.
 - 38 7. Not later than the 1st Monday of each month, the county officer

Appendix G NEVADA'S COURT STRUCTURE

1 maintaining such deposit shall draw upon the deposit for the full amount
2 of county funds deposited therein during the preceding month, such
3 withdrawal to be by check payable to the county treasurer, and shall
4 thereupon deliver such check to the county treasurer.
5 8. *This section does not apply to any deposit made by the clerk of*
6 *any court pursuant to section 1 of this act.*

APPENDIX H

SUMMARY—Removes restriction on days when justices' and municipal courts may be held. (BDR 1-263)

AN ACT relating to courts of justice; excluding justices' courts and municipal courts from the operation of NRS 1.130 restricting business on nonjudicial days.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 1.130 is hereby amended to read as follows:

2 1.130 1. No court *except a justice's court or a municipal court* shall
3 be opened nor shall any judicial business be transacted *except by a jus-*
4 *tice's court or municipal court* on Sunday, or on any day declared to be
5 a holiday according to the provisions of NRS 236.010, except for the
6 following purposes:

7 (a) To give, upon their request, instructions to a jury then deliberating
8 on their verdict.

9 (b) To receive a verdict or discharge a jury.

10 (c) For the exercise of the power of a magistrate in a criminal action
11 or in a proceeding of a criminal nature.

12 (d) For the issue of a writ of attachment, which may be issued on each
13 and all of the days above enumerated upon the plaintiff, or some person
14 in his behalf, setting forth in the affidavit required by law for obtaining
15 the writ the additional averment as follows: That the affiant has good
16 reason to believe, and does believe, that it will be too late for the pur-
17 pose of acquiring a lien by the writ to wait until subsequent day for the
18 issuance of the same. All proceedings instituted, and all writs issued, and
19 all official acts done on any of the days above specified, under and by
20 virtue of this section, shall have all the validity, force and effect of pro-
21 ceedings commenced on other days, whether a lien be obtained or a levy
22 made under and by virtue of the writ.

23 2. Nothing herein contained shall affect private transactions of any
24 nature whatsoever.

25 SEC. 2. This act shall become effective upon passage and approval.

APPENDIX I

SUMMARY—Provides for uniform rules in traffic cases and defines reckless driving. (BDR 14-264)

AN ACT relating to traffic offenses; empowering the supreme court to prescribe rules of procedure; defining certain offenses separately; providing a penalty; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 169.025 is hereby amended to read as follows:
2 169.025 **[This]** 1. *Except as provided in subsection 2, this Title*
3 *governs the procedure in the courts of the State of Nevada and before*
4 *magistrates in all criminal proceedings, but does not apply to proceed-*
5 *ings against children under chapter 62 of NRS.*

6 2. *The supreme court may prescribe by rule a uniform procedure for*
7 *traffic offenses. The rules so prescribed shall govern in all cases to which*
8 *they are applicable, supplemented where silent by the provisions of this*
9 *Title.*

10 SEC. 2. NRS 484.060 is hereby amended to read as follows:

11 484.060 1. It shall be unlawful for any person to drive or operate
12 a vehicle of any kind or character:

13 (a) **[In a reckless manner on any street or highway in this state; or**

14 (b) **]** In any other than a careful or prudent manner; or

15 **[(c)]** (b) At a rate of speed greater than is reasonable and proper,
16 having due regard for the traffic, surface and width of the highway. **;** or

17 (d) At such a rate of speed as to endanger the life, limb or property of
18 any person. **]**

19 2. Any person who violates the provisions of this section shall be
20 guilty of a misdemeanor.

21 SEC. 3. Chapter 484 of NRS is hereby amended by adding thereto
22 a new section which shall read as follows:

23 *Any person who drives or operates a vehicle in such a manner or at*
24 *such a rate of speed as to injure, or cause an immediate risk of injury to,*
25 *the person or property of himself or another person commits reckless*
26 *driving and is guilty of a misdemeanor.*

APPENDIX J

SUMMARY—Substitutes written contract for civil ceremony of marriage. (BDR 11-265)

AN ACT relating to marriage; providing for a written contract in lieu of civil solemnization; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 122.010 is hereby amended to read as follows:
2 122.010 1. Marriage, so far as its validity in law is concerned, is a
3 civil contract, to which the consent of the parties capable in law of con-
4 tracting is essential. Consent alone will not constitute marriage; it must
5 be [followed by solemnization as authorized and] *evidenced by the*
6 *signature of the parties upon the marriage contract as provided by this*
7 *chapter.*
8 2. The provisions of subsection 1 requiring solemnization shall not
9 invalidate any marriage contract in effect prior to March 29, 1943, to
10 which the consent only of the parties capable in law of contracting the
11 contract was essential.
12 SEC. 2. NRS 122.030 is hereby amended to read as follows:
13 122.030 [The] 1. *With respect to any marriage solemnized prior*
14 *to July 1, 1969, the original certificate and records of marriage made by*
15 *the judge, justice or minister, as prescribed in this chapter, and the*
16 *record thereof by the recorder of the county, or a copy of such record*
17 *duly certified by the recorder, shall be received in all courts and places*
18 *as presumptive evidence of the fact of the marriage.*
19 2. *Any marriage contracted on or after July 1, 1969, may be estab-*
20 *lished by:*
21 *(a) The original marriage contract attested by the county clerk;*
22 *(b) The record of such contract certified by the county recorder;*
23 *(c) One of the certificates of marriage issued by the county clerk to the*
24 *parties; or*
25 *(d) The record of the marriage certified by the county clerk.*
26 SEC. 3. NRS 122.040 is hereby amended to read as follows:
27 122.040 1. [Previous to persons being joined in marriage, a license
28 shall be obtained for that purpose from the county clerk of any county
29 in the state.
30 2. The county clerk may inquire of the person applying for a mar-
31 riage license, upon oath or affirmation, relative to the legality of the con-
32 templated marriage, and if the clerk is satisfied that there is no legal
33 impediment thereto, then he shall grant the marriage license.
34 3. The county clerk, when issuing the license, shall require the per-
35 son applying therefor to answer under oath each of the questions con-
36 tained in the form of license, and, if the person applying therefor cannot
37 answer positively any questions with reference to the other person named
38 in the license, the clerk shall require both persons named in the license
39 to appear before him and to answer, under oath, the questions contained

in the form of license.】 *A man and woman who wish to be joined in marriage shall:*

- (a) *Appear before the county clerk of any county in the state;*
- (b) *Answer under oath each of the applicable questions contained in the form of application; and*
- (c) *Each personally sign the contract of marriage.*

2. *The signing of the marriage contract shall be witnessed by at least two persons in addition to the clerk, and such persons shall affix their signatures as such witnesses.*

3. *If either party to the marriage is unable to write his signature, he shall make his mark and the clerk shall insert his name near it.*

4. If 【any】 either of the persons intending to marry is under age and has not been previously married, the clerk shall issue the license if the consent of the parent or guardian is:

- (a) Personally given before the clerk; or
- (b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom shall appear before the clerk and make oath that he saw the parent or guardian subscribe his name to the annexed certificate, or heard him or her acknowledge the same; or
- (c) In writing, subscribed to and duly acknowledged before an officer authorized by law to administer oaths.

5. All records pertaining to such licenses are public records and open to inspection pursuant to the provisions of NRS 239.010. Any county clerk who refuses to permit such inspection is guilty of a misdemeanor.

SEC. 4. NRS 122.050 is hereby amended to read as follows:

122.050 The 【marriage license】 *application and marriage contract* shall be substantially in the following form:

【Marriage License】 *Application*

State of Nevada }
County of } ss.

【These presents are to authorize any minister who has obtained a certificate of permission, any supreme court justice or district judge within this state, or justice of the peace within his county, to join in marriage of, in the county of, State of Previously married? Wife deceased? Divorced? When? Where? On what grounds? And of in the county of, State of Previously married? Husband deceased? Divorced? When? Where? On what grounds?; and to certify the same according to law.】

Name of intending husband:.....
Residence (address, county and state):.....
Previously married?..... Wife deceased?.....
Divorced?..... When?.....
Where?..... On what grounds?.....

1 *Name of intending wife:*.....
 2 *Residence (address, county and state):*.....
 3 *Previously married?*..... *Husband deceased?*.....
 4 *Divorced?*..... *When?*.....
 5 *Where?*..... *On what grounds?*.....
 6 *Marriage Contract*
 7 *We the undersigned hereby take each other as husband and wife, at*
 8 , Nevada, this day of,
 9 19.....
 10
 11 *In the presence of:*
 12
 13
 14 Witness my hand and the seal of the district court of the
 15 judicial district of the State of Nevada, in and for the county of
 16 , this day of A.D. 19.....
 17
 18 (Seal) Clerk
 19
 20 Deputy clerk
 21 SEC. 5. NRS 122.060 is hereby amended to read as follows:
 22 122.060 1. The clerk shall be entitled to receive as his fee for
 23 [issuing the license] *attesting the application and contract* the sum of \$1,
 24 but if [licenses are issued] *applications are accepted* after regular office
 25 hours, the board of county commissioners may set an additional fee by
 26 county ordinance, a part of which, in counties having a population of
 27 less than 20,000, the board may allow the clerk to retain as his fee for
 28 extra services, and the balance of which shall be deposited in the county
 29 general fund.
 30 2. The clerk shall also at the time of [issuing the license] *attesting*
 31 *the application and contract* collect the sum of \$1 and pay the same over
 32 to the county recorder as his fee for recording the [certificate named in
 33 NRS 122.130.] *contract*.
 34 3. The clerk shall also at the time of [issuing the license] *attesting*
 35 *the application and contract* collect the additional sum of \$4 for the State
 36 of Nevada. The fees collected for the state shall be paid over to the
 37 county treasurer by the county clerk on or before the 5th day of each
 38 month for the preceding calendar month, and shall be placed to the credit
 39 of the state fund. The county treasurer shall remit quarterly all such fees
 40 deposited by the clerk to the state treasurer, to be placed by the state
 41 treasurer in the general fund of the state.
 42 4. *The clerk shall also at the time of attesting the application and*
 43 *contract collect the additional sum of \$5 for the county general fund,*
 44 *which shall be paid over to the county treasurer by the county clerk on*
 45 *or before the 5th day of each month for the preceding calendar month.*
 46 SEC. 6. Chapter 122 of NRS is hereby amended by adding thereto a
 47 new section which shall read as follows:
 48 *When any man and woman have presented to the minister of any*
 49 *religious society or congregation their marriage contract attested by the*
 50 *county clerk, or a record thereof certified by the county recorder, such*

1 minister may, at any place within or without this state, religiously
2 solemnize their marriage, but no such religious ceremony is required for
3 the validity in law of any marriage contracted pursuant to this chapter.

4 SEC. 7. NRS 122.090 is hereby amended to read as follows:

5 122.090 No marriage solemnized prior to July 1, 1969, before any
6 person professing to be a judge, justice or minister shall be deemed or
7 adjudged to be void, nor shall the validity thereof be in any way affected
8 on account of any want of jurisdiction or authority, provided it be con-
9 summated with a full belief on the part of the persons so married, or
10 either of them, that they have been lawfully joined in marriage.

11 SEC. 8. NRS 122.120 is hereby amended to read as follows:

12 122.120 When a marriage [shall have been solemnized, the persons
13 solemnizing the same] *has been contracted, the county clerk* shall give
14 to each of the parties, if required, a certificate thereof, specifying therein
15 the names and residences of the parties, and of at least two witnesses
16 present, and the time and place of the marriage.

17 SEC. 9. NRS 122.130 is hereby amended to read as follows:

18 122.130 1. [Every person solemnizing a marriage shall make a
19 record thereof, and within 30 days after the marriage shall make and
20 deliver to the county recorder of the county where the license was issued
21 a certificate under his hand containing the particulars mentioned in NRS
22 122.120.

23 2. The certificate may be in the following form:

24 State of Nevada

25 } ss.
26 County of.....

27 This is to certify that the undersigned, a justice of the peace of
28 County (minister of the gospel, judge or justice, as
29 the case may be), did on the day of,
30 A.D. 19....., at (address or church),
31 (city), join in lawful wedlock
32 A.B. and C.D., with their mutual consent, in the presence of E.F. and
33 G.H., witnesses.

34
35 Justice of the Peace

36 3. All certificates] *The county clerk shall, within 5 days after attest-*
37 *ing a marriage contract, deliver the contract and his attestation to the*
38 *county recorder.*

39 2. *All marriage contracts* shall be recorded by the county recorder in
40 a book to be kept by him for that purpose. For recording the [certifi-
41 cates] *contracts* he shall receive the fees designated in subsection 2 of
42 NRS 122.060.

43 SEC. 10. NRS 122.200 is hereby amended to read as follows:

44 122.200 Any person who shall make a false statement [in procuring
45 a marriage license] with reference to any matter required by NRS
46 122.040 and 122.050 to be stated under oath shall be guilty of a gross
47 misdemeanor.

48 SEC. 11. NRS 122.210 is hereby amended to read as follows:

49 122.210 1. If any county clerk [shall issue or sign any marriage
50 license] *attests any application and marriage contract in any manner*

1 other than is authorized by this chapter, he shall forfeit and pay a sum
2 not exceeding \$1,000 to and for the use of the person aggrieved.

3 2. *If any county clerk fails to deliver a marriage contract to the*
4 *county recorder within the time specified in NRS 122.130, he is guilty*
5 *of a misdemeanor.*

6 SEC. 12. NRS 122.220 is hereby amended to read as follows:

7 122.220 1. It shall be unlawful for any [judge of a district court in
8 his district, or justice of the peace in his county, or] minister of any
9 religious society or congregation, within this state, to join together as
10 husband and wife persons allowed by law to be joined in marriage, until
11 the persons proposing such marriage shall exhibit to him a [license from
12 the county clerk] *marriage contract or certificate* as provided by law.

13 2. Any [judge of a district court, or justice of the peace, or] minis-
14 ter violating the provisions of subsection 1 shall be guilty of a misde-
15 meanor.

16 SEC. 13. NRS 440.595 is hereby amended to read as follows:

17 440.595 1. A record of each marriage [performed] *contracted* in
18 this state shall be filed with the state registrar as provided in this section.

19 2. Each county recorder shall on Monday of each week forward to
20 the state registrar the [certificates of] marriage *contracts* delivered to him
21 during the preceding week.

22 3. After entering in his records the names of the parties, the date of
23 the marriage and the county in which it was [performed] *contracted*
24 and recorded, the state registrar shall within 5 days after receiving the
25 [certificate] *contract* return it to the county recorder from whom it was
26 received.

27 SEC. 14. NRS 440.600 is hereby amended to read as follows:

28 440.600 On or before January 10 and July 10 of each year the
29 county clerks of the several counties shall transmit to the state registrar
30 the number of marriage [licenses issued] *contracts attested* by them
31 during the preceding 6 months.

32 SEC. 15. NRS 122.062, 122.064, 122.066, 122.068, 122.071,
33 122.073, 122.080, 122.110 and 122.230 are hereby repealed.