

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session
March 31, 1969

Meeting was called to order at 4:30 P.M. by Chairman Torvinen.

Present: Torvinen, Lowman, Prince, Reid, Fry, Swackhamer, Bryan, Kean

Absent: Schouweiler. (Came in later).

AB 70: Prohibits exhibition and sale of obscene material to minors.

MR. TORVINEN: Let's see if we are going to concur or not concur to the Senate amendments. This is the obscenity bill for minors.

(Mr. Torvinen then went over these amendments one by one.)

MR. TORVINEN: Everyone I have talked to agrees that section 11 is probably unconstitutional. Whoever makes the determination that a certain movie is harmful to minors could well fit that rating in with the rating system of the movie industry. So if we put motion pictures back in the bill what we are really down to is do we want to concur with the Senate's amendment that the age be changed from 17 to 18.

MR. REID: Maybe these amendments will cause us to lose the bill on our side of the Legislature.

MR. LOWMAN: It was originally written with age 18 and I came close to having enough votes to put the movies back in before.

I would frankly like to try concurrence in the house. I so move.

Mr. PRINCE: I second that motion.

MR. SWACKHAMER: I hate to see it go to 18.

MR. KEAN: Let's go to conference and give the conference members full latitude.

MR. SWACKHAMER: We could give on the movies and insist on the age thing. We have nothing to lose by going to conference. If we can't get our way we can go to another conference and maybe eventually we will have to accept their amendments, but let's try first.

MR. BRYAN: I was stunned when we went over there and found they had been instructed not to talk.

MR. REID: I thought we must be in the wrong place.

MR. KEAN: I never heard of this being done before. Our conference people usually go in with every intent to try to negotiate.

MR. TORVINEN: When you are out of high school would seem to be as good a cutting off place as any.

Shall we concur with the Senate amendments?

ON THE VOTE THERE WERE THREE AYES AND FIVE NOES.

MR. KEAN: I move that we do not concur with the Senate Amendments and that we appoint a conference committee and give them guide lines but not hold them to exactly what they can do. Also, in the motion I would like us to notify them that we expect to confer.

MR. REID: I second the motion.
MOTION CARRIED UNANIMOUSLY.

Mr. Schouweiler came in at 4:40 P.M.

MR. TORVINEN: The conference committee will consist of Mr. Lowman, Mr. Swackhamer, and Mr. Reid.

Mr. Swobe has been collaring me on SB 139, the Riot Bill. Would you want to hear him on this?

There are a few differences in AB 485 and SB 139.

(Mr. Swobe had gone home, so could not be heard.)

Mr. Lowman passed out copies of a letter from James F. Kadans. (This letter is attached to the minutes.)

MR. LOWMAN: I have got to respond to this letter and I would like to get the thinking of the committee on the matter. Is there any use to try to get a bill through at this late date to enable him to get a bar exam?

MR. BRYAN: I know the man, and I don't know of anything that would prevent him from taking the Bar Examination except that he hasn't graduated from a law school.

MR. LOWMAN: How did George Franklin get admitted to the Bar?

MR. BRYAN: It was right after the War. He had gone to two years of Law School and then been drafted. There was a special act passed after the War whereby they were admitted on motion.

MR. LOWMAN: I am really not trying to push anything but I promised I would talk to the committee about it.

MR. FRY: According to the State versus Waters, it is not unethical for him to have "attorney-at-law" on his stationery when he has been admitted to the Bar in other states.

MR. LOWMAN: If he has passed in other states, wouldn't that be a good argument that he would be all right here?

MR. TORVINEN: We have about 25 other people in the state in the same position. If we let him take the examination, we have to let the others.

MR. BRYAN: I don't like the talk about the closed shop thing and I would like to see him be able to take the test.

MR. LOWMAN: The question is philosophical. Are you, Mr. Chairman, going to say that we do not have time at this point?

MR. FRY: This isn't our job, really.

MR. SCHOUWEILER: There are some diploma mills in a couple of states that some of these people have gone to. Passing a bar examination is not the only criteria for practicing law.

MR. LOWMAN: Was the admittance changed by the Legislature? What justification does the Bar have to deny the test to these people?

MR. REID: I have a guy working for me who graduated from Cambridge and when he takes his citizenship he will not be able still to take the Bar Examination and he is smarter than any of us here.

MR. BRYAN: I would support introducing such a bill but would want to hear testimony.

MR. TORVINEN: I had not planned to hold any more hearings in this committee this session.

I have a letter from Chancellor Humphrey. He is in favor of SB 139. However, he did want us to change a couple of words. (Read from the letter.) The Regents believe it would be easier to administer if the phrase "which may interfere" were changed to "which interferes." Line 4.

MR. KEAN: Would that conflict with AB 485?

MR. TORVINEN: No. We took it up at one of our night meetings and decided it would not conflict.

MR. REID: Why do we need this SB 139?

MR. SCHOUWEILER: It was added to bring in the public grounds.

MR. BRYAN: Does this deny the right to protest if they keep the doors open, etc.? So that those who want to go to classes may go?

MR. FRY: Look at it in connection with SB 261.

MR. SWACKHAMER: There is a different interpretation of public buildings in 261 than in 139.

MR. TORVINEN: Lou Paley wants to talk about 261 if we pass it.

MR. REID: 239 is the better of the two.

MR. SWACKHAMER: On bail, 139 is better than 261.

MR. PRINCE: SB 139 sounds pretty good.

MR. SWACKHAMER: I move Do Pass SB 139 with the amendment proposed by the Regents.

MR. LOWMAN: I second the motion.
MOTION CARRIED UNANIMOUSLY.

SB 261: Prohibits picketing and mass demonstrations which obstruct orderly procedures.

MR. REID: I move to Indefinitely Postpone SB 261.

MR. SCHOUWEILER: I second the motion.
MOTION CARRIED UNANIMOUSLY.

MR. REID: I have amendments here to SB 230 which I have been carrying around for about two weeks. You recall we wanted to carry the provisions of this bill into other sections and this I have done.

This goes into the duties of the district attorney to chase down the responsible party in the case of neglected and deserted children and also the welfare applicant. It covers chapter 425, Aid to Dependant Children and 201 criminal section for Nonsupport. It takes care of Illegitimacy, Nonsupport and Aid for Dependant Children.

All we are doing is saying that in those counties where it is uncertain who does this chasing of the responsible party we are making it clear that it is the district attorney who is responsible.

MR. LOWMAN: I move Do Pass SB 230 as amended.

MR. REID: I second the motion.

MOTION CARRIED UNANIMOUSLY.

SB 304: Requires consideration of certain facts in fixing bail.

MR. SWACKHAMER: What is wrong with it? I like it. The police officers from Reno tell me they have a guy walking around who is out on 8 bails.

MR. FRY: Not any longer, he isn't walking around Reno. He skipped town.

MR. REID: A guy is arrested. The defense attorney asks for lowering of bail. He says he has represented this guy many times before, etc. I think this bill is totally unnecessary.

MR. SWACKHAMER: How could this guy be out on eight bails?

MR. FRY: These bails do not even cover this situation.

MR. BRYAN: The defense attorney can say, this man really knows his responsibilities and in the 95 times I have represented him he has never missed an appearance in court.

MR. TORVINEN: Let's just skip over this one for awhile. We are getting near the end of the session.

It was decided by the committee that the following group of bills is dead for this session: AB 160, AB 607, AB 716, AB 170, AB 227, AB 214, AB 322.

AB 344: Authorizes judgment of acquittal in criminal cases.

MR. REID: I move Do Pass AB 344.

MR. BRYAN: I second the motion.

MOTION FAILED, receiving only three ayes, Mr. Fry, Mr. Reid and Mr. Bryan

MR. TORVINEN: I have two bills here which we have been asked to introduce.

MR. BRYAN: One of those is a draft I had requested from both Justices of the Peace in Las Vegas. Under the present law, they are required to file quarterly statements and this creates an inordinate amount of work. There are about 90 pages a month. George Franklin agrees with them that this should be changed.

MR. SCHOUWEILER: I move Committee Introduction of BDR 1-1953.

MR. BRYAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN: The other request for legislation was in a letter from Mr. Hadley. It will amend 126, the bastardy section. It concerns Illegitimate Child Support.

It used to read "until the child reaches the age of 16." He wants to change it to 21 if male and 18 if female.

MR. BRYAN: I move Committee Introduction of BDR 11-1952.

MR. REID: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. BRYAN: I have the amendments drafted for the bill by Getto, for AB 465 and they were given to you.

MR. TORVINEN: That will be the first order of business for tomorrow. AB 465 is superceded by AB 679. We will consider them both tomorrow.

MR. LOWMAN: I move we adjourn.

MR. PRINCE: I second the motion.

Meeting was adjourned at 5:35 P.M.

Amendment N^o 1870

Amend section 1, page 1, line 2, by deleting "11," and inserting "10,".

Amend sec. 2, page 1, line 5, by deleting "11," and inserting "10,".

Amend sec. 4, page 1, line 16, by deleting "11," and inserting "10,".

Amend sec. 5, page 1, line 20, by deleting "17" and inserting "18".

Amend sec. 10, page 2, line 12, by inserting "motion picture film," after "sculpture,".

Amend sec. 10, page 2, line 24, by inserting "motion picture," after "exhibited a".

Amend sec. 10, page 2, line 26, by deleting the period and inserting:
", unless ~~any~~ such minor is accompanied by his parent, guardian or spouse.

4. Misrepresents that he is the parent, guardian or spouse of a minor for the purpose of obtaining admission of such minor to any motion picture, show or any other presentation which is harmful to minors.

5. Misrepresents his age as 18 or over for the purpose of obtaining admission to any motion picture, show or other presentation which is harmful to minors."

Amend the bill as a whole by deleting section 11 and renumbering section 12 as section 11.

JOSEPH M. KADANS

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March 15, 1969

Hon. Zel Lowman
State Assembly
Carson City, Nevada

Dear Zel:

I am writing to you because you have known me for some time. I believe you know that although I am an attorney at law, I have not yet been allowed to take the bar examination in Nevada. Consequently, although I feel I have the right to use letterhead indicating that I am an attorney, I have actually not practiced law in Nevada. I am an active member of the Michigan Bar and I have an association with a law firm in Washington, D.C.

and admitted to the Maryland Bar

The enclosed summary indicates my background both in practicing law in Maryland and Michigan and my background in U.S. Government service; also as a professor of law and author of law books.

Since moving to Nevada six years ago, I have made efforts each year to be admitted to the Nevada bar examination but have been barred by a rule adopted by the Board of Bar Examiners, approved by the Board of Governors of the State Bar of Nevada and adopted as a Supreme Court Rule by the Supreme Court of Nevada. This rule bars an applicant from a bar examination if he is not a graduate of a certain list of law schools adopted by the American Bar Association. *I graduated from first degree law school, the University of Baltimore, 1943*

During the time I have been in Nevada, I have been active with the Lions Club and at present I am First Vice President of the North Las Vegas Lions Club. Two years ago I was voted the outstanding Zone Chairman in the State of Nevada among the Lions. I have written the column ECONOMIC TRENDS, published by the Review Journal.

When Governor Laxalt spoke at the NLV Lions Club during his campaign he suggested that I make efforts to have the state legislature pass a special act giving relief to me to allow me to take the bar examination. As you are the majority leader of the Republicans in the Assembly, I feel that if you introduced the bill it would gain considerable support. I have not inquired of any other legislators about a special relief act.

All I want is an opportunity to take the September 1969 bar examination. If an appropriately worded measure is passed, I feel certain that the governor will sign it as he has previously indicated that he would do so.

Won't you please see what you could do to help. Being unable to practice my profession has caused me to endure considerable suffering during the past six years. I have had to work as a law clerk, do collection work (for Oran Gragson) and I am also doing substitute work in the school system.

Substitute

Please help.

Sincerely,

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PRACTICE LIMITED TO THE UNITED STATES SUPREME COURT

N O T I C E

Attention lawyers:

The following information is furnished lawyers in accordance with Canon 46 of the Canons of Professional Ethics of the American Bar Association:

Name of attorney: See letterhead name and address above.

Specialized legal service:

1. General assistance in admiralty law cases, including cases involving longshoremen or Jones Act or Death on the High Seas Act. Will assist in trial of causes and in appellate practice.
2. Appellate practice involving appeals to the United States Supreme Court in all categories of the law. Includes preparation of appellate briefs and argument before the Court.

Background of attorney:

Admitted to Maryland Bar, Michigan Bar, Court of Appeals of the District of Columbia, United States Supreme Court;

Formerly on the field staff of the United States Interstate Commerce Commission, Bureau of Motor Carriers;

Formerly a Safety Inspector with the Corps of Engineers, U.S. Army;

Formerly assigned to Port Security, Port of Baltimore, U.S.C.G., during World War II;

Professor of Admiralty Law, Federal Procedure and Insurance Law, Eastern College of Commerce and Law, Baltimore, Maryland;

Author of PRINCIPLES OF MARITIME LAW, ELEMENTS OF INSURANCE and FEDERAL ADMINISTRATIVE AND COURT PROCEDURE; also, LAW OF INTERNATIONAL TRADE;

Professor of Business Law, Economics, Political Science, Public Speaking and History of Civilization, Great Lakes College, Detroit;

Alumnus of George Washington University, University of Illinois, University of Michigan, University of Baltimore and other schools;

Admiralty Law practice, Baltimore, Maryland and Detroit, Michigan.