

1 JUSTICE COURT, LAS VEGAS TOWNSHIP

2 CLARK COUNTY, NEVADA

3 2011 OCT 26 P 1:54

4 IN THE ADMINISTRATIVE MATTER
5 REGARDING JUSTICES OF THE PEACE
6 PRO TEMPORE AND REFEREES

ADMINISTRATIVE ORDER 11-10

BY _____

7
8 WHEREAS, the Las Vegas Justice Court utilizes justices of the peace pro tempore and
9 referees, pursuant to NRS 4.032 and NRS 4.355; and

10 WHEREAS, the Court has, over time, adopted various policies regulating these court
11 officers; and

12 WHEREAS, the Court has determined that such policies should be formalized in an
13 administrative order and made available to attorneys and to the general public; therefore,

14 IT IS HEREBY ORDERED that the following rules are applicable to justices of the
15 peace pro tempore and referees:
16

17 **I. Justices of the Peace Pro Tempore**

18 (a) A justice of the peace pro tempore must comply with the provisions of NRS 4.032 and
19 the provisions set forth in this Order.

20 (b) A justice of the peace pro tempore must comply with the following restrictions on
21 service:

22 (1) A justice of the peace pro tempore may not appear as attorney of record in
23 any case pending in the Las Vegas Justice Court. This is a personal restriction
24 that does not affect other attorneys in the law firm of a justice of the peace pro
tempore.

25 (2) A justice of the peace pro tempore must recuse himself or herself from hearing
26 any case that he or she previously handled, or is currently handling, as an
27 attorney, and from any case where a party is or was a client of the justice of
28 the peace pro tempore or the law firm where the justice of the peace pro
tempore currently practices.

1 (3) A current or prospective justice of the peace pro tempore who is a candidate
2 for a contested judicial office may not serve as a justice of the peace pro
3 tempore until one of the following has occurred:

4 (A) The current or prospective justice of the peace pro tempore
5 withdraws from the race;

6 (B) The current or prospective justice of the peace pro tempore is
7 defeated in the primary election for the contested judicial office; or

8 (C) The general election for the contested judicial office has passed.

9 (c) The period of service for a justice of the peace pro tempore is subject to the following
10 requirements:

11 (1) An individual who wishes to serve as a justice of the peace pro tempore must
12 comply with the application requirements imposed by the Chief Judge or the
13 Chief Judge's designee. These requirements may include, but are not limited
14 to, the following:

15 (A) Submission of a resume;

16 (B) Submission of a letter of interest;

17 (C) Submission of a writing sample;

18 (D) Consent to a criminal background check;

19 (E) Consent to a Bar status check with the State Bar of Nevada; and

20 (F) An interview by a panel of justices of the peace.

21 (2) The term of service for a justice of the peace pro tempore is a period of two
22 calendar years, commencing on January 1st of odd-numbered years and ending
23 on December 31st of even-numbered years. Individuals may apply to serve as a
24 justice of the peace pro tempore for consecutive terms without restriction.

25 (3) The recruitment timelines are as follows:

26 (A) Applicants for the position of justice of the peace pro tempore may
27 only apply during the period commencing on June 15th and ending on
28 August 15th of even-numbered years.

(B) The persons selected for the next ensuing panel of justices of the
peace pro tempore will be determined at a closed judges' meeting in
September of each even-numbered year. The procedure for selecting the
panel, and the total number of individuals to be selected, will be

1 determined by a majority vote of the justices of the peace who attend the
2 closed judges' meeting, either in person or by proxy.

3 (C) The individuals selected by the justices of the peace to serve as
4 justices of the peace pro tempore will then be submitted to the Board of
5 County Commissioners for approval.

6 (D) The individuals who are approved by the justices of the peace and
7 the Board of County Commissioner to serve as justices of the peace pro
8 tempore must attend a mandatory orientation in November of the even-
9 numbered year before the next ensuing term of service begins. This
10 requirement may only be waived by the Chief Judge upon written
11 request and for good cause shown. The length and format of the
12 orientation will be determined by the Chief Judge. However, the
13 orientation must include an ethics component of at least one hour in
14 duration. Attendees at the orientation will be eligible to obtain
15 continuing legal education (CLE) credit for their attendance.

16 (d) Justices of the peace pro tempore may perform all the duties of a justice of the peace,
17 with the following exceptions:

18 (1) A justice of the peace pro tempore may not sign a search warrant;

19 (2) A justice of the peace pro tempore is not authorized to review protection
20 order applications, or to grant or deny protection order requests, in chambers.
21 However, a justice of the peace pro tempore is authorized to approve or deny
22 protection order requests in the courtroom during any scheduled hearing.

23 (3) A justice of the peace pro tempore may not perform a marriage ceremony.

24 (e) Justices of the peace pro tempore must comply with all applicable provisions of the
25 Nevada Code of Judicial Conduct and any policies or procedures approved by a majority
26 of justices of the peace.

27 (f) A motion to disqualify a justice of the peace pro tempore shall be heard by the chief
28 judge or a designee of the chief judge.

(g) A motion for reconsideration of a decision of a justice of the peace pro tempore shall
be brought before the justice of the peace sitting in the department of origin and shall be
decided upon the pleadings and any transcript of the proceedings before the justice of the
peace pro tempore unless the justice of the peace deems further evidence to be necessary.
The "department of origin" is the department of the Las Vegas Justice Court to which the
clerk's office randomly assigned the case for trial or hearing.

(h) All proceedings before a justice of the peace pro tempore shall be of record in the
same manner provided by law for proceedings before justices of the peace of the Las
Vegas Justice Court. All pleas of guilty or nolo contendere shall be transcribed and
become a part of the court record.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(i) The Clark County District Attorney's Office, the Clark County Public Defender's Office, the Special Public Defender's Office, and any other government office or private attorney appointed to represent an indigent defendant shall provide legal representation for the State of Nevada and indigent defendants before a justice of the peace pro tempore as they would before any justice of the peace of the Las Vegas Justice Court.

(j) All proceedings before a justice of the peace pro tempore must be conducted in accordance with the Nevada and United States Constitutions, the Nevada Revised Statutes, the Justice Court Rules of Civil Procedure, and these rules.

II. Referees

(a) A referee must comply with the provisions of NRS 4.355, the provisions of JCRLV 48, and the provisions set forth in this Order.

(b) A referee must recuse himself or herself from hearing any case that he or she previously handled, or is currently handling, as an attorney, and from any case where a party is or was a client of the referee or the law firm where the referee currently practices.

(c) A current or prospective referee who is a candidate for a contested judicial office may not serve as a referee until one of the following has occurred:

- (A) The current or prospective referee withdraws from the race;
- (B) The current or prospective referee is defeated in the primary election for the contested judicial office; or
- (C) The general election for the contested judicial office has passed.

(d) The period of service for a referee is subject to the following requirements:

(1) An individual who wishes to serve as a referee must comply with the application requirements imposed by the Chief Judge or the Chief Judge's designee. These requirements may include, but are not limited to, the following:

- (A) Submission of a resume;
- (B) Submission of a letter of interest;
- (C) Submission of a writing sample;
- (D) Consent to a criminal background check;
- (E) Consent to a Bar status check with the State Bar of Nevada; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(F) An interview by a panel of justices of the peace.

(2) The term of service for a referee is a period of two calendar years, commencing on January 1st of odd-numbered years and ending on December 31st of even-numbered years. Individuals may apply to serve as a referee for consecutive terms without restriction.

(3) The recruitment timelines are as follows:

(A) Applicants for the position of referee may only apply during the period commencing on June 15th and ending on August 15th of even-numbered years.

(B) The persons selected for the next ensuing panel of referees will be determined at a closed judges' meeting in September of each even-numbered year. The procedure for selecting the panel, and the total number of individuals to be selected, will be determined by a majority vote of the justices of the peace who attend the closed judges' meeting, either in person or by proxy.

(C) The individuals who are approved by the justices of the peace to serve as referees must attend a mandatory orientation in November of the even-numbered year before the next ensuing term of service begins. This requirement may only be waived by the Chief Judge upon written request and for good cause shown. The length and format of the orientation will be determined by the Chief Judge. However, the orientation must include an ethics component of at least one hour in duration. Attendees at the orientation will be eligible to obtain continuing legal education (CLE) credit for their attendance.


(e) Referees must comply with all applicable provisions of the Nevada Code of Judicial Conduct and any policies or procedures approved by a majority of justices of the peace.

(f) A motion to disqualify a referee shall be heard by the chief judge or a designee of the chief judge.

(g) All proceedings before a referee must be conducted in accordance with the Nevada and United States Constitutions, the Nevada Revised Statutes, the Justice Court Rules of Civil Procedure, and these rules.

IT IS FURTHER ORDERED that this Order shall become effective immediately.

Dated this 26th day of October, 2011.



Karen Bennett-Haron, CHIEF JUSTICE OF THE PEACE