

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: AMENDMENT OF SUPREME
COURT RULE 12 REGARDING
SENIOR JUSTICES OF THE PEACE
AND MUNICIPAL COURT JUDGES

ADKT 0584

FILED

AUG 16 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER SCHEDULING PUBLIC HEARING

On August 6, 2021, the Honorable Cedric Kerns, Municipal Judge, Las Vegas Municipal Court, and the Honorable E. Alan Tiras, Justice of the Peace, Incline Village Township, filed a petition on August 6, 2021, followed by an amended petition on August 11, 2021, seeking to amend Supreme Court Rule 12. The proposed amendments are attached as Exhibit A.

The Nevada Supreme Court will conduct a public hearing on the petition on Thursday, September 23, 2021, at 3:00 p.m. in the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada.

Further, this court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted electronically or in hard-copy format to: Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 or nvscclerk@nvcourts.nv.gov by 5:00 p.m., September 16, 2021.

Persons interested in participating in the hearing must notify the Clerk no later than September 16, 2021.

Dated this 16TH day of August, 2021.

Hardesty, C.J.
Hardesty

cc: Hon. Cedric Kerns, Municipal Court Judge
Hon. E. Alan Tiras, Justice of the Peace
Ann Morgan, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
All Justice Court Judges
All Municipal Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Elko County Bar Association
Douglas County Bar Association
Administrative Office of the Courts

EXHIBIT A
AMENDMENT TO SUPREME COURT RULE 12

Rule 12. Senior justices of the peace and municipal judges; designation; assignment; duties and powers; compensation and expenses; oath; discipline and removal.

1. **Eligibility for recall.** The supreme court may recall a former justice of the peace or municipal judge to active service as a senior justice of the peace or senior municipal judge of the Nevada court system, provided that:

(a) He or she has served as a justice of the peace or municipal judge for at least four consecutive years; and

(b) He or she is eligible to retire or has retired under the provisions of the Nevada Revised Statutes; and

(c) He or she was not removed or retired for cause from that judicial office or defeated for retention in an election for that office.

2. **Application.** A former justice of the peace or municipal judge who meets the requirements of subsection 1 of this rule may apply to be commissioned as a senior justice of the peace or senior municipal judge by filing with the clerk of the supreme court a written application on a form approved by the supreme court. The approved application forms shall be available at the supreme court clerk's office.

3. **Investigation and approval.** The supreme court may refer an applicant to the administrative office of the courts or the commission on judicial selection for investigation into the background and qualifications of the applicant and for a recommendation as to whether the applicant should receive a commission as a senior justice of the peace or senior municipal judge. If the supreme court determines that the applicant remains physically and

mentally capable of performing valuable judicial service on a continuing basis, and that the applicant's recall to active service will promote the effective administration of justice, a commission, duly executed and authenticated by the chief justice and clerk, shall thereupon issue under the seal of the supreme court.

4. Extra-judicial employment. A senior justice of the peace or senior municipal judge is ineligible to practice law in any of the courts of this state or to accept employment which contemplates giving advice on legal matters and shall not be a member of or associated with a firm or attorney that practices law. A senior justice of the peace or senior municipal judge may, however, serve as a private mediator or arbitrator for compensation. Notwithstanding Canon 4C(3) of the Nevada Code of Judicial Conduct, a senior justice of the peace or senior municipal judge may serve as an officer, director, manager, or employee of a business, but full disclosure of such activity shall in all cases be made a matter of record, and the participation of such justice of the peace or municipal judge may in all cases be precluded by any party through a timely objection made before consideration of any contested matter. However, such a senior justice of the peace or senior municipal court judge may not appear in a court in which that senior justice of the peace or senior municipal court judge regularly presides.

5. Eligibility for assignment. A senior justice of the peace or senior municipal judge is eligible for temporary assignment to any Justice or municipal Court in the State of Nevada to which he or she could be appointed for temporary service as a current justice of the peace or municipal judge, provided that the justice or judge previously served at least two years [~~in that office.~~] as a limited jurisdiction judge and possess the necessary experience for the case type over which he or she will preside. A senior justice of the peace

or senior municipal court judge who has presided over a specialty court program is eligible for assignment to any such limited jurisdiction specialty court program for which he or she has appropriate training and experience.

6. **Temporary assignment.** The assignment of a senior justice of the peace or senior municipal judge shall become effective upon the invitation of a justice of the peace or municipal judge, or by the city council or county commission, of the jurisdiction to which the senior justice of the peace or senior municipal judge is to be assigned and acceptance by the senior justice of the peace or senior municipal judge.

7. **Duties and powers.** Each senior justice of the peace or senior municipal judge assigned as provided in this rule has all the judicial powers and duties, while serving under the assignment, of a regularly elected and qualified judge of the court to which the senior justice of the peace or senior municipal judge is assigned. Without specific assignment, senior justices of the peace and senior municipal judges may perform routine ministerial acts, including the solemnization of marriages, subject to limitations in the jurisdiction in which they are performed, if any, and the administering of oaths, but shall not admit to bail any person accused of a crime.

8. **Compensation.** A senior justice of the peace or senior municipal judge assigned as provided in this rule shall receive as compensation for the time actually engaged in the performance of duties under the assignment an amount proportional to the gross monthly salary of the regularly elected and qualified judge of the court to which he or she is assigned, or a different amount if approved by the senior justice of the peace or senior municipal judge and provided by the court, the city council or county commission of the jurisdiction to which the senior justice of the peace or senior municipal judge is assigned. The compensation shall be paid by the jurisdiction in which service is

performed upon the certificate of the justice of the peace or municipal judge that the services were performed for the number of days shown in the certificate. A senior justice of the peace or senior municipal judge assigned to a court located outside the county or city in which he or she regularly resides shall receive, in addition to daily compensation, traveling expenses and per diem as provided by law while attending court or transacting business under the assignment. The expenses shall be paid by the jurisdiction in which service is performed upon presentation of an itemized statement of the expenses, certified by the senior justice of the peace or senior municipal judge to be correct.

9. Oath. To accept a commission as a senior justice of the peace or senior municipal judge, a former justice of the peace or municipal judge must take, subscribe and file with the clerk of the supreme court, the following oath or affirmation:

“I,, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States, and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State notwithstanding, and that I will well and faithfully perform all the duties of the office of a senior justice of the peace (or senior municipal judge) of the Nevada court system on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.”

10. Discipline and removal. The supreme court may for cause revoke the commission of any senior justice of the peace or senior municipal judge, either following notice and opportunity for hearing before the court, or after proceedings before the commission on judicial discipline.