

AN INSIDE LOOK AT JUSTICE AND MUNICIPAL COURTS

BY JUSTICE OF THE PEACE THOMAS E. PERKINS, ESQ.

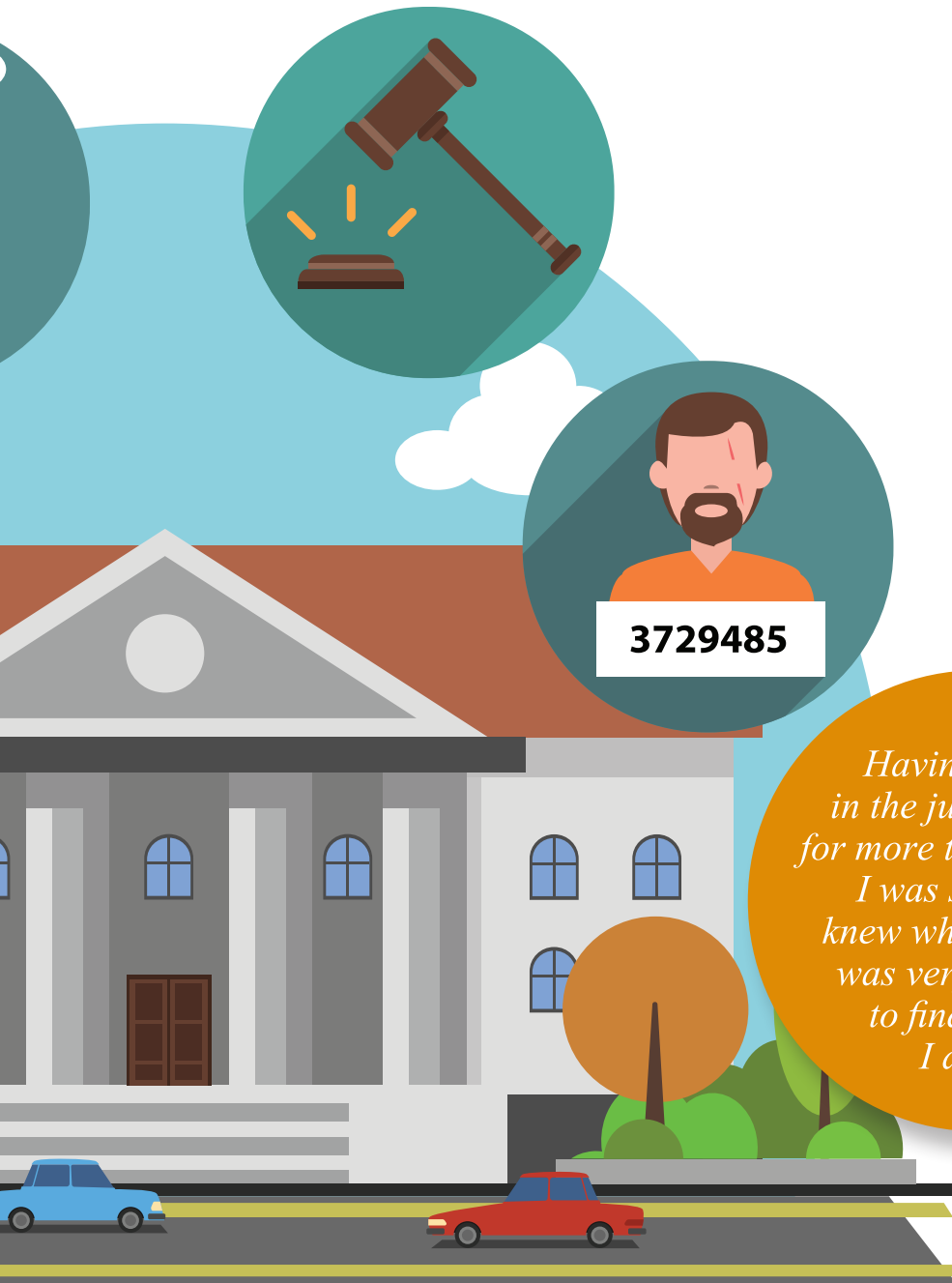
Jackie Boor wrote about the justice courts in Nevada at the dawn of the 20th century in “Logan, The Honorable Life and Scandalous Death of a Western Lawman,” (Boor, Cable Publishing, 2014):

Whether elected or appointed, a justice of the peace was not required to have any legal training to hold the office and had jurisdiction over, for instance, debt disputes, vagrancy, assault and battery, and other petty crimes. They could also perform marriages. To best function in a non-trial setting, a justice needed to be a good listener, a keen student of human behavior, and fair-minded.

Things have not changed all that much since then. In our urban areas, a legal education is now required, but the basic requirements are the same: a justice of the peace still needs to be a good listener, a keen student of human behavior and a fair-minded individual.

The justice courts and municipal judges in Nevada are remarkably diverse. My favorites are the lay judges in the rural counties, who are some of the ablest and wisest people in their small communities. They settle disputes and criminal cases that would make most of us shudder, among their neighbors and acquaintances. My other favorites are the brilliant and dedicated men and women on the bench in Las Vegas and Reno. I have always wanted to be that smart and effective, and I hold them in awe. Finally, rounding out my list of favorites are my colleagues in





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and eager, that we could do a much better job than the old fools on the bench. Next thing you know, you are the old fool on the bench, and things don't seem so especially easy anymore.

We see small claims up to \$7,500, and civil actions up to \$10,000, which are to be raised by the Legislature to \$10,000 and \$15,000. We see misdemeanors and traffic cases, evictions and protective orders. We handle search-and-arrest warrants and review warrantless arrests for probable cause. We handle all the early stages of felony and gross misdemeanor cases, including preliminary hearings. There are trials and motions to suppress, pre-trial conferences, bail hearings, pleas and sentencings. The municipal courts have criminal law jurisdiction over misdemeanors, traffic offenses and a few other specialty areas, including code violations. Both justice and municipal courts have a number of specialty courts, designed to hold people accountable for criminal conduct

the combined rural, urban and suburban areas from the growing communities outside of the big cities; we may not be quite as quick or sharp-looking as some of the others, but we are very happy with one another, and manage our work in the best of both worlds. There is an earnestness that unites the limited jurisdiction judges in the state of Nevada. We have lawyers and laymen, former peace officers, clerks, prosecutors, defenders, reporters, electricians, plumbers, ranchers, secretaries, morticians, linemen, surveyors and bailiffs — men and

women from every walk of life, and every ethnicity and nationality. I am humbled to be among them.

My work as a Justice of the Peace (JP) started pro-tem in Tahoe Justice Court. Then, in 2010, when the seat in East Fork Township (Carson Valley, in Douglas County) came open, I applied and was appointed. Having worked in the justice courts for more than 30 years, I was sure that I knew what to do and was very surprised to find out that I didn't. It all looks easy from the floor. The judges seem inept and most of us believe, particularly when we are young

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and, at the same time, help them find a path away from things like addiction, prostitution, mental illness and homelessness, as well as the problems veterans bring home from war.

The justice and municipal courts are the people's courts. Aside from what they see on television and in the movies, they are most peoples' only experience of the courts. Scott Doyle, my good friend and a former district attorney, calls it "freeway justice." People move quickly through these courts, unlike in the district courts that are more deliberate. They may have time-consuming and expensive trials, water disputes, probate fights or child custody cases that go on for years, even decades. We see large numbers of people for brief segments of time. However, for every one of them, what is happening to them at that moment is the most important thing in their lives.

My first trial out of law school was in the Sparks Municipal Court. Until the bar results were out, I carried a briefcase for Gene Barbagelata, who was a contract prosecutor for the City Attorney. I was supposed to be watching him, but he handed me one of the speeding tickets and said, "here, Tom, try this case." "I can't do that, Gene," I replied. "I haven't passed the bar yet." "Don't worry about that," he said. "Now listen. Make sure the officer identifies the defendant. Have him draw a diagram and show the judge what happened, and be sure to have him testify that it happened in the city."

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Thirty-two years later, I went to my first meeting of the Nevada Judges of Limited Jurisdiction and sat down next to Reno Municipal Court Judge Ken Howard, the superb judge I had met some decades ago on a football field during high school. I had been on the justice court in Minden for three months. He asked me how I was finding my new job, and I told him, "The speeding tickets are tough." He shook his head and gave me a comforting smile. "The hardest thing on the bench, he told me, is "A law-abiding citizen on one side, and a sworn peace officer on the other."

Don't take that as a complaint. This is some of the most rewarding work I have ever done, and the results are both practical and real. There are few positions in the law, or otherwise, where one can have such a positive impact on people's lives, as in the justice courts. **NL**



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Justice of the Peace Perkins' Tips for Practitioners in Justice Court:

- Dress up. This conveys a respect for the institution and will likely impress your clients.
- Have your clients dress up. Most of us are satisfied if people merely show up, but when someone dresses nicely, it is hard to ignore. (Well, there are always exceptions; I told a client in Lovelock to dress up once, in the late 1970s, and he showed up for court in bell-bottom trousers, wearing a shiny polyester shirt, buttoned at the navel, with a big medallion hanging off a chain around his neck.)
- Play for keeps. A courtroom lawyer should take any court proceeding seriously, but, there is a difference between serious and stuffy.
- Have a sense of humor. A courtroom lawyer should never take him or herself too seriously.
- Know your decision-makers and how to move them;
- Listening and watching are the most important skills of a courtroom attorney.
- Devastating cross examinations rarely happen, and counting coup on redirect and recross is overrated. Remember what the great Irving Younger said: "The best cross examination is no cross examination."
- Be careful about arguing with the judge. It is okay to argue a point before a ruling is made, but generally not afterward. An old fool does not like to be reminded that he, or she, is an old fool. Take my word for it, we already know.
- Take Barbagelata's advice: Have your witness draw a diagram and show the judge what happened. **NL**