

**City of Carson City
Agenda Report**

Date Submitted: February 7, 2014

Agenda Date Requested: February 20, 2014

Time Requested: 5 Minutes

To: Mayor and Supervisors

From: Max Cortes, Court Administrator

Subject Title: For possible action: Action to approve the appointment of Mr. David Sarnowski to the panel of Judge Pro Tempores for the Carson City Justice & Municipal Court.

Staff Summary: NRS 4.032 allows the Board of Supervisor to establish a panel of qualified individuals to serve as judge pro tempore during the absence of a justice of the peace. Judge pro tempore's act with the full authority of a justice of the peace and are capable of presiding over trials, preliminary hearings, protective order matters, civil issues pertaining to small claim actions and tenant landlord disputes.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve the appointment of Mr. David Sarnowski to the panel of Judge Pro Tempores for the Carson City Justice & Municipal Court.

Explanation for Recommended Board Action:

NRS 4.032 Justices of the peace pro tempore.

1. The board of county commissioners of each county shall select a number of persons it determines appropriate to comprise a panel of substitute justices of the peace. The persons so selected must possess the qualifications set forth in NRS 4.010 for the office of justice of the peace in the respective county.

2. Whenever a justice of the peace is disqualified from acting in a case pending in the justice court or is unable to perform his official duties because of his temporary sickness or absence, or other cause, he shall, if necessary, appoint a person from the panel of substitute justices of the peace or, pursuant to NRS 4.340, invite another justice of the peace to act in his place.

3. A person appointed from the panel of substitute justices of the peace must take and subscribe to the official oath before acting as a justice of the peace pro tempore. While acting in that capacity, he is entitled to receive a per diem salary set by the board of county commissioners. The annual sum expended for salaries of justices of the peace pro tempore must not exceed the amount budgeted for that expense by the board of county commissioners.

4. If an appointment of a justice of the peace pro tempore becomes necessary and the justice of the peace fails or is unable to appoint a person from the panel of substitute justices pursuant to this section and fails or is unable to obtain another justice of the peace pursuant to NRS 4.340, the chairman of the board of county commissioners shall:

(a) In counties whose population is more than 100,000, appoint another justice of the peace pursuant to NRS 4.340 or a person from the panel of substitute justices of the peace pursuant to this section, to act in his place.

(b) In counties whose population is 100,000 or less, appoint another justice of the peace pursuant to NRS 4.340, a person from the panel of substitute justices of the peace pursuant to this section or a municipal judge pursuant to NRS 4.345, to act in his place.

(Added to NRS by 1991, 656)

NRS 5.023 Municipal judges pro tempore.

1. The governing body of the city shall select a number of persons it determines appropriate to comprise a panel of substitute municipal judges. The persons selected must not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline and must be:

(a) Members in good standing of the State Bar of Nevada;

(b) Adult residents of the city; or

(c) Justices of the peace of the county.

2. Whenever a municipal judge is disqualified from acting in a case pending in the municipal court or is unable to perform his duties because of his temporary sickness or absence, he shall, if necessary, appoint a person from the panel of substitute municipal judges to act in his place.

3. A person so appointed must take and subscribe to the official oath before acting as a municipal judge pro tempore. While acting in that capacity, he is entitled to receive a per diem salary set by the governing body. The annual sum expended for salaries of municipal judges pro tempore must not exceed the amount budgeted for that expense by the governing body.

4. If an appointment of a municipal judge pro tempore becomes necessary and the municipal judge fails or is unable to make the appointment, the mayor shall make the appointment from the panel of substitute municipal judges.

5. For the purposes of this section, a person shall not be ineligible to be a candidate for the office of municipal judge pro tempore if a decision to remove or retire him from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

(Added to NRS by 1981, 1639; A 1983, 899; 1999, 95)


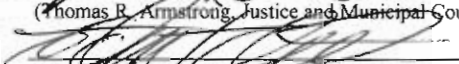
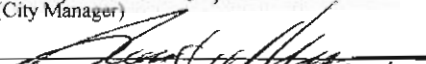
Applicable Statue, Code, Policy, Rule or Regulation: NRS 4.032 and NRS 5.023.

Fiscal Impact: Funds allocated in current budget year.

Funding Source: General Fund.

Supporting Material:

Prepared By: Max Cortes, Court Administrator.

Reviewed By:  Date: 2-7-14
 (Thomas R. Armstrong, Justice and Municipal Court Judge, Dept I)
 Date: 2/7/14
 (John Tatro, Justice and Municipal Court Judge, Dept II)
MARINA WONES Date: 2/11/14
 (City Manager)
 Date: 2/11/14
 (District Attorney)
 Date: 2/11/14
 (Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
 _____ 2) _____ _____

(Vote Recorded By)

DAVID F. SARNOWSKI
4059 Bigelow Drive
Carson City, Nevada 89701-6422
(775) 883-2267
dfsarnow@sbcglobal.net

Date of Birth: 12/31/52
Height: 5'7" Weight: 185 lbs.
Marital Status: Divorced
Children (both adults):
Daughter-Adrienne Snow
Son-Justin Sarnowski
Health: Excellent

EDUCATION:

Civilian:

United States Army War College, Carlisle Barracks, PA, M.A. – Strategic Studies, 2000
University of Santa Clara Law School, Santa Clara, CA, J.D., 1981
University of Santa Clara, Santa Clara, CA, B.A. - History, cum laude, 1974
Mineral County High School, Hawthorne, NV, 1970

Military:

Graduate: U. S. Army Judge Advocate General Officer Basic Course; U.S. Army Signal Officer Advanced Course; U. S. Army Command and General Staff College; U.S. Army War College.

BAR MEMBERSHIPS AND ASSOCIATIONS:

United States Supreme Court; Ninth Circuit Court of Appeals; Tenth Circuit Court of Appeals; United States District Court, District of Nevada; State Bar of Nevada.

HONORS AND ACTIVITIES:

Current -

Member: First Judicial District Bar Association; Washoe County Bar Association; Reserve Officers Association; National Guard Association of the United States, U.S. Army War College Alumni Association; American Legion.

Former-

Association of Government Attorneys in Capital Litigation; National District Attorneys Association; American Bar Association; American Trial Lawyers' Association; Association of Judicial Disciplinary Counsel.

Law School -

Moot court semifinalist; American Jurisprudence Award (Criminal Procedure); Student-Faculty Clinical Education Committee; Economically Disadvantaged Student Admissions Committee; Christian Law Student Association; Orientation Staff; Bergin Hall Rugby Club.

SPECIAL SKILLS AND INTERESTS:

Adjunct Faculty – National Judicial College (capital litigation law and processes); Continuing Legal Education instructor for State Bar of Nevada, First and Ninth Judicial District Bar Associations, Nevada District Judges' Association, and Nevada Limited Jurisdiction Judges' Association (judicial ethics).

Licensed by Nevada Superintendent of Public Instruction as a substitute teacher (January 2014).

EXPERIENCE:

07/23/13 to Present. Retired.

03/29/02 to 07/22/13. Executive Director and General Counsel for two Nevada Judicial Branch agencies: Nevada Commission on Judicial Discipline and the Standing Committee on Judicial Ethics. Both entities are comprised of a combination of lay persons, judges and attorneys. Last Supervisors-Commission Chairman Doug Jones and Standing Committee Chairman Michael Pagni.

Screened complaints about Nevada judicial officers from all levels (municipal, justice, district and supreme courts), oversaw investigations by private investigative agency and made recommendations to Commission regarding disposition of complaints.

Administered the Standing Committee and participated in research and drafting of advisory opinions pertaining to judicial ethics; supervised the administration of the contested complaint process between candidates for judicial elective office. Performed other duties as assigned, including teaching judicial ethics classes for a variety of audiences.

12/04/89 to 3/28/02. Chief Deputy Attorney General, Criminal Justice Division, Office of the Attorney General. Supervising Attorneys-Attorney General Frankie Sue Del Papa (Democrat) and Assistant Attorneys General Tom Patton and Brooke Nielsen; Attorney General Brian McKay (Republican) and Assistant Attorney General Scott Doyle.

Supervised twenty-one deputy attorneys general, two legal researchers, three auditors and more than twenty investigators, legal secretaries and other support staff in the Criminal Justice Division. Deputies litigated in excess of 690 cases at any given time in the areas of criminal prosecution and civil enforcement, state employee and inmate crime, state/federal habeas corpus, extradition, gaming crimes, money laundering, Medicaid fraud, insurance fraud, unemployment compensation fraud, workmen's compensation fraud, securities fraud, telemarketing fraud, and consumer fraud. Tried one capital case to penalty phase jury verdict while serving as second-chair counsel; and briefed/argued two cases in U.S. Supreme Court.

7/1/84 to 12/3/89. Deputy Attorney General, Office of the Attorney General, Criminal Justice Division. Last Supervising Attorney-Brian Hutchins. Appointed on July 8, 1988, as Senior Deputy Attorney General, Criminal Division, Northern Office.

Maintained caseload of approximately 60-80 cases which primarily involved the prosecution of state employees and state prison inmates; and the defense of state officials in capital and non-capital state and federal habeas corpus proceedings and in federal civil rights lawsuits. Responsible for litigating death penalty cases, mostly in the federal court system. Tried two capital cases to penalty phase verdicts by juries in state court while serving as lead counsel.

10/1/81 to 6/30/84. State Industrial Insurance System, Supervising Attorneys - Robert D. Gibb and Raymond Badger. Supervised two other attorneys, one lay hearing advocate, and three secretaries. Represented agency in administrative hearings regarding industrial insurance claims, employer account hearings, many of which were further litigated in district court via judicial review. Prior to July 1, 1982, represented Department of Occupational Safety and Health in administrative hearings with employers cited for safety violations.

1978 to 2004. Active reserve service as a commissioned officer in the Nevada National Guard and U. S. Army Reserves. Positions included Headquarters, Nevada State Area Command Operations/ Training Officer (G-3), Assistant United States Property and Fiscal Officer; Battle Born Brigade Operations and Training Officer; Battalion/Company Commander and Staff Officer, 422nd Signal Battalion; Battalion Air Operations Officer and Communications Officer, 14th Psychological Operations Battalion (USAR). Held Top Secret security clearance.

1974 to 1978. Regular Army Officer, U. S. Army, 32nd Signal Battalion, APO NY 09757; Maintenance Officer, Radio Platoon Leader, Radio System Planner, Parachutist, Ranger, Nuclear, Biological and Chemical Defense Officer. Held Top Secret security clearance.

REFERENCES:

Available upon request.

WRITING SAMPLE:

Available upon request.