

**City of Carson City
Agenda Report**

Date Submitted: November 8, 2013

Agenda Date Requested: November 21, 2013

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. Joel Locke 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. Joel Locke 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:

(Thomas R. Armstrong, Justice and Municipal Court Judge, Dept I)

Date: 11-12-13

(John Patro, Justice and Municipal Court Judge, Dept II)

Date: 11/28/13

(City Manager)

Date: 11/24/13

(District Attorney)

Date: 11/12/13

(Finance Director)

Date: 11/12/13

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

402 N. Division Street, Carson City, Nevada 89703
Phone: (775)687-0202 Email: jlocke@allisonmackenzie.com

JOEL WILLIAM LOCKE

PROFESSIONAL EXPERIENCE

ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD. Carson City, Nevada
Attorney August 2007-Present

- Experience in real property, administrative law, and components of water law, including issues relating to litigating disputes involving title to real property, violations of the Federal Safe Drinking Water Act, and working with state and federal administrative agencies on licensing, and regulation and enforcement of drinking water standards.
- Worked with various non-governmental commercial and residential clients regarding drafting documents relating to real property, including purchase agreements, residential and commercial leases, easements, and covenants.
- Comprehensive experience in estate planning and probate law, including issues related to wills, trusts, guardianships, powers of attorney, advanced directives, family estate planning, and litigating disputes arising thereunder.
- Represented various entities and individuals in complex litigation in both the federal and state civil court systems.
- Extensive knowledge and trial experience in state District Courts relating to family law; i.e., divorce, child custody, child support, division of property, and spousal support.
- Represented various for-profit and non-profit business entities in corporate formation, licensing, employment law claims, and ongoing business transactions.

STATE BAR OF NEVADA Reno, Nevada
Bar Exam Grader July 2011-Present

- Grade selected bar exam questions for July and February bar exams, including questions regarding real property law, estate planning and probate law, and civil tort law.

WESTERN NEVADA COLLEGE Carson City, Nevada
Part-Time Instructor August 2009-May 2011

- Taught courses in real property law, and civil procedure in the pre-law/paralegal program.

FIRST JUDICIAL DISTRICT COURT OF NEVADA Carson City, Nevada
Law Clerk (Hon. William A. Maddox) August 2006-August 2007

- Legal and research assistant to sitting, visiting and senior judges for various legal matters including criminal and civil matters including complex civil litigation, administrative law and appeals on petitions for judicial review, election law, open meeting law, and family law.

EDUCATION

GONZAGA UNIVERSITY, SCHOOL OF LAW Spokane, Washington
Juris Doctor May 2006

- Service and Leadership Scholarship Recipient (2003-2006)

EDUCATION

UNIVERSITY OF NEVADA, RENO

Bachelors of Science, Finance

Reno, Nevada
December, 2000

- Minor in Economics
- Minor in Speech Communication
- Dean's List in 1997 and 1999

UNIVERSITY OF READING, ENGLAND

USAC Foreign Exchange Program

Reading, United Kingdom
April 2000-August 2000

WESTERN NEVADA COMMUNITY COLLEGE

- Dean's List in 1996 and 1997

Carson City, Nevada
August 1996-May 1997

MEMBERSHIPS AND AFFILIATIONS

State Bar of Nevada, United States District Court for the District of Nevada, First Judicial District Bar Association, Ninth Judicial District Bar Association, Washoe County Bar Association, Associate of the American Inns of Court, Bruce R. Thompson Chapter, Volunteer Attorneys for Rural Nevadans Pro-Bono Volunteer Attorney, Nevada Legal Services Pro-Bono Volunteer Attorney

REFERENCES

Available upon request