

FILED

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

DEC 19 3 59 PM '16

JUSTICE COURT
LAS VEGAS, NEVADA

IN THE ADMINISTRATIVE MATTER
REGARDING MANDATORY SMALL-
CLAIMS MEDIATION AND QUASI-
JUDICIAL OFFICERS

ADMINISTRATIVE ORDER #16-04¹

A. Mandatory Small-Claims Mediation

WHEREAS, JCRLV 6 allows the Chief Judge to make “such orders as deemed advisable” relating to local court rules; and

WHEREAS, after a review of the processes in the Small-Claims Division, the Chief Judge has determined that certain procedures need to be changed; therefore,

IT IS HEREBY ORDERED that **for all cases filed on or after January 1, 2017,** Small-Claims Mediation will no longer be mandatory, but it will still be available for any parties who wish to pursue it voluntarily; and

IT IS FURTHER ORDERED that the provisions of JCRLV 48.5 shall be **suspended** **for all cases filed on or after January 1, 2017;** and

IT IS FURTHER ORDERED that, **for all Counterclaims filed in small-claims cases on or after January 1, 2017,** a fee of \$71.00 shall be charged and collected by the Court.

¹ This Administrative Order supersedes Administrative Order #11-10.

1 **B. Quasi-Judicial Officers**

2 **WHEREAS**, the Las Vegas Justice Court utilizes justices of the peace pro tempore and
3 referees, pursuant to NRS 4.032 and NRS 4.355; and
4

5
6 **WHEREAS**, a prior Administrative Order formalized various policies regulating these
7 court officers; and
8

9 **WHEREAS**, such policies need to be updated in certain respects; therefore,
10

11
12 **IT IS HEREBY ORDERED** that the following policies are applicable in the Las Vegas
13 Justice Court:

14 (1) Small-Claims cases will be assigned to a Small-Claims Pro Tempore Judge for trial.

15 (2) Making Appearances and Being Listed as Attorney of Record
16 Justices of the Peace Pro Tempore, Small-Claims Pro Tempore Judges, and Traffic
17 Referees are subject to the following restrictions on service:

18 (a) A Justice of the Peace Pro Tempore who is designated to hear all case
19 types may not be named as attorney of record or make any appearance in
20 any case pending in the Las Vegas Justice Court during his or her term of
21 service. This is a personal restriction that does not affect other attorneys
22 in the law firm of a Justice of the Peace Pro Tempore.

23 (b) A Small-Claims Pro Tempore Judge may not be named as attorney of record
24 or make any appearance in a small-claims case pending in the Las Vegas Justice
25 Court during his or her term of service. This is a personal restriction
26 that does not affect other attorneys in the law firm of the Small-Claims Pro
27 Tempore Judge.

28 (c) A Traffic Referee may not be named as attorney of record or make any
appearance in any traffic matter pending in the Las Vegas Justice Court during his
or her term or service. This restriction applies to walk-in attorney sessions, bulk
attorney sessions, pretrial negotiations, and trials. Moreover, this is a personal
restriction that does not affect other attorneys in the law firm of the Traffic
Referee.

1 (3) Recusal

2 A Justice of the Peace Pro Tempore, Small-Claims Pro Tempore Judge, and
3 Traffic Referee must recuse himself or herself from hearing any case that he or
4 she previously handled, or is currently handling, as an attorney, and from any case
5 where a party is or was a client of the Justice of the Peace Pro Tempore, Small-
6 Claims Pro Tempore Judge, or Traffic Referee or the law firm where the Justice
of the Peace Pro Tempore, Small-Claims Pro Tempore Judge, or Traffic Referee
currently practices.

7 (4) Election Restrictions

8 A current or prospective Justice of the Peace Pro Tempore, Small-Claims Pro
9 Tempore Judge, or Traffic Referee who is a candidate for a contested judicial
10 office may not serve in the applicable capacity until one of the following has
occurred:

11 (a) The current or prospective Justice of the Peace Pro Tempore, Small-
12 Claims Pro Tempore Judge, or Traffic Referee withdraws from the race;

13 (b) The current or prospective Justice of the Peace Pro Tempore, Small-
14 Claims Pro Tempore Judge, or Traffic Referee is defeated in the primary
election for the contested judicial office; or

15 (c) The general election for the contested judicial office has passed.

16 (5) Recruitment Processes

17 (a) An individual who wishes to serve as a Justice of the Peace Pro Tempore,
18 Small-Claims Pro Tempore Judge, or Traffic Referee must comply with the
19 application requirements imposed by the Chief Judge or the Chief Judge's
designee. These requirements may include, but are not limited to, the following:

20 (1) Submission of a resume;

21 (2) Submission of a letter of interest;

22 (3) Submission of a writing sample;

23 (4) Consent to a criminal background check;

24 (5) Consent to a Bar status check with the State Bar of Nevada; and

25 (6) An interview by a panel of justices of the peace.
26
27
28

1 (b) The term of service for a Justice of the Peace Pro Tempore, Small-Claims Pro
2 Tempore Judge, and Traffic Referee is a period of two calendar years,
3 commencing on January 1st of odd-numbered years and ending on December 31st
4 of even-numbered years. Individuals may apply to serve in any of the listed
5 capacities, and for consecutive terms, without restriction.

6 (c) The recruitment timelines are as follows:

7 (1) Applicants may only apply during the period commencing on June
8 15th and ending on August 15th of even-numbered years.

9 (2) The persons selected for the panels will be determined at a closed
10 judges' meeting in September of each even-numbered year. The
11 procedure for selecting the panels, and the total number of individuals to
12 be selected, will be determined by a majority vote of the justices of the
13 peace who attend the closed judges' meeting, either in person or by proxy.

14 (3) The individuals selected by the justices of the peace to serve as
15 Justices of the Peace Pro Tempore and Small-Claims Pro-Tempore Judges
16 will then be submitted to the Board of County Commissioners (BCC) for
17 approval. Traffic Referees will be approved without the need for
18 concurrence by the BCC.

19 (4) The Justices of the Peace Pro Tempore, Small-Claims Pro Tempore
20 Judges, and Traffic Referees who are chosen for the next ensuing panel
21 must attend a mandatory orientation in November or December of the
22 even-numbered year before the next ensuing term of service begins. This
23 requirement may only be waived by the Chief Judge upon written request
24 and for good cause shown. The length and format of the orientation will
25 be determined by the Chief Judge. The orientation will include an ethics
26 component of at least one hour in duration. Attendees at the orientation
27 will be eligible to obtain continuing-legal-education (CLE) credit for their
28 attendance.

29 (6) Restrictions on Duties

30 Justices of the Peace Pro Tempore and Small-Claims Pro Tempore Judges are
31 subject to the following restrictions:

32 (a) Neither a Justice of the Peace Pro Tempore nor a Small-Claims Pro
33 Tempore Judge may sign a search warrant;

34 (b) Neither a Justice of the Peace Pro Tempore nor a Small-Claims Pro
35 Tempore Judge is authorized to review protection-order applications, or to
36 grant or deny protection order requests, in chambers. However, a Justice
37 of the Peace Pro Tempore (who is not designated solely as a Small-Claims
38 Pro Tempore Judge) is authorized to approve or deny protection-order
39 requests in the courtroom during any scheduled hearing.

1
2 (c) Neither a Justice of the Peace Pro Tempore nor a Small-Claims Pro
Tempore Judge may perform a marriage ceremony.

3 (7) Disqualification

4 A motion to disqualify a Justice of the Peace Pro Tempore, Small-Claims Pro
5 Tempore Judge, or Traffic Referee shall be heard by the Chief Judge or a
6 designee of the Chief Judge.


7 (8) JCRLV 48

8 To the extent that the provisions of JCRLV 48 refer to "Small-Claims Referees,"
9 such references shall be construed instead to refer to "Small-Claims Pro Tempore
10 Judges."

11 **C. Effective Date**

12 **IT IS FURTHER ORDERED** that this entire Administrative Order shall become
13 effective immediately, and this Administrative Order will remain in effect until formal, related
14 rule changes have been submitted by the Las Vegas Justice Court's Rules Committee and
15 approved by the Nevada Supreme Court.
16
17

18
19 Dated this 16th day of December, 2016.

20
21
22
23
24
25
26
27 
28 **Joe Bonaventure,**
Chief Justice of the Peace