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Civil Procedure; Justice and Municipal Courts

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17. Id. §2 (amending NRS 17.130(2)).
18. Id. §3 (amending NRS 37.175(1)).
19. Id. §5 (amending NRS 147.220)).

CIVIL PROCEDURE; JUSTICE AND MUNICIPAL COURTS

Amends NRS 4.060, 4.370, 18.020, 18.050, 73.010,
73.020, 266.555, 361.540

Repeals NRS 40.410

AB 28 (Robinson, Bremner, Mello); STATS 1979, Ch 676
(Effective July 1, 1979)

Adds to NRS Chapters 4, 189

Amends NRS 1.020, 189.030, 189.050, 266.565

Repeals NRS 189.040, 189.080

SB 267 (Committee on Judiciary); STATS 1979; Ch 659
(Effective January 1, 1980)

Cross-reference: Criminal Procedure; justice courts
as courts of record

Chapters 659 and 676 amend many provisions relating to justice and municipal courts. To be consistent with these new provisions, several other laws are amended or repealed.

Justice courts have been transformed into courts of record.¹ Whereas previous law provided that an appeal transferred the case to the district court for a new trial,² Chapter 659 provides that an appeal transfers the case to the district court for a trial on the record.³ As a result of this amendment, NRS 189.040 and 189.080, relating to trial de novo on appeal, are repealed.⁴ Justice court proceedings must now be recorded by sound recording equipment or certified shorthand reporter.⁵

The sound recording must be preserved for thirty days after the time limit for filing an appeal.⁶ Upon appeal, if the district court finds that the sound recording is materially defective, the case must be returned to the justice court for retrial unless all parties stipulate to be bound by the transcript.⁷

Additionally, Chapter 676 raises the justice courts' jurisdictional limit from a maximum of \$300⁸ to a maximum of \$750.⁹

Existing law provides that all practices and proceedings in municipal courts should conform as much as practicable to proceedings in justice courts.¹⁰ Since an appeal from a justice court now results in a district court hearing on the record,¹¹ this provision has been amended to allow for an exception: an appeal from a municipal court still results in a new trial in district court.¹²

Additionally, Chapter 676 raises the municipal courts' jurisdictional limit from a maximum of \$300¹³ to a maximum of \$750.¹⁴

Consistent with the extension of justice and municipal court jurisdiction, Chapter 676 amends NRS 18.020 and 18.050 which provide the conditions under which costs are awarded in district courts. Where these sections condition an apportionment of costs between the parties upon the level of recovery exceeding a threshold amount, the threshold is raised from \$300¹⁵ to \$750.¹⁶ Chapter 676 also limits the court's discretion to waive this minimum requirement to actions in which at least \$400 has been recovered,¹⁷ up from \$150.¹⁸

Finally, Chapter 676 repeals NRS 40.410¹⁹ which granted justice courts concurrent jurisdiction in landlord-tenant matters, but a similar provision, NRS 4.370(l)(h), remains unaffected.²⁰

Darlynne Cassaday

FOOTNOTES

1. 1979 Nev. Stats. ch. 659 (hereinafter "Ch. 659") §6 (amending NRS 1.020).
2. NCL §11313 (NRS 189.050).
3. Ch. 659 §9 (amending NRS 189.050).
4. Id. §11 (repealing NRS 189.040, 189.080).
5. Id. §2 (adding to NRS Ch. 4).
6. Id. §5 (adding to NRS Ch. 4).
7. Id. §7 (adding to NRS Ch. 189).
8. 1963 Nev. Stats. ch. 391 §4, at 882 (NRS 4.370).
9. 1979 Nev. Stats. ch. 676 (hereinafter "Ch. 676") §2 (amending NRS 4.370). Raising the jurisdictional limit of justice courts was made possible by a 1978 amendment to Nev. Const. art. VI sec. 8. See 1977 Nev. Stats. File Number 54 §8, at 1690.

10. Ch. 659 §10 (amending NRS 266.565(1)).
11. Id. §9 (amending NRS 189.050).
12. Id. §10 (amending NRS 266.565).
13. 1973 Nev. Stats. ch. 141 §1, at 199 (NRS 266.555(3)).
14. Ch. 676 §7 (amending NRS 266.555(3)).
15. NCL §§8924, 8927 (NRS 18.020, 18.050).
16. Ch. 676 §§3, 4 (amending NRS 18.020, 18.050). Chapter 676 §3 apparently amended language of NRS 18.020 without indicating the change with brackets or italics as is usually done. Prior to Chapter 676, NRS 18.020 read "costs shall be allowed of course to the prevailing party...in the following cases... 3. In an action for recovery of money or damages where the plaintiff recovers \$300 or over" (emphasis added) (1977 Nev. Stats. ch. 401 §5, at 774). However, Chapter 676, from its initial printing, with no italicized or bracketed identification, changed the above language to "... 3. ... the plaintiff seeks to recover [\$300] \$750 or over" (emphasis added) (1979 Nev. Stats. Ch. 676 §3). Thus it appears that costs must be awarded to the prevailing party whenever the plaintiff claims \$750 or over. Note, however that NRS 18.050 continues to speak in terms of apportioning costs in other actions depending on plaintiff's actual recovery. (See 1979 Nev. Stats. Ch. 676 §4).
17. Ch. 676 §4 (amending NRS 18.050).
18. NCL §8927 (NRS 18.050).
19. Ch. 676 §9.
20. See Ch. 676 §2, amending other provisions of NRS 4.370(1).

CIVIL PROCEDURE; VOIR DIRE

Amends NRS 16.030, 175.031

AB 257 (Committee on Judiciary); STATS 1979, Ch 467

AB 258 (Committee on Judiciary); STATS 1979, Ch 149

Criminal Procedure

Chapter 149 amends NRS 175.031 to provide that in criminal cases the court shall conduct the initial examination of prospective jurors. The attorneys "are entitled to supplement the examination by such further inquiry as the court deems