



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1981 | Issue 1

Article 14

1-1-1981

Civil Procedure; Witnesses-Rights and Compensation

Univeristy of the Pacific, McGeorge School of Law

Follow this and additional works at: <https://scholarlycommons.pacific.edu/nlr>



Part of the [Legislation Commons](#)

Recommended Citation

Univeristy of the Pacific, McGeorge School of Law, *Civil Procedure; Witnesses-Rights and Compensation*, 1981 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1981/iss1/14>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

statutory law providing that the procedural rules for the disqualification of judges were not applicable in juvenile court proceedings has been eliminated.¹⁴ Furthermore, prior to the enactment of Chapter 152 there could be no more than one change of judge under the disqualification procedures.¹⁵ This provision has been removed¹⁶ thus apparently allowing a party the opportunity to challenge the impartiality of any number of judges assigned to a case.¹⁷ Prior law also specifically provided that the right of a party to seek the disqualification of a judge could be expressly or impliedly waived.¹⁸ Chapter 152 repeals this waiver provision. The Supreme Court of Nevada, however, has indicated that failure to comply with the filing requirements for the disqualification of judges is an implied waiver.¹⁹ Finally, Chapter 152 eliminates the twenty-five dollar fee formerly required for the filing of the affidavit for disqualification.²⁰

14. Compare *id.* with STATUTES OF NEVADA 1979, c. 42, §2, at 60. See generally STATUTES OF NEVADA 1975, c. 415, §1, at 609 (amending N.R.S. §1.230). See also *A Minor v. State*, 86 Nev. 691, 694, 476 P.2d 11, 13 (1970) (procedures established for the disqualification of judges were applicable in juvenile court proceedings).

15. See STATUTES OF NEVADA 1979, c. 42, §2, at 60 (amending N.R.S. §1.240 2).

16. See STATUTES OF NEVADA 1981, c. 152, §2, at — (repealing N.R.S. §1.240).

17. Compare N.R.S. §1.235 3 with STATUTES OF NEVADA 1979, c. 42, §2, at 60 (amending N.R.S. §1.240 2).

18. See STATUTES OF NEVADA 1979, c. 42, §2, at 60 (amending N.R.S. §1.240 3).

19. See *State ex rel Department of Welfare v. District Court*, 85 Nev. 642, 646, 462 P.2d 37, 39 (1969).

20. See STATUTES OF NEVADA 1981, c. 152, §2, at — (repealing N.R.S. §1.240 1).

Civil Procedure; witnesses—rights and compensation

N.R.S. §50 (new); §50.225 (amended).

AB 303 (May); STATS 1981, Ch 191.

Under federal law it is an unfair labor practice for an employer to discharge or otherwise discriminate against an employee because the employee gives testimony in court proceedings dealing with labor relations.¹ Federal law also imposes a fine or term of imprisonment or both on anyone who corruptly impedes any federal witness.² Chapter 191 complements federal law by providing that an employer who terminates or threatens to terminate the employment of one who appears or is summoned to appear as a witness³ is guilty of a misdemeanor⁴ if

1. See 18 U.S.C. §1503.

2. See 29 U.S.C. §158(a)(4).

3. See N.R.S. §174.405 3 (definition of witness).

4. See *id.* §193.120 3 (definition of misdemeanor).

the termination results from the appearance as a witness or receipt of summons.⁵ Chapter 191 also gives an employee who is wrongfully discharged the right to bring a civil action against the employer.⁶ The employee may obtain damages for wages and benefits lost, reasonable attorney's fees, as well as an order of reinstatement without loss of position, seniority, or benefits.⁷

Prior to the enactment of Chapter 191, a sworn witness received \$15 compensation for each day's attendance, and fifteen cents for each mile driven one way to the court⁸ regardless of whether the witness was required to attend by service of subpoena.⁹ Chapter 191 increases the amount of compensation any sworn witness may receive to \$25 for each day in attendance, and nineteen cents for each mile driven both to and from the court.¹⁰

5. *See id.* §50.— 1(b).

6. *See id.* §50.— 2.

7. *See id.* §50.— 2(a), (d).

8. *See* STATUTES OF NEVADA 1977, c. 401, §11, at 776 (amending N.R.S. §50.225).

9. *See* N.R.S. §50.225 2(b).

10. *Compare id.* §50.225 with STATUTES OF NEVADA 1977, c. 401, §11, at 776 (amending N.R.S. §50.225).

Civil Procedure; jury-juror selection, exemptions from service, number of jurors, juror compensation

N.R.S. §§6.020, 6.045, 6.050, 6.090, 6.150, 16.030 (amended).

SB 118 (Kosinski); STATS 1981, Ch 159

SB 225 (Committee on Judiciary); STATS 1981, Ch 162

(Effective May 1, 1981)

SB 529 (Committee on Judiciary); STATS 1981, Ch 298

SB 530 (Committee on Judiciary); STATS 1981, Ch 378

Existing law distinguishes counties for the purpose of jury selection on the basis of population.¹ In counties with populations of 100,000 or more the district court is permitted to appoint a jury commissioner to regularly estimate the number of jurors needed by the court, and to select that number from the county's qualified electors.² Prior to the enactment of Chapter 298, only the court clerk or deputy court clerk was eligible for appointment to the position of jury commissioner.³ Chapter 298 allows the district court to designate any person as jury

1. *See generally* N.R.S. §§6.045 1, 6.050.

2. *See id.* §6.045 1, 2.

3. *See* STATUTES OF NEVADA 1979, c. 338, §3, at 498 (amending N.R.S. §6.045).