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Civil Procedure; Jury-Juror Selection, Exemptions from Service, Number of Jurors, Juror Compensation

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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).

commissioner.⁴ Formerly, the county sheriff was required to serve, personally or by mail, all prospective jurors with a jury summons.⁵ Chapter 298 now provides that if prospective jurors are to be served by mail, service may be made by the jury commissioner as well as the county sheriff.⁶ Chapter 298 also permits the jury commissioner to make selections by computer whenever procedures to assure random selection are established.⁷

Prior law required the Board of County Commissioners in counties with *no* jury commissioner⁸ to estimate yearly the number of jurors needed and to select a corresponding number of names to be placed in the jury ballot box for drawing as needed.⁹ Chapter 159 delegates the task of estimating the number of jurors needed to the district court and allows the district court to submit a request for the selection of jurors as often as is necessary.¹⁰ Chapter 298 expressly provides that only those counties which do not appoint a jury commissioner are to select juries by drawing names from a ballot box.¹¹

Existing law permits certain classes of persons to claim an exemption from service as a juror.¹² Chapter 378 eliminates from the list of persons formerly permitted to claim an exemption deputy constables, physicians, dentists, nurses, pharmacists, specified mail carriers, public school teachers, principals, and superintendents, paid and volunteer firefighters, and members of firefighters' associations.¹³

Prior to the enactment of Chapter 159, persons actually sworn and serving on a trial or grand jury were entitled to \$15 a day as full compensation for their services.¹⁴ Chapter 159 provides that after the first five days of service, the daily compensation increases to \$30.¹⁵ Finally, Chapter 162 specifies that a regular jury in a civil trial should consist of no more than eight persons.¹⁶ The parties may, however, agree to a

4. See N.R.S. §6.045 1.

5. See STATUTES OF NEVADA 1979, c. 309, §1, at 462 (amending N.R.S. §6.090).

6. See N.R.S. §6.090 4.

7. See *id.* §§6.045 2, 6.090 3.

8. Apparently, Nevada Revised Statute Section 6.050 applies both to counties with populations below 100,000 and counties with populations of 100,000 or more that have not appointed a jury commissioner.

9. See STATUTES OF NEVADA 1967, c. 357, §2, at 982 (amending N.R.S. §6.050).

10. Compare N.R.S. §6.050 1 with STATUTES OF NEVADA 1967, c. 357, §2, at 982 (amending N.R.S. §6.050).

11. See *id.* §§6.090 1, 16.030 1.

12. See *id.* §6.020.

13. Compare *id.* §6.020 1 with STATUTES OF NEVADA 1977, c. 430, §62, at 856 (amending N.R.S. §6.020).

14. See STATUTES OF NEVADA 1979, c. 231, §1, at 330 (amending N.R.S. §6.150).

15. See N.R.S. §6.150 2.

16. See *id.* §16.030 3.

jury of fewer than eight persons, but in no case less than four.¹⁷

17. *See Id.*

Civil Procedure; justice, district, and supreme court jurisdiction

N.R.S. §§2.080, 2.100, 3.190, 3.200, 3.210 (repealed); §§4.060, 4.370, 18.020, 18.050, 66.070, 73.010, 108.239, 266.555, 361.540, 484.757 (amended).

SB 52 (Committee on Transportation); STATS 1981, Ch 398

SB 107 (Committee on Judiciary); STATS 1981, Ch 76

(*Effective April 7, 1981*)

SB 440 (Committee on Judiciary); STATS 1981, Ch 239

Chapter 76 revises statutory provisions relating to the jurisdiction of the supreme, district, and justice courts to conform to Nevada's Constitution.¹ Chapters 239 and 398 provide for increased jurisdictional amounts² and broaden the scope of the jurisdiction of the justice courts.³

Prior to the enactment of Chapter 76, the district and supreme courts had jurisdiction of specified actions as enumerated in Nevada Revised Statutes.⁴ Chapter 76 repeals certain of these provisions⁵ apparently leaving the Nevada Constitution to define the jurisdiction in those areas.⁶ The Nevada Constitution grants the district court jurisdiction over all cases excluded by law from the original jurisdiction of the justice court, final appellate jurisdiction in cases arising in the justice court, and the power to issue all writs necessary for the complete exercise of their jurisdiction.⁷ The Nevada Supreme Court is granted appellate jurisdiction in all civil cases arising in district court and on questions of law in criminal cases when the offense charged is within the original jurisdiction of the district court.⁸ The supreme court has the power to issue all writs necessary for the complete exercise of appel-

1. *See* STATUTES OF NEVADA 1981, c. 76, §5, at — (repealing N.R.S. §§2.080, 2.100, 3.190, 3.200, 3.210). *See generally* N.R.S. §4.370. *See also* SENATE COMM. ON JUDICIARY, Minutes, at 1, March 3, 1981.

2. *See* N.R.S. §4.060.

3. *See id.* §4.370.

4. *See* STATUTES OF NEVADA 1973, c. 321, §1, at 396-397; NEVADA COMPILED LAWS 1929, §§8374, 8390, 8391, 8469.

5. *See* STATUTES OF NEVADA 1981, c. 76, §5, at — (repealing N.R.S. §§2.080, 2.100, 3.190, 3.200, 3.210).

6. *See* NEV. CONST. art. 6, §§4, 6.

7. *See id.* §6.

8. *See id.* §4.