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## Civil Procedure; Justice, District, and Supreme Court Jurisdiction

Univeristy of the Pacific, McGeorge School of Law

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jury of fewer than eight persons, but in no case less than four.<sup>17</sup>

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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N.R.S. §§2.080, 2.100, 3.190, 3.200, 3.210 (repealed); §§4.060, 4.370, 18.020, 18.050, 66.070, 73.010, 108.239, 266.555, 361.540, 484.757 (amended).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.<sup>1</sup> Chapters 239 and 398 provide for increased jurisdictional amounts<sup>2</sup> and broaden the scope of the jurisdiction of the justice courts.<sup>3</sup>

Prior to the enactment of Chapter 76, the district and supreme courts had jurisdiction of specified actions as enumerated in Nevada Revised Statutes.<sup>4</sup> Chapter 76 repeals certain of these provisions<sup>5</sup> apparently leaving the Nevada Constitution to define the jurisdiction in those areas.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> The supreme court has the power to issue all writs necessary for the complete exercise of appel-

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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.

late jurisdiction.<sup>9</sup>

Chapter 76 limits the jurisdiction of the justice court to specified civil actions<sup>10</sup> and misdemeanors as provided by statute.<sup>11</sup> Under prior law, the justice court had jurisdiction over actions involving issues of: (1) a fine, penalty, or forfeiture not exceeding \$750 given by a statute or ordinance of an incorporated or unincorporated city;<sup>12</sup> (2) bonds conditioned for the payment of money if the sum claimed did not exceed \$750;<sup>13</sup> (3) certain actions when the possession of lands and tenements had been unlawfully or fraudulently obtained or withheld;<sup>14</sup> (4) possession of lands and tenements when the relation of landlord and tenant exists;<sup>15</sup> and (5) certain actions when the sum claimed or damages did not exceed \$750.<sup>16</sup> Prior to the enactment of Chapter 76, the jurisdiction of the justice court did not extend to actions when issues involving the title or possession of real property were raised in the verified answer.<sup>17</sup> Prior law also provided the district court with concurrent jurisdiction with the justice court over actions for the enforcement of mechanic's lien where the amount did not exceed \$750.<sup>18</sup>

With the enactment of Chapters 239 and 76, the jurisdiction of the justice court has been extended to actions for a fine, penalty, or forfeiture not exceeding \$1250 when given by a statute or ordinance of a *county, city, or town*<sup>19</sup> and, under Chapter 398, to any actions involving the violation of any vehicle weight limitation.<sup>20</sup> Chapter 76 abolishes the concurrent jurisdiction of the district court with the justice court for the enforcement of mechanic's liens when the amount does not exceed \$750.<sup>21</sup> Chapters 76 and 239 limit those actions for fraudulent or unlawful possession of land to those actions when the damages do not exceed \$1250.<sup>22</sup> In addition, Chapter 239 increases to \$1250 the jurisdictional amount in those actions that required the damages or sum

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9. *See id.*

10. *See* N.R.S. §4.370 1, 2.

11. *See id.* §4.370 3.

12. STATUTES OF NEVADA 1979, c. 676, §2, at 1724 (amending N.R.S. §4.370) (there is no jurisdiction if the issues in the answer involve the legality of any tax, impost, assessment, toll or municipal fine).

13. *Id.*

14. *Id.* at 1725.

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Compare* N.R.S. §4.370 1(c) with STATUTES OF NEVADA 1979, c. 676, §2, at 1724.

20. N.R.S. §4.370 1(k).

21. *See id.* §4.370. *Compare id.* §4.370 with STATUTES OF NEVADA 1979, c. 676, §2, at 1724-25.

22. *See* N.R.S. §4.370 1(h).

claimed not to exceed \$750.<sup>23</sup> Chapter 76 prohibits jurisdiction in the justice court for those actions when issues involving the title or boundaries of real property are raised in the verified answer.<sup>24</sup> Finally, Chapter 76 clarifies existing law by expressly providing the justice court with jurisdiction over actions of forcible entry and detainer.<sup>25</sup>

Prior law conditioned the apportionment of costs between parties in the district court upon the recovery by the plaintiff of at least \$750, with certain exceptions.<sup>26</sup> Chapters 76 and 239 eliminate this requirement and allow costs to the prevailing party if in the judgment of the court, the plaintiff was justified in bringing the action and recovers at least \$700<sup>27</sup> or personal property of equivalent value.<sup>28</sup> In addition, Chapter 239 requires the value of property in actions to recover the possession of personal property to amount to more than \$1250 in certain actions when costs must be allowed as a matter of course to the prevailing party.<sup>29</sup> Prior law required the value of the property to amount to more than \$750.<sup>30</sup> In an action for the recovery of money or damages, Chapter 239 increases the amount the plaintiff must seek to recover from \$750 to \$1250.<sup>31</sup> Chapter 239 also increases the jurisdictional amount in municipal court actions from \$750 to \$1250.<sup>32</sup>

Prior to the enactment of Chapter 76, the parties to an action in justice court were prohibited from giving any evidence involving the title or possession of real property or the legality of any tax, impost, assessment, toll, or municipal fine.<sup>33</sup> Chapter 76 prohibits the parties from presenting any evidence on a question which is excluded from the jurisdiction of the justices' court.<sup>34</sup> If the determination of the actions will involve a question outside of the jurisdiction of the justice court, the district court will have jurisdiction.<sup>35</sup>

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23. *See id.* §4.370 1.

24. *Id.* §4.370 1(b).

25. *Compare id.* §4.370 2 with STATUTES OF NEVADA 1979, c. 676, §2, at 1725.

26. STATUTES OF NEVADA 1979, c. 676, § 4. at 1726 (amending N.R.S. §18.050). *See* N.R.S. §18.020 (costs allowed as a matter of course).

27. *Compare* N.R.S. §18.050 with STATUTES OF NEVADA 1979, c. 676, §4, at 1726.

28. *Id.*

29. N.R.S. §18.020 2.

30. STATUTES OF NEVADA 1979, c. 676, §1, at 1725 (amending N.R.S. §18.020).

31. *Compare* N.R.S. §18.020 3 with STATUTES OF NEVADA 1979, c. 676, §4, at 1726.

32. *Compare* N.R.S. §4.060 1 with STATUTES OF NEVADA 1979, c. 676, §1, at 1723.

33. NEVADA COMPILED LAWS 1929, §9268 (enacting N.R.S. §66.070).

34. N.R.S. §66.070 1.

35. *Id.*