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Public Entities, Officers, and Employees; representation of indigents

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leave. *Id.* sec. 4, at ___ (enacting NEV. REV. STAT. § 284.____). An employee may not withdraw more than 1,040 hours of catastrophic leave a year. *Id.* No withdrawal may be made after the catastrophe dissipates or employment ends; any unused catastrophic leave in the employee's personal account at that time must be restored to the account. *Id.* sec. 6, at ___ (enacting NEV. REV. STAT. § 284.____).

Public Entities, Officers, and Employees; representation of indigents

NEV. REV. STAT. § 7.____ (new); §§ 7.105, 12.015, 180.010, 180.030, 228.070, 228.080, 252.070, 260.040, 616.253, 616.2531, 616.542 (amended).

AB 272 (Committee on Judiciary); 1989 STAT. Ch. 89

Existing law prohibits the Attorney General,¹ the state industrial claimants' attorney,² and state appeals officers,³ from engaging in the private practice of law.⁴ The public defender, district attorney, and their deputies, are prohibited from engaging in private practice in counties with a population over 100,000.⁵ Chapter 89 modifies existing law to permit any attorney employed by the state, or an agency or political subdivision of the state, to represent an indigent person in any proceeding so long as: (1) The attorney's supervisor grants permission; (2) the indigent's interests are not in conflict with the state or the attorney's employer's interests; (3) the representation

1. See NEV. REV. STAT. §§ 228.070 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 6 at 202) (the Attorney General's duties), 228.080 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 7, at 203) (the deputy attorney generals' duties).

2. See *id.* § 616.2537 (1987) (state industrial claimants' attorney's duties).

3. See *id.* § 616.542 (1988) (state appeals officers' duties).

4. *Id.* §§ 616.253 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 10, at 204) (prohibits the state industrial claimants' attorney from private practice), 616.2531 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 11, at 204) (prohibits the deputy state industrial claimants' attorney from private practice), 616.542 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 12, at 204) (prohibits state appeals officers from private practice).

5. *Id.* §§ 180.010 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 4, at 202) (prohibits the public defender from private practice); 180.030 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 5, at 202) (prohibits deputy state public defenders from private practice); 7.105 (amended by 1989 Nev. Stat. ch. 89, sec. 1, at 201) (prohibits district attorneys from private practice); 252.070 (amended by 1989 Nev. Stat. ch. 89, sec. 8, at 203) (prohibits deputy district attorneys from private practice). See *id.* §§ 252.070 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 8, at 203) (permits deputy district attorneys to practice private law in counties with a population of less than 100,000); 260.040 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 9, at 203) (permits the public defender and deputy public defenders to practice private law in counties with a population of less than 100,000).

is done through an association that provides free legal service to indigents; and (4) the attorney receives no compensation.⁶

Existing law allows any person desiring to prosecute or defend a civil action to file an affidavit requesting the court to waive costs.⁷ Upon determining that the person is unable to pay the costs, the judge can allow the person to continue the action without costs and to file or issue any writ, process, pleading, or paper without charge.⁸ Chapter 89 provides that any required reporting, recording or transcription will be performed at the expense of the county.⁹ In addition, Chapter 89 states that filing an affidavit requesting a waiver of costs does not constitute a general appearance or grant the court personal jurisdiction over the person.¹⁰

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6. 1989 Nev. Stat. ch. 89, sec. 1, at 201 (enacting NEV. REV. STAT. § 7.____).

7. NEV. REV. STAT. § 12.015 1 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 3, at 201) (affidavit must be accompanied by a certificate from an attorney that the action is meritorious). *But see* Barnes v. Eighth Judicial District Court, 103 Nev. 679, 684, 748 P.2d 483, 487 (1987) (holding that Nevada Revised Statutes section 12.015, waiving court costs for indigents, violates the equal protection guarantees contained in the Nevada and U.S. Constitutions by requiring a certificate by an attorney that the action is meritorious).

8. NEV. REV. STAT. § 12.015 (amended by 1989 Nev. Stat. ch. 89, sec. 3, at 201) (the sheriff or a public officer must not charge for personal service, and the court order is not appealable).

9. 1989 Nev. Stat. ch. 89, sec. 3, at 201 (amending NEV. REV. STAT. § 12.015).

10. *Id.*

Public Entities, Officers, and Employees; termination for controlled substance conviction

NEV. REV. STAT. § 193.____ (new).

AB 223 (Fay); 1989 STAT. Ch. 78

Under Chapter 78, any Nevada public employee¹ who is convicted of an unlawful sale of a controlled substance² must be terminated.³

1. Public employee includes any employee of Nevada or any of its political subdivisions, any county, city, or township officer of Nevada, or any elected or appointed officer of Nevada. 1989 Nev. Stat. ch. 78, sec. 1, at 186 (enacting NEV. REV. STAT. § 193.____).

2. See NEV. REV. STAT. § 0.031 (1987) (definition of controlled substance). See generally 21 U.S.C. §§ 801-970 (1988) (Federal Controlled Substances Act); NEV. REV. STAT. §§ 453.011-453.348 (1987) (Nevada's Uniform Controlled Substances Act).

3. 1989 Nev. Stat. ch. 78, sec. 1, at 186 (enacting NEV. REV. STAT. § 193.____). The state employer must terminate the employee after discovery of the conviction, whereas the court