

**Carson City
Agenda Report**

Date Submitted: January 11, 2011

Agenda Date Requested: January 20, 2011

Time Requested: 15 Minutes

To: Mayor and Supervisors

From: City Manager

Subject Title: Discussion and possible action to approve the application form, a timeline and schedule for the appointment of a replacement Justice of the Peace and to authorize the City Manager to appoint a selection committee as set forth in NRS 4.150.

Staff Summary:

Based on the decision of the Board of Supervisors at the December 16, 2010 meeting to appoint a person to fill the unexpired term of Judge Robey Willis, staff has prepared an application form and a process description and timeline for the Board's approval.

Generally, the process would be for the City Manager to appoint a committee of 5 people that would review the applications, interview up to ten applicants and then recommend no more than three of the ten to be interviewed by the Board of Supervisors. The Board would select one of the three to fill the remainder of Judge Willis' term.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve the application form, a timeline and schedule for the appointment of a replacement Justice of the Peace and to authorize the City Manager to appoint a selection committee as set forth in NRS 4.150.

Explanation for Recommended Board Action: The recommended process would be the most efficient to fill the remainder of the term. The appointed person would have to campaign to be elected within the year if he/she desired to continue as judge.

Applicable Statue, Code, Policy, Rule or Regulation: NRS 4.150 and NRS 245.170

Fiscal Impact: Appointment: Nominal costs

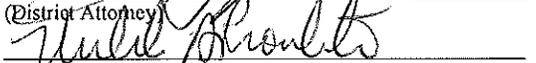
Explanation of Impact: See above.

Funding Source: N/A

Alternatives:

Supporting Material: Draft Application and Proposed Process Milestones and Schedule

Prepared By: Lawrence A. Werner, P.E., P.L.S.

Reviewed By: _____ Date: _____
(Department Head) 
_____ Date: 1/4/11
(City Manager) 
_____ Date: 1/11/11
(District Attorney) 
_____ Date: 1/11/11
(Finance Director) 

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded)

MEMORANDUM

TO: Mayor and Board of Supervisors

FROM: Lawrence A. Werner, P.E., P.L.S.
City Manager

DATE: December 28, 2010

SUBJECT: Process to Select Justice of the Peace/Municipal Judge

As discussed at the December 16, 2010 Board of Supervisors meeting, I have prepared a description of the process that would implement the decision of the Board to appoint a person to fill the unexpired term of Judge Willis. The details and dates are based on the assumption that Judge Willis will vacate the office of Justice of the Peace/Municipal Judge Department 1 on March 10, 2011.

- A. The City Manager will appoint a screening committee consisting of five members representing the following areas by February 3, 2011:
1. A District Court Judge as chair,
 2. A representative from the Chamber of Commerce,
 3. A citizen at large,
 4. A representative from law enforcement, and
 5. A representative of the legal profession such as the Carson City Representative to the State Bar of Nevada

The City Manager's Office will provide staff for the committee.

- B. Applications would be made available toward the end of January, due back to the City Manager by February 18, 2011 for distribution to the selection committee. (See draft application attached.)
- C. The applications will be submitted to the committee the week of February 21, 2011.
- D. The selection committee will review the applications and, from the application review, submit 3 finalists to the Board of Supervisors for interviews by March 25, 2011.
- E. Interviews will be held April 7th or 21st before the Board of Supervisors who will appoint the successful candidate to fill the un-expired term. The appointment would be conditioned on the position having been vacant for at least 30 days from March 10, 2011.

APPLICATION

to the

CARSON CITY BOARD OF SUPERVISORS

for

JUSTICE OF THE PEACE/MUNICIPAL COURT JUDGE, DEPT. 1

Carson City, Nevada

by

(applicant name)

Attach
Photo
Here

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

APPLICATION AFFIDAVIT

I hereby certify that the answers and information provided herewith are true and correct to the best of my knowledge. _____ (initial)

I hereby certify that I meet the minimum qualifications to be a Justice of the Peace as set forth in NRS 4.010. _____ (initial)

I authorize any person or custodian of records, including, without limitation, the Commission on Judicial Discipline, the Department of Public Safety, Records and Identification Services, Law Enforcement, the Supreme Court of Nevada, Office of the Clerk, and the State Bar of Nevada to release to the Carson City Board of Supervisors any and all information that may be available concerning me. _____(initial)

Should I be favorably considered, I will accept appointment to the Court indicated. _____ (initial)

Signature of Applicant

Date

STATE OF NEVADA)
) ss.
COUNTY OF _____)

The undersigned, upon oath, deposes and states as follows: that (s)he is the person whose signature appears herein above on the instrument entitled "Application", that (s)he has read the same and is aware of the contents thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (s)he executed the same freely and voluntarily, and for the purpose of inducing the Carson City Board of Supervisors to give favorable consideration to this application for judicial office.

Signature of Applicant

Print Name of Applicant

SUBSCRIBED and SWORN to before me this _____ of _____, _____

(Stamp)

Notary Public

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

APPLICATION INSTRUCTIONS

The Carson City Board of Supervisors appreciates your interest and welcomes your application for the Justice of the Peace/Municipal Judge vacancy.

- A. Please complete the Application Form. NOTE: The addresses and telephone numbers you provide may be used by the Board to contact you. Please include an address that is NOT a Post Office Box.
- B. Number your answers to correspond with the numbered questions. **Restate each question in its exact entirety prior to each answer.**
- C. Mail or arrange for delivery of the application packet early enough to ensure arrival **by 5:00 p.m., February 18, 2011** to the following address:

Lawrence A. Werner, City Manager
Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701
(775) 887-2100

- D. The materials submitted to the Board should consist of letter-quality materials, on **letter size paper**, as follows:
 - (i) The original Application Affidavit **and six** copies.
 - (ii) An **original** application packet arranged in the following order:
 - (iii) 1. The cover page with a current photograph of yourself (black and white or color, not larger than 3" x 5") attached.
 - 2. A completed Application Form.
 - 3. The Application (the questions and answers).
 - (iv) The six (6) **copies** of the application packet described above, must have an original current photograph of yourself attached to each (do not photocopy your photograph).
- E. The Board wishes to receive four (4) letters of reference. If you are an attorney, two (2) of the letters are to be from lawyers or judges familiar with your professional competence and activities and two (2) from laypersons familiar with your personal reputation and activities. If you are not an attorney, the four (4) letters are to be from laypersons familiar with your personal reputation and activities. Included with this application packet is the Informational Request Form and Reference Inquiry Form ("Attachment A"). Please make copies, place your name on the blank line provided and forward to four individuals as indicated above. Attach a list of the names, addresses and telephone numbers of the individuals you sent the form letters to as required in Question 39. **No more than 4 references will be accepted.**

NOTES:

- **QUALIFICATIONS:** NRS 4.010 states that a Justice of the Peace must:
 - Be a qualified elector; and
 - Not have been removed from judicial office by the legislature or removed or retired from judicial office by the Commission on Judicial Discipline; and
 - Have a high school diploma or its equivalent as determined by the State Board of Education; and
 - Reside in Carson City.
- By normal election (NRS 4.025), the term of office for a Justice of the Peace is 6 years. The current 6-year term for this position would normally expire December 31, 2012. The successful appointee will serve until December 31, 2012.
- The base pay for the Justice of the Peace/Municipal Judge is \$105,257.36 per year.
- Benefits include: 100% Employer paid Health Insurance premium (including vision and dental); dependent coverage at a cost to the employee; Supplemental Group Life Insurance; Automatic Payroll Deposit; Deferred Compensation; Pre-Tax Dependent Care, and other Insurance Plans; fully funded retirement plan in PERS.
- Health/Life insurance coverage begins the first of the month following, or coincident with the date you complete **90** consecutive days of employment (no exceptions).
- The applicant is responsible to ensure the completeness and accuracy of each application. You will not be notified if the application is incomplete. Your completion of the provided affidavit is mandatory. The Board will not consider applications delivered beyond the application deadline.
- The application original and copies cannot be returned and all materials submitted are subject to NRS 239, Nevada's Public Records law. A copy of the application from the person chosen by the Carson City Board of Supervisors will go into a personnel file.
- Applicants' names will not be released until the filing deadline has passed. At that time, the age, city of residence and name of firm or business at which each applicant is employed will also be released.
- You will be notified of meeting details following the application deadline, including but not limited to, acknowledgment from the City Manager's Office of receipt of your application.
- Direct all questions to Lawrence A. Werner, City Manager (775) 887-2100.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

APPLICATION

INSTRUCTIONS: Answer each question. Be sure to sequentially number and restate each question verbatim prior to each answer. Number pages sequentially at the bottom of the page.

1. Are you a qualified elector in Carson City? Yes No
(A qualified elector is a person who is eligible to vote, but may not be registered to vote)
2. Have you been removed from judicial office by the legislature or removed or retired from judicial office by the Commission on Judicial Discipline? Yes No
3. Do you have a high school diploma or its equivalent as determined by the State Board of Education? Yes No

EMPLOYMENT HISTORY

4. Using copies of Employment History form (“Attachment B”) please start with your current employment or most recent employment, self-employment, and periods of unemployment for the ten years immediately preceding the filing of this application.

EDUCATION

5. List names and addresses of colleges and graduate schools attended (except law school – see next question); dates of attendance; certificates or degrees awarded.
6. List names and addresses of law schools attended (if applicable); degree and date awarded; if more than one law school attended, explain reason for change.
7. Describe significant college activities including office held, other leadership positions, clinics participated in, and extracurricular activities.
8. List any professional certifications and other training and education courses taken.

COMPLETE QUESTIONS 9-21 IF YOU ARE OR HAVE BEEN AN ATTORNEY OR JUDGE

LAW PRACTICE/EMPLOYMENT

9. State the year you were admitted to the Nevada Bar and your Bar Number.
10. Name courts (other than Nevada) and year of admission, in which you are admitted to practice law and accompanying Bar Numbers.
11. List courts and counties in any state where you have practiced in the past five years.

12. Have you ever been denied admission, suspended or disbarred from the practice of law in Nevada or any other state? If so, describe the circumstances, dates, and locations.
13. Estimate what percentage of your work over the last five years has involved litigation matters, distinguishing between trial and appellate courts.
14. Estimate percentage of time spent on (1) domestic/family and juvenile law matters, (2) civil litigation, (3) criminal matters, and (4) administrative litigation.
15. In the past five years, what percentage of your litigation matters involved cases set for jury trials vs. non-jury trials?
16. Give approximate number of jury cases tried to a conclusion during the past five years with you in the lead role. Give approximate number of non-jury cases tried to a decision in the same period.
17. List by case name and date the five most significant cases, not including cases pending, in which you have been involved, including the court(s), the presiding judges and all counsel, a brief explanation of the importance of each case, and a brief description of your role in each case.
18. Do you now serve or have you previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer? To the extent possible, explain each experience.
19. Describe any pro bono or public interest work as an attorney.
20. List all bar associations and professional societies of which you are or have been a member. Give titles and dates of offices held. List chairs or committees in such groups you believe to be of significance. Exclude information regarding your political affiliation.
21. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

CIVIC, PROFESSIONAL AND COMMUNITY INVOLVEMENT

22. Have you ever held an elective or appointive public office in this or any other state? Have you ever been a candidate for such an office? If so, give details, including the offices involved, whether initially appointed or elected, and the length of service. Exclude political affiliation.
23. State significant civic activities in which you have taken part, giving dates and offices or leadership positions.
24. Describe any courses taught at colleges or continuing legal education programs.

25. List any accomplishments (i.e., educational, military service, charitable and the like) of which you want the Board to be aware.
26. List books, articles, speeches and public statements published, or examples of opinions rendered, with citations, and dates. Exclude information regarding your political affiliation.

CONDUCT

27. Have you ever been arrested, charged or held by any federal, state, local or other law enforcement authority, including the IRS and SEC, or convicted of violation of any federal, state, or local law, regulation or ordinance? Exclude minor traffic violations and any juvenile offenses. Provide detail of the circumstances, charges, and dispositions.
28. Have you ever been sued? If yes, explain.
29. Have you ever been a party in any legal or administrative proceedings? If yes, explain.
30. Have you ever been the subject of an ethics, open meeting law or public records complaint? If yes, explain.
31. Have you ever been called upon to respond to a complaint or charge or to appear before a judicial discipline commission, a bar association grievance committee, bar association character and fitness committee; or have you ever been disciplined or cited for breach of ethics or unprofessional conduct by any court, commission, or military tribunal? If yes, explain. Include any complaints now pending.
32. Have you filed federal income tax returns for each of the past ten taxable years? If no, explain.
33. Have you personally or has any business you control ever failed to pay a local, state or federal tax liability that has been legally determined to be due, within the time allowed for payment without penalty, assessment or lien? Have you ever been subject to tax lien? If so, provide full details.
34. Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If so, provide full details.
35. Has any Bankruptcy Court in a case where you are or were the debtor, entered an order providing a creditor automatic relief from the bankruptcy stay (providing in rem relief) in any present or future bankruptcy case, related to property in which you have an interest?

36. Are you in violation of or have you violated any court orders, including spousal and child support?

HEALTH

37. Are you physically and mentally able to perform the essential duties of a judge in a timely fashion? Please identify any accommodations you may need to perform the job.

OTHER

38. In no more than three pages (double-spaced) attached to this application, provide a statement describing what you believe sets you apart from your peers and explain what particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good Justice of the Peace. In so doing, address both the civil and criminal processes (including criminal sentencing).
39. List by category the names, addresses and telephone numbers of the individuals to whom you sent the Reference Inquiry form letters. (See Attachment A)
40. Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Board of Supervisors.
41. Attach one sample of no more than five pages of your original written work in the form of a memorandum, letter, decision, points and authorities, or appellate brief generated (attorneys only) within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized and persuasive fashion.

ATTACHMENT A

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

INFORMATIONAL REQUEST FORM

REQUESTED REFERENCE ON BEHALF OF _____
(Name of Applicant)

REQUEST COMPLETED BY _____

I (applicant) am applying for the position of Justice of the Peace/Municipal Judge in Carson City, Nevada and would like to request that you write a letter of reference and complete the enclosed "Reference Inquiry Form" on my behalf. You may decline this request. This reference will be considered public record subject to NRS 239, Nevada's Public Records Law. The reference will be considered part of the application packet and information concerning the five (5) applicants whose names are considered for appointments will be provided to the Carson City Board of Supervisors (Board) and public pursuant to NRS 241, Meetings of State and Local Agencies.

It is extremely important to the Board that you be as objective as possible in assessing my qualifications. The Board will rely heavily on this information and unless you are totally objective in your comments you will not assist them in carrying out its function. Do not feel compelled to endorse me merely because you have been asked to provide this information on my behalf.

Applicants for this vacancy have been instructed to contact only four persons for references. You are requested to send your letter of reference, including a copy of this request letter, and the completed "Reference Inquiry Form" back to the applicant to include in his/her packet. The entire applicant packet is due to Carson City no later than February 18, 2011 at 5:00 p.m.

Any questions or concerns regarding this reference may be directed to Lawrence A. Werner, City Manager at (775) 887-2100.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

PLEASE DIRECT QUESTIONS TO:

Lawrence A. Werner, City Manager

Carson City

201 North Carson Street, Suite #2

Carson City, NV 89701

Please type or use black ink and answer the following questions on a separate piece of paper, using this identical format.

Reference Inquiry for (name of applicant) _____

Name of Person Providing Reference _____

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?
2. What do you consider to be the applicant's greatest strengths?
3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.
4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity:

Ability to apply legal principles to specific cases:

Ability to work under pressure (heavy case load, time deadlines):

Interpersonal skills in dealing with people:

Time management ability:

Temperament, demeanor:

Work Ethic:

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work Ethic:

Preparation for court hearings:

Management of cases in compliance with established court time frames:

Courtroom demeanor:

Quality of written submissions:

SUMMARY

6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?
- | | | | | | | |
|--------------|---|---|--------------|---|---|-------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Unacceptable | | | Satisfactory | | | Outstanding |
7. Please add any comments you may have.

Signature

Print Name and Title

ATTACHMENT B

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

ATTACHMENT B

EMPLOYMENT HISTORY: Using copies of "Attachment B" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: _____

Phone Number (including area code): _____

Address/City/State/Zip: _____

Date From: _____ Date To: _____

Supervisor's Name: _____

Supervisor's Job Title: _____

Your Title: _____

Duties (be specific): _____

Reason for leaving: _____
(if currently employed, reason for wanting to leave)