

**City of Carson City  
Agenda Report**

**Date Submitted:** February 21, 2014

**Agenda Date Requested:** March 6, 2014

**Time Requested:** 5 Minutes

**To:** Mayor and Supervisors  
**From:** Max Cortes, Court Administrator

**Subject Title: For possible action:** Action to approve the appointment of Ms. Jessica Prunty to the panel of Judge Pro Tempores for the Carson City Justice & Municipal Court.

**Staff Summary:** NRS 4.032 allows the Board of Supervisor to establish a panel of qualified individuals to serve as judge pro tempore during the absence of a justice of the peace. Judge pro tempore's act with the full authority of a justice of the peace and are capable of presiding over trials, preliminary hearings, protective order matters, civil issues pertaining to small claim actions and tenant landlord disputes.

**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 appointment of Ms. Jessica Prunty to the panel of Judge Pro Tempores for the Carson City Justice & Municipal Court.

**Explanation for Recommended Board Action:**

**NRS 4.032 Justices of the peace pro tempore.**

1. The board of county commissioners of each county shall select a number of persons it determines appropriate to comprise a panel of substitute justices of the peace. The persons so selected must possess the qualifications set forth in NRS 4.010 for the office of justice of the peace in the respective county.

2. Whenever a justice of the peace is disqualified from acting in a case pending in the justice court or is unable to perform his official duties because of his temporary sickness or absence, or other cause, he shall, if necessary, appoint a person from the panel of substitute justices of the peace or, pursuant to NRS 4.340, invite another justice of the peace to act in his place.

3. A person appointed from the panel of substitute justices of the peace must take and subscribe to the official oath before acting as a justice of the peace pro tempore. While acting in that capacity, he is entitled to receive a per diem salary set by the board of county commissioners. The annual sum expended for salaries of justices of the peace pro tempore must not exceed the amount budgeted for that expense by the board of county commissioners.

4. If an appointment of a justice of the peace pro tempore becomes necessary and the justice of the peace fails or is unable to appoint a person from the panel of substitute justices pursuant to this section and fails or is unable to obtain another justice of the peace pursuant to NRS 4.340, the chairman of the board of county commissioners shall:

(a) In counties whose population is more than 100,000, appoint another justice of the peace pursuant to NRS 4.340 or a person from the panel of substitute justices of the peace pursuant to this section, to act in his place.

(b) In counties whose population is 100,000 or less, appoint another justice of the peace pursuant to NRS 4.340, a person from the panel of substitute justices of the peace pursuant to this section or a municipal judge pursuant to NRS 4.345, to act in his place.

(Added to NRS by 1991, 656)

**NRS 5.023 Municipal judges pro tempore.**

1. The governing body of the city shall select a number of persons it determines appropriate to comprise a panel of substitute municipal judges. The persons selected must not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline and must be:

- (a) Members in good standing of the State Bar of Nevada;
- (b) Adult residents of the city; or
- (c) Justices of the peace of the county.

2. Whenever a municipal judge is disqualified from acting in a case pending in the municipal court or is unable to perform his duties because of his temporary sickness or absence, he shall, if necessary, appoint a person from the panel of substitute municipal judges to act in his place.

3. A person so appointed must take and subscribe to the official oath before acting as a municipal judge pro tempore. While acting in that capacity, he is entitled to receive a per diem salary set by the governing body. The annual sum expended for salaries of municipal judges pro tempore must not exceed the amount budgeted for that expense by the governing body.

4. If an appointment of a municipal judge pro tempore becomes necessary and the municipal judge fails or is unable to make the appointment, the mayor shall make the appointment from the panel of substitute municipal judges.

5. For the purposes of this section, a person shall not be ineligible to be a candidate for the office of municipal judge pro tempore if a decision to remove or retire him from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

(Added to NRS by 1981, 1639; A 1983, 899; 1999, 95)

**Applicable Statute, Code, Policy, Rule or Regulation:** NRS 4.032 and NRS 5.023.

**Fiscal Impact:** Funds allocated in current budget year.

**Funding Source:** General Fund.

**Supporting Material:**

**Prepared By:** Max Cortes, Court Administrator.

Reviewed By: Tom R. Armstrong Date: 2/20/14  
(Thomas R. Armstrong, Justice and Municipal Court Judge, Dept I)

John Tatro Date: 2/24/14  
(John Tatro, Justice and Municipal Court Judge, Dept II)

James A. Damato Date: 2/25/14  
(City Manager)

Sandy Flynn Date: 2/25/14  
(District Attorney)

Mark Blum Date: 2/25/14  
(Finance Director)

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
2) \_\_\_\_\_

(Vote Recorded By)  
\_\_\_\_\_

# JESSICA C. PRUNTY

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Dyer, Lawrence, Flaherty, Donaldson & Prunty  
2805 Mountain Street, Carson City, Nevada 89703

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(775) 885-1896

## ADMISSIONS

- ❖ Nevada State Bar
- ❖ Federal District Court of Nevada
- ❖ 9<sup>th</sup> Circuit Court of Appeals

## LEGAL WORK EXPERIENCE

- ❖ DYER LAWRENCE LAW FIRM, Carson City, Nevada: Partner, January 2009 - Present (Managing Partner, June 2012 - Present); Associate Attorney, June 2000 - December 2008. Broad-based civil practice, serving clients on litigation and transactional matters involving a wide range of issues. Practices primarily in the areas of general civil, employment, education, administrative, corporate, family and water law.
- ❖ THE HONORABLE MICHAEL R. GRIFFIN, FIRST JUDICIAL DISTRICT COURT, Carson City, Nevada: Law Clerk, June 1999 - June 2000. Conducted research on wide range of legal issues, and observed and analyzed courtroom civil and criminal proceedings. Gained great familiarity with Nevada case law, Nevada Revised Statutes and Nevada Administrative Code. Extensive writing experience, including drafting orders and bench memoranda.
- ❖ STATE OF OREGON, DEPARTMENT OF JUSTICE, TRIAL DIVISION, SPECIAL LITIGATION UNIT, Salem, Oregon: Law Clerk, February 1997 - April 1999. Civil litigation of high profile and politically sensitive cases. Intensive research and writing experience, including analysis of complex federal constitutional and administrative law issues. Memorandum and motion writing. Participation in attorney brainstorming sessions.

## LEGAL ACTIVITIES

- ❖ Member of First Judicial District Bar Association
- ❖ Pro bono service for Volunteer Attorneys for Rural Nevadans (VARN)
- ❖ Contributing author for Western Water Law & Policy Reporter (monthly publication), January 2005 - Present
- ❖ Correspondent for annual American Bar Association Environment, Energy and Resources Year in Review publication

## EDUCATION

- ❖ WILLAMETTE UNIVERSITY, COLLEGE OF LAW, Salem, Oregon  
Doctorate of Jurisprudence, May 1999  
Awards and Honors:  
Deans Honors List: Spring Semester 1997, Fall Semester 1997, Spring Semester 1998, Fall Semester 1998  
Honors, Legal Research & Writing, Spring Semester 1997  
Law Review: 1997-1999  
Trustees' Scholarship: 1996-1999
- ❖ UNIVERSITY OF NEVADA, RENO, Reno, Nevada  
Bachelor of Science, Agricultural Business, May 1995  
Awards and Honors:  
University of Nevada, Reno, Cap 'n Scroll (Mortarboard equivalent)  
University of Nevada, Reno, College of Agriculture, Outstanding Senior in Major  
Golden Key National Honor Society  
Nevada Women's Fund Scholarship: 1993, 1994  
University of Nevada, Reno, College of Agriculture, Curriculum Committee

## OTHER

- ❖ Native Nevadan, born 1972 in Elko, Nevada; raised ranching in Lamoille, Nevada
- ❖ Resident of Carson City since 2000
- ❖ Married with two children
- ❖ Enjoys spending time with family, gardening, hiking, skiing and camping