

A SPECIAL SESSION
of the
SUPREME COURT
of the
STATE OF NEVADA
Thursday, May 5, 1966

SPECIAL SESSION OF SUPREME COURT

Thursday, May 5, 1966

A special session of the Supreme Court of the State of Nevada, commencing at 10 a.m., Thursday, May 5, 1966.

Present: Acting Chief Justice Thompson (presiding), Justice Collins, and District Judge Zenoff; Members of the State Bar of Nevada; Officers of the Court; State Officials; relatives and friends of Justice Collins.

THOMPSON, J.:

Good morning, Ladies and Gentlemen.

A few weeks ago a very dear friend of the bench and the bar of this state passed away. Milton Badt had served Nevada faithfully as a jurist for many years; and all of us shall miss him very, very much.

Our gathering this morning, however, is for a happy purpose: That of welcoming to the Supreme Court of Nevada the successor to Mr. Justice Badt. We are grateful to the Governor for his selection and we are particularly grateful to him for paying heed to the recommendation of the Board of Governors of the State Bar. As you know, the Board of Governors is the governing body of the Bar Association. The Governor requested that group to meet and to recommend the man to succeed Justice Badt. The Board recommended the Honorable Jon Collins and we are delighted with the recommendation and particularly grateful to the Governor for appointing Judge Collins.

We have some distinguished people present this morning to offer words of welcome to Judge Collins and I should first like to call upon one of the truly great lawyers in Nevada's history. George Vargas enjoys the deep respect of all who have been active in the legal fraternity. He is a splendid gentleman. Mr. Vargas.

MR. GEORGE VARGAS :

Honorable Justices, members of the Collins family, distinguished State officials, and friends:

I have, over the past 30 years, made a number of speeches before this bench, but, on serious reflection, I cannot recall an occasion where I was happier to speak in this courtroom than I am this morning and that is notwithstanding the fact that, as far as I can remember, this is the first speech I have ever made before this Court for which I was not being paid. [Laughter from the audience.]

You know, it is an old cliché, but we are today truly facing a changing world. Across the street next Monday, Nevada's Legislature, as we have known it during our lifetime, will convene. This will be the last session of that particular combination of legislators. We read in the national papers of various changing things and we watch with bated breath the Federal Government's announcements of the rapidly increasing gross national products. I recall down in Tonopah, Nevada, one time I defended a lawsuit and when that was over the gross consumption of the gross national product went up rather sharply. This was because of considerable indulgence in Tonopah mountain dew. [Laughter from audience.]

All of which brings His Honor Judge Collins and me before this Court this morning. Judge Collins is a native Nevadan, born in Ely, and educated in the Ely public school system. Subsequently he got his Bachelor of Science degree at the University of Pennsylvania. I haven't been able to find out, and I couldn't learn from Martindale [Martindale-Hubbell Law Directory] just how he got from Ely to Philadelphia but, nevertheless, that is where he went. [Laughter from the audience.]

He then served with distinction in the Navy in World War II and subsequently obtained his law degree from Georgetown University. Thereupon he returned to Nevada to practice law and became District Attorney of White Pine County. He served there one term and then went on the District Court bench and, at the present time, he is in the progress of his second term as a District Judge. He is married to the former Rita Baird who

is sitting here [indicating]. They have four delightful young daughters. Could I ask you [addressing the Collins family] to please stand. [The Collins family stands.] The Collins family. [Applause from the audience.] They are accompanied this morning, on this happy occasion, by Mrs. Baird (Mrs. Collins' mother), and the proud father of the new Supreme Court Justice, Mr. Joe Collins. Would you please stand? [Mrs. Baird and Mr. Collins stand, as the audience applauds.] May I say to you we all join you in this very outstanding moment in Nevada history.

You know, I have somewhat of a tinge of regret in seeing Judge Collins going on the Supreme Court bench, because I think the district bench loses one of the most outstanding judges that it has had during my 32 years before the courts of Nevada. I have had only one opportunity to really engage in combat before His Honor Judge Collins sitting on the district bench, and I was impressed, probably as I never have been impressed in a courtroom, with the manner in which Judge Collins conducted the district court of the Seventh Judicial District. He demonstrated great control over court decorum. During that case, on many occasions, the civics classes from White Pine County came into the courtroom, in the middle of the proceedings, a number of them trooping in and out. They were welcomed with dignity. They perceived the court was conducted with dignity and they so conducted themselves, and I am quite sure they were greatly impressed with the American judicial system because of the manner in which Judge Collins conducted his Seventh Judicial District Court. He is energetic; he is able; and he is dedicated. All of these things were amply demonstrated to me during the course of that trial. The trial was difficult. The rulings were difficult, but they came from the bench firmly and without hesitation. I am sure practitioners like myself are going to miss Judge Collins presiding as a district judge.

On the other hand, we recognize that because of these same capabilities he is going to have an outstanding career as a Justice of the Nevada Supreme Court. On

behalf of just the plain old practitioners of the courtroom, I offer all of our congratulations and very best wishes to His Honor Justice Jon Collins.

Thank you, Mr. Chief Justice.

[Mr. Vargas concludes.]

THOMPSON, J. :

Thank you, Mr. Vargas, on behalf of the plain old practitioners. [Laughter from audience.]

I should next like to ask one of the distinguished members of the Board of Governors of the State Bar of Nevada to say a few words. Thomas Cooke, who is practicing in Reno, has been a member of the Board of Governors for many, many years, even though he is a young man, and he has been outstanding in service for the State Bar of Nevada, and was one of the group that recommended to the Governor the appointment of Judge Collins to the Supreme Court. Mr. Cooke.

MR. THOMAS COOKE :

Chief Justice Thompson, Judge Zenoff, Mr. Justice Collins, distinguished guests, ladies and gentlemen, the Collins family: It is a real privilege for me to have the honor of representing the Board of Governors of the State Bar of Nevada here this morning on this happy and very important occasion.

President Gezelin, unfortunately, was unable to attend because he is at the State Bar Conference in Phoenix, Arizona, but he particularly asked me to express to the Court his sincere regrets and, Mr. Justice Collins, to extend to you his personal and warmest congratulations.

The Supreme Court of the State of Nevada is the highest and the most exalted professional office that any lawyer or any judge can aspire to or attain in this State. I am very proud to say that, over the years, the Justices of this Court have always endeavored to carry out the duties of their high office with dignity, wisdom, and with honor.

When Governor Sawyer graciously asked the Board of Governors to recommend a man whom they thought

most highly qualified to fill the late beloved Justice Milton Badt's vacant chair, this obligation was undertaken conscientiously and with a deep, strong and abiding awareness of our responsibility, not only to the Governor, but to this Court, to the bar, and to the people of this State. The decision of the Board of Governors was not made hastily, but only after careful deliberation, after candid and frank discussion. The members of the Board, as you know, come from all areas of the State, and their collective judgment and opinion should, therefore, mirror the opinion and judgment of lawyers and judges from every district; and I think that it does. The man who was recommended and eventually appointed to this high office is qualified, and we are confident that his service (as Mr. Vargas pointed out) as a District Judge in White Pine County and Lincoln County will materially, very materially, assist this Court in its future deliberations.

Over 2,000 years ago a great Athenian philosopher laid down the guidelines which we endeavor to follow. Socrates said, "The qualities a good judge should have are to hear courteously, and serve wisely, consider soberly, and decide impartially." When the Board of Governors made its recommendation to the Governor of this State, we represented to him and to the people that this man, The Honorable Judge Collins, has these qualities.

On behalf, then, of the Board of Governors, Mr. Justice Collins, I give you our most earnest, genuine, and our unreserved congratulations.

[Mr. Cooke concludes.]

THOMPSON, J.:

Thank you, Mr. Cooke.

I mentioned, I believe, a little while ago, that we have many distinguished people here today, but there is only one present, as far as I know, who really bears the title of "A Distinguished Nevadan." Our next speaker is The Honorable Thomas O. Craven, District Judge, from Reno, Nevada. Perhaps all of you have read, as I did, in the past two weeks, that the University of Nevada

has honored Judge Craven and, this year, at its commencement exercises, will present him with the award of "Distinguished Nevadan." He, more than anyone else, is responsible for the establishment at the University of Nevada of the National College of State Trial Judges.

His service on the district bench has been much appreciated by the attorneys practicing in this State; and we are truly delighted that he is here today representing the District Judges of the State. Judge Craven, would you like to speak some words of welcome to Mr. Justice Collins?

JUDGE THOMAS O. CRAVEN :

If it may please the Court, Judge Collins: It has been exactly 27 years, 38 days and 15 minutes, since I stood before this Honorable Court, on this same spot, before this same podium, on the 28th day of March 1939, and delivered a eulogy for a good friend of mine, a former Justice of this Court, Benjamin Wilson Coleman, who had passed away but a few days before.

He was, Judge Collins, a most illustrious predecessor from your home town, Ely, Nevada, where he was elected District Judge in 1909, and he was, like you, elevated to the Supreme Court of this State in 1914, the position to which he was successfully re-elected in 1920, 1926, 1932 and 1938. He was a Justice of the Supreme Court of Nevada for 25 years.

Among other things, on that day, I said as follows:

"By his knowledge of the law, his astuteness, and his positive passion for conformity to the principles of right, he contributed immeasurably and everlastingly to the solid foundation of justice, upon which the superstructure of the State is built."

The passage of time has proved those statements about Justice Coleman to be prophetically true.

But, appropriate to the present occasion, it is of great pleasure to me, because of our warm personal friendship, to confirm, and to remind all who will hear, that you have exemplified outstanding qualities as a trial and appellate judge during your service as a District Judge

from Ely, Nevada, by sitting frequently in every district in this State, and by sitting frequently on this Supreme Court, from 1959 to date. By your knowledge of the law, your astuteness and courage, and because of your positive passion for conformity to the sound and proven principles and rules of trial and appellate procedure, and your awareness that this is a government based upon sound principles and rules of law and justice, you, too, will inevitably contribute everlastingly to the solid foundations of justice in this State. It is an easy, and I believe, an accurate prediction of your future career that your qualities will leave indelible and constructive impressions which will be manifest upon the legal annals of this State, and which, also, will endure the passage of time.

I know I speak the sentiment of all who are present in complimenting you on your elevation to this high court, and to wish you a long, successful, and happy career as a Justice of the Supreme Court of Nevada.

[District Judge Thomas O. Craven concludes.]

THOMPSON, J.:

Thank you, Judge Craven.

I should like to call upon the highest legal adviser to the affairs of State Government, the respected Attorney General of our State, the Honorable Mr. Harvey Dickerson. Mr. Dickerson.

ATTORNEY GENERAL HARVEY DICKERSON:

Honorable Justices, distinguished members of the bench and bar, and honored guests, and the family of Judge Collins: I come before this Court today, not as a stranger, but because Jon Collins and I have been warm, close, personal friends, since the time he first became a member of the bar. He brought to his profession a link in the highest ideals; and those of us, who knew him in those early days, recognized that his love of the law and his devotion to its ideals would result in a fruition of his highest aims and ambitions.

He has served with honor as a dedicated District Judge, and he will bring to this Court, if Your Honors please, a probing but impartial mind.

I am proud to have been selected to participate in this ceremony today, and I know that his father, who is here today, and who is a friend of mine, is very proud, as are his devoted wife, Rita, and their children, and the rest of the family.

I sincerely hope for you, Judge Collins, in the future, the help of Divine Providence in the post to which you are about to succeed.

[Attorney General Harvey Dickerson concludes.]

THOMPSON, J. :

Thank you, Mr. Dickerson.

Most of you know, I believe, that since May of last year Judge David Zenoff has been serving this Court in the place of Chief Justice McNamee who was incapacitated. I can't really express properly the appreciation of the Court to Judge Zenoff for his marvelous service. He has been a fine friend to me, and his work for the Court and the State has been outstanding in every respect. I would like to ask Judge Zenoff to make a few remarks.

ZENOFF, D. J. :

Thank you, Mr. Justice Thompson.

Members of the Court, distinguished members of the State Bar of Nevada, and our dear friends: The remarks of the Chief Justice merely reflect that my service in this Court has been a pleasure and a deep honor, which we have sincerely appreciated and we give your utter devotion and dedication to this service.

We speak today of Justice Collins. My relationship to Justice Collins governs not his early childhood or even his early days of practice, but it has been my experience and pleasure to serve with him on the District Court throughout Nevada. I am well aware, through the accolades of the members of the bar of this State, of the many capabilities of Justice Collins,

and I am certainly more than well aware of the depth and sincerity of his friendship. Both Rita and Jon Collins just simply blend in with all of us. You don't just meet the Collinses—you immediately like them, and they take to you as we take to them.

The work on this Court requires a mutual respect, a deep sincerity, and dedication to our profession, a disregard for outside influences, and the utter ability and willingness to disagree among ourselves. I have had that wonderful experience both with Justice Badt and Justice Thompson, and I know that the experience of working with Justice Jon Collins will be as rewarding as is my past experience on the bench with him and many sincere and wonderful friends that we enjoy.

I extend our congratulations from my family, from the members of the bar and people of Clark County, to this welcome addition to the Nevada Supreme Court.

Thank you.

[District Judge Zenoff concludes.]

THOMPSON, J.:

It will now be my pleasure to administer the Oath of Office to Judge Collins. Will you [addressing Judge Collins] stand, please. [Whereupon Judge Collins rises and Justice Thompson administers the Oath of Office.]

Congratulations, Mr. Justice Collins. [Applause from the audience.]

Justice Collins, we would like to hear a few words from you, if we may, at this time.

COLLINS, J.:

Mr. Chief Justice, Mr. Justice David Zenoff, and members of the District Court bench, and members of the Board of Governors of the State of Nevada, friends: I am most grateful and humble to come here and stand in the shoes of the late Justice Milton Badt. I argued the first case I argued in this Court before Justice Badt, and I assure you that I did not believe at that moment that I would have the honor some day of sitting in his seat; and, for that occasion, I am most grateful.

Also I would like to state that it is a very humbling and honorable experience for me to sit in this Court, a court of such illustrious predecessors as the late Senator Patrick McCarran who was once Chief Justice of this Court, and also the late Justice William Orr of Lincoln County, and Justice Benjamin Coleman. It is indeed a humbling and grateful experience to know that you follow such men.

I am also most grateful to the Governor of the State of Nevada, and to the members of the Board of Governors of the State Bar of Nevada who saw fit to recommend me to the Governor for this appointment.

I will try my honest, level best to do a fair, capable, honest job as a member of this Court.

Thank you.

[Justice Collins concludes.]

THOMPSON, J.:

Thank you, Mr. Justice Collins. We are certainly delighted to have you.

I wish to thank everyone who participated in the ceremonies this morning and particularly all of you who are in attendance and paying honor to Justice Collins.

Mr. Clerk [addressing the Clerk of the Court, Mr. C. R. Davenport], it will be the order of the Court that the proceedings this morning be transcribed and published in the 1966 volume of Nevada Reports, spread upon the minutes of the Court, and certified copies delivered to the Collins family.

There being no further business this morning, the court is adjourned.

[Whereupon the Special Session of the Supreme Court was adjourned, at 10:30 a.m.]

ANNA REBOL, *Court Reporter.*