

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS
Director and State
Court
Administrator



JOHN MCCORMICK
Assistant Court
Administrator

Name of Organization: COMMISSION ON JUDICIAL SELECTION
Date and Time of Meeting: Monday, December 19, 2022, at 1:00 p.m.
Place of Meeting: In-person and via Zoom

Commissioners Present

Chair Chief Justice Lidia Stiglich
Vice-Chair, Jeffrey Gilbert
Temp Com'r Claudia Aguayo
Com'r Andrew Diss
Com'r Gregory Kamer Esq.
Com'r Joel Locke Esq.
Com'r Jasmine Mehta Esq.

Guests Present

Com'r Adam Ganz
Com'r Emily McFarling
Com'r Mike (no last name)

AOC Staff Present

Com'r Margarita Bautista

Commissioners Excused

Com'r Sarah Adler
Com'r Quentin Savwoir

SUMMARY

I. Call to Order

Chair Stiglich called the meeting to order at 1:06 p.m.

II. Welcome and Introductions

Chair Stiglich recognized Com'r Jasmine Mehta for her dedicated service to the Commission with her term expiring on December 31, 2022. Com'r Mehta thanked the Chair and made a brief statement about her tenure.

The Chair introduced the two temporary commissioners, Com'r Claudia Aguayo Esq., appointed by the State Bar and Com'r Quentin Savwoir, appointed by Governor Sisolak.

III. Roll Call and Determination of Quorum

Sec'y Stocks called the roll. A quorum was present.

IV. Public Comment

There was no public comment.

V. Approval of Meeting Summary from November 10, 2022

Com'r Mehta made two amendments to the meeting summary, one a misspelling and a clarification for her "office".

Com'r Gilbert made a motion to approve the November 10, 2022, meeting summary with the amendments proposed by Com'r Mehta. Com'r Kamer seconded the motion. Com'r Aguayo abstained from voting.

- The motion passed unanimously.

VI. Interviews for Eighth Judicial District, Departments VII, C and N

a. Rule 10.B.2

Sec'y Stocks summarized Rule 10.B.2. allowing for the Commission to seek additional applicants prior to completing the nomination process.

Chair Stiglich stated that she intends for there to be broad swathe of applications and that those interested should have an opportunity to apply especially because very few applications were received.

Com'r Kamer stated a preference to open all applications based on timing in this Selection and to allow applicants to apply for different seats. He also stated that the State Bar is not sending out notices to each member as provided in Commission Rule. He clarified that vacancies are mentioned in the newsletter, but no individual e-mails are sent.

Com'r Gilbert stated that the Commission has a duty to send qualified applicants to the Governor and that he would vote to reopen the dates of application.

Com'r Kamer pointed to Rule 5 and asked whether the Commission will allow for multiple vacancies to be applied for by one applicant.

Com'r Mehta stated that Rule 5 was instituted for the Court of Appeals. She recalled that at the time, there was a concern about narrowing the candidates down to groups of three. She stated the purpose was for candidates to stick to one seat. She also stated that it made sense for the initial formation of the Court of Appeals but that current requirements of Rule 5 may not make sense for the district court.

Chair Stiglich stated that in a multiple vacancy process, sending the same names in multiple panels, essentially picks for the Governor. She noted that separate panels would allow for more choices for the Governor.

Com'r Kamer asked for clarification on the current vacancies.

Chair Stiglich stated there with the addition of Department 29, there are two general jurisdiction and two family vacancies in the Eighth Judicial District.

Com'r Kamer proposed amending Rule 5 to allow for one applicant to be considered for more than one vacancy in conjunction with the reopening of applications.

Com'r Diss read from Nev. Const. art. 6 § 20 that the Governor shall select from three nominees.

Discussion ensued related to the precedent related to sending nominees to the Governor.

Chair Stiglich stated that the current process is not a comment on the qualifications of the current applicant pool, but the level of participation by the Bar.

Chair Stiglich recommended including Department 29 in the current process and opening the applications back up to January 4, 2023.

Com'r Gilbert stated that it would be very difficult to complete the process in just two weeks and would support a longer application period.

Com'r Kamer concurred on pushing back the dates to the middle of January as long as the Commission make broad public notice immediately.

Com'r Gilbert concurred.

Com'r Diss asked whether extending the vacancies would cause an undue burden on the district court.

Chair Stiglich recognized the concern and assured the Commission that the district court would be able to handle the vacancies and that senior judges would be deployed to cover the unfilled vacancies.

Com'r Kamer stated he does not support the current requirement of Rule 5, requiring applicants to choose one vacancy. He asked how the names would be picked by combining the docket types.

Chair Stiglich read Rule 5 and then asked how the Commission could break up or separate the applicants out.

Com'r Diss clarified that there would be two pools. One for general jurisdiction, another for family. (Departments 7 with 29 and Department C with N).

Com'r Mehta provided historical information that in 2014, the intent was to ensure that the Governor had a full list of candidates to choose from.

Com'r Aguayo noted that she read the rules to require the candidate to self-select. She also noticed that the interview section of the rules makes it clear that each vacancy should be considered individually. She took the rules to make sense to allow for applicants to be considered individually by department and one candidate could be on more than one panel. She asked whether the Governor has to drop a candidate from the group of three when one is picked.

Com'r Kamer noted the rules are imperfect and that the Commission's Constitutional mandate should be reviewed. He asked that the Commission amend the rules to reflect the Constitution's guiding principles.

Com'r Gilbert concurred.

Commission Action

Chair Stiglich asked for a motion to reopen all seats and also open Department 29.

Com'r Kamer made a motion to reopen the application period for Departments 7, C, and N, and to add Department 29 to the current nominating process.

Com'r Gilbert seconded the motion.

- ❖ The motion passed unanimously.

Chair Stiglich asked for suggestions on the new closing date for applications. After discussion, Chair Stiglich instructed Commission staff to update the application materials to a deadline of noon on January 18, 2023.

Chair Stiglich instructed Commission staff to notify current applicants that the Commission will allow current applicants to either remain in the current department or change over to another department.

b. Additional Commission Meeting Date

Commission staff was instructed to reach out for dates of interviews.

VII. Adjournment

- ❖ The meeting adjourned at 03:00 p.m.