JUDGE STEPHEN J. DAHL

06/18/2007 11:10 FAX 7024557831

change adda.

ADKT 297 ADKT 413

Justice Court, North Las Vegas Township 2428 NORTH MARTIN LUTHER KING BOULEVARD NORTH LAS VEGAS, NEVADA 89012-1700 (702) 455-7804 - OFFICE (702) 455-7831 - FAX

June 18, 2007

JUN 1 8 2007

Chief Justice William Maupin 201 South Carson Street, Suite 300 Supreme Court Building Jam writing, as president of the Nevada Judges' Association, to provide comments Carson City, Nevada 89701-4702 J am writing, as president of the Nevada Judges' Association, to provide comments concerning matters that will be heard on the Supreme Court's June 21<sup>st</sup> administrative docker. We want to provide some thoughts on both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts and both the future of the Judicial Council and the provide some thoughts are provided by the provide some thoughts and both the future of the Judicial Council and the provide some the provide some thoughts are provided by the p concerning matters that will be heard on the Supreme Court's June 21" administrative docker We want to provide some thoughts on both the future of the Judicial Council, and the properties restrictions on comparison activities for indicial elections. I have to address both in this later we want to provide some thoughts on both the future of the Judicial Council, and the properties of the future of the Judicial Council, and the properties for judicial elections. I hope to address both in this letter Dear Chief Justice Maupin: i. As to the future of the Judicial Council, while there are obviously different opinion Πt As to the future of the Judicial Council, while there are obviously different opinion among our membership, it appears to me that most of the members of the Nevada Judges Association feel that the Indicial Council and the regional councils have not been emeriadı anoug our memoersmp, it appears to me that most of the memoers of the New Advance especies Association feel that the Judicial Council and the regional councils have not been especies effective in remarking to or addressing the needs and concerned the New Advance of the New Advan Thi Association leel that the Judicial Council and the regional councils nave not been especie effective in responding to or addressing the needs and concerns of the Nevada judiciary range from a rather bareh "It's a waste of time" to a more summathetic "It doesn't do SCR effective in responding to or addressing the needs and concerns of the inverse if doesn't do range from a rather harsh, "It's a waste of time," to a more sympathetic, "It doesn't do it's the heart (contribution with house for communication between the individual of the communication of the co i unge mom a ramer nærsn, it s a waste of une; to a more sympametic, it doesn i droughout it's the best (only) thing we have for communication between the judiciary throughout if I strate to attemme to distill the mean communication here here debatt the Tedician Communication of the strategies of th is une uest (only) thing we have for communication between the Judicial Count If I were to attempt to distill the many opinions I have heard about the Judicial Count any that it has not been able to function effectively as an indemendent body of indexes it will h II were to attempt to distill the many opinions I have near about the judicial Count say that it has not been able to function effectively as an independent body of judges address inside and encounder anidence to the indicion statemide. The main reason for in Nevao address issues and provide guidance to the judiciary statewide. The main reason for address issues and provide guidance to the judiciary statewide. The main reason for respective autress issues and provide guidance to the judiciary statewide. The main reason ton anticipated in one of the questions contained in the Order Scheduling Public Hearing the Operation of the Indiaiol Connect of the State of Neural Operation 2 in that Co concerns o anucipated in one of the Judicial Council of the State of Nevada. Question 2 in that O the Operation of the Judicial Council of the State of Nevada. Tradicial Council organized of State of Nevada Tradicial Council and Demicrosof Tradicial Council une Operation of the Judicial Council of the State of Nevaua. Question of "whether the Nevada Judicial Council and Regional Judicial Council question of "whether the Nevada Judicial Council Association and the Nevada International Associational Movi there are expe question of whether the Nevada Judicial Council and Regional Judicial Councils ofganizations of have the Nevada District Judges' Association and the Nevada Judicial Association and the Nevada District Judges' Association and the Nevada Judicial Association and the Nevada Judicial Association and the Nevada District Judges' Association and the Nevada Judicial Association and the Nevada Association association and the Nevada Association judges. To the organizations or have the Nevada District Judges: Association and Thelieve the of Association rendered the Council obsolete?' In my opinion, and I believe the of NTA's manufacture the concentre Occasion 2 is a dualities of the of proposed amena Association rendered the Council obsolete? In my opinion, and I believe the qualified "yes." I say "qualified "yes." I say "qualified believe that most of our membership reculd meder because the individual of the theory of the transfer because the individual of the transfer because the transfer because the individual of the transfer because the individual of the transfer because the transfer b honest, those of believe that most of our membership would prefer having the judicial councils a believe that most of our membership would prefer having the judicial councils a believe to the prefer having th for future campai position. Neverthe limiting campaign fi We do have co go well beyond limits ( having nothing at all. who is not opposed in a candidate's campaign.... E. B. I.V.E.D almost exclusively with th

## NORTH LAS VEGAS JUSTICE COURT

Stephen J. Dahl Justice of the Peace 2428 N. Martin Luther King Boulevard North Las Vegas, Nv 89032 Fax: (702) 455-7831 Phone: (702) 455-7804

## FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 775-684-1601 To: Janette Bloom, Clerk of the Court Of: Supreme Court of Nevada Client/Matter: Letter from Judge Dahl

From: Joey Hayes (North Las Vegas Justice Court, Dept 1) Date: 6-18-07

NUMBER OF PAGES SENT: 4 (including cover sheet)

COMMENTS:

Janette,

Here is the letter I talked to you about. If you would please forward a copy to everyone I would appreciate it. I will FedEx the original today.

Thanks again. Joey



If you have any questions with regard to the information provided or \*IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (702) 455-7804.



## JUDGE STEPHEN J. DAHL

Justice Court, North Las Vegas Township

2428 NORTH MARTIN LUTHER KING BOULEVARD NORTH LAS VEGAS, NEVADA 89032-3700 (702) 455-7804 -- OFFICE (702) 455-7831 -- FAX

June 18, 2007

Chief Justice William Maupin Supreme Court Building 201 South Carson Street, Suite 300 Carson City, Nevada 89701-4702

Dear Chief Justice Maupin:

I am writing, as president of the Nevada Judges' Association, to provide comments concerning matters that will be heard on the Supreme Court's June 21<sup>st</sup> administrative docket. We want to provide some thoughts on both the future of the Judicial Council, and the proposed restrictions on campaign activities for judicial elections. I hope to address both in this letter.

As to the future of the Judicial Council, while there are obviously different opinions among our membership, it appears to me that most of the members of the Nevada Judges' Association feel that the Judicial Council and the regional councils have not been especially effective in responding to or addressing the needs and concerns of the Nevada judiciary. Opinions range from a rather harsh, "It's a waste of time," to a more sympathetic, "It doesn't do much, but it's the best (only) thing we have for communication between the judiciary throughout the state." If I were to attempt to distill the many opinions I have heard about the Judicial Council, I would say that it has not been able to function effectively as an independent body of judges trying to address issues and provide guidance to the judiciary statewide. The main reason for that is anticipated in one of the questions contained in the Order Scheduling Public Hearing to Review the Operation of the Judicial Council of the State of Nevada. Question 2 in that Order raises the question of "whether the Nevada Judicial Council and Regional Judicial Councils remain viable organizations or have the Nevada District Judges' Association and the Nevada Judges' Association rendered the Council obsolete?" In my opinion, and I believe the opinion of most of NJA's membership, the answer to Question 2 is a qualified "yes." I say "qualified," because I also believe that most of our membership would prefer having the judicial councils as opposed to having nothing at all.

JUN 2 1 2007

JANETTE M. BLOOM CLERK OF SUPREME COUNT DEPUTY CLERK

Even though the Judicial Council as currently constituted may not be fulfilling its intended purpose, we would suggest that abolition of the council is not the answer. There still needs to be a way for the supreme, district and limited jurisdiction courts to communicate together on a regular and organized basis, and to try to work together in addressing the needs and concerns of all the judges in our state. Many of those needs and concerns are shared by all of us, and could best be addressed by an organized and concerted effort from the Supreme Court and the two major judicial associations. We would suggest that the Judicial Council be reorganized to get those parties together, and that the membership of the State Judicial Council be composed of the Chief and Vice-Chief Judges of the Supreme Court, two or three officers from the District Court Judges' Association, and two or three officers from the Nevada Judges' Association (soon to be the Nevada Judges of Limited Jurisdiction). The Council would continue to meet on at least a quarterly basis, and the AOC would continue to provide administrative support to the council. The Council could continue to address those concerns set forth in SCR 9. Members of any committees would be selected by the Supreme Court and the associations. The associations could thereby select representatives for the committees who are already most closely working with the issues in question for the respective associations. I don't know that the regional councils would need to continue, in that the interests of the judges from the various regions of the state should be addressed to their respective associations, and could be addressed by the State Judicial Council. This would also help to focus the attention of the judges' associations on the concerns listed in SCR 9.

We hope that the Court will give positive consideration to this proposal. We believe that it will help to ensure continued, and hopefully improved, communications between all the courts in Nevada. It will also encourage the judges in the different courts in Nevada to work with their respective associations, and for those associations to work with all of its members, so that the concerns of judges statewide can be addressed and, hopefully, resolved.

Moving on to the proposed changes to Canon 5 and the Commentary, we realize that there are expectations that accompany the legislature approving a new campaign filing period for judges. To the extent that those expectations include fundraising limitations, as set forth in the proposed amendments to Canon 5 and the Commentary, we support that change, although, to be honest, those of us who have been around for a while and perhaps have some money in reserve for future campaigns, are probably more supportive than those judges who are not in that position. Nevertheless, we understand the need to make some changes, and do not oppose limiting campaign fundraising as proposed.

We do have concerns, however, in that the proposed amendment could be interpreted to go well beyond limits on fundraising. The proposed change to Canon 5C(2) states, "A candidate who is not opposed in an open election may not solicit contributions and **public support** for the candidate's campaign...." (Emphasis added.) While the proposed Commentary changes deal almost exclusively with the issue of campaign fundraising, and the Petition seeking the rules change addresses only the issue of fundraising (see paragraphs 4 and 5 of the Petition), the term "public support" in the proposed amendment to the Canon could reasonably be interpreted to include any activity, including simple speech, that is designed to secure any kind of public support for a candidate. Would a candidate be allowed to talk to his or her neighbor about an upcoming

Ţ

re-election campaign? Could you mention a possible upcoming election in your Christmas newsletter that was sent to residents of Nevada? Could a potential candidate who is considering running against an incumbent judge test the waters by discussing that possibility with friends or colleagues, or would that potential candidate have to keep it a secret until after filing for office? While Canon 5 encourages candidates to conduct as much business as possible through a committee, how could candidates form committees without, at the same time, soliciting "public support" for their campaigns? That's probably enough hypotheticals, but I think you can understand the concerns that any attempt to restrict simple speech in connection with a potential election campaign could raise. Additionally, it would be the position of the Nevada Judges' Association that attempts to limit speech in that way would violate the First Amendment.

We request that the language of the proposed amendment to Canon 5 be clarified so as to draw a clear distinction between fundraising activities, which would include seeking future donations, and the simple speech entailed in discussing a potential election campaign with advisors, friends, potential committee members, etc. We believe such speech is protected by the First Amendment, and that there is no reason to restrict such speech, even in light of the recent legislative changes to filing dates for judicial campaigns.

The Nevada Judges Association appreciates your consideration of these matters. We also appreciate the support you have shown for our association and the limited court judges in the State of Nevada. We look forward to a continued good working relationship with the justices of the Nevada Supreme Court and the other judges in the State.

Sincerely. Judge Stephen Dahl

President, Nevada Judges' Association

cc: Justice Mark Gibbons Justice James W. Hardesty Justice Ronald Parraguirre Justice Michael A. Cherry Justice Nancy M. Saitta Justice Michael L. Douglas Janette Bloom, Clerk of the Court