

Tuesday, 3 January 1961

The first "court day" of a new year, a part of which was devoted to the proper work of a judge, and a large part of which was spent on clerical work that should be done by a calendar clerk. Sooner or later - and soon I hope - my project for a calendar clerk to take this clerical load off the judges will materialize. Even though we do not go as far as a "master calendar," even if we retain our present system of cases being heard in the department they are filed in, still we should have a clerk set all cases and do all this work of putting them in a book and calling lawyers on a waiting list when a spot opens up. I have suggested we partition off a part of the front hall of the Courthouse, put a man there and let him do nothing but set and move cases and call lawyers and mail out notices. If the judges order it, the lawyers will grumble and not cooperate. If the Bar Association proposes it, some lawyers will grumble, because there are always sluggards who oppose any change.

Our legal work today was limited to an argument in the forenoon in a divorce case tried in July 1959, Bosen v. Bosen. Murray Dolan pulled a fast one on a wife and her lawyer in California. Peter Echeverria now represents the wife and moves to set aside the default. The husband's lawyer, Dolan, withdrew from the case as soon as the decree was entered, so the plaintiff husband, a Navy man at Fallon, has no attorney of record. Pete's notice to him of this hearing was three days short of the time provided by statute. I asked him, "Has the husband remarried?" He did not know. I said, "The Nevada Supreme Court has ruled in Moore v. Moore, 326 Pac.2d, that a new wife, if any, is a necessary party and an order setting aside the decree is void unless the new wife is served and given an opportunity to appear and oppose the motion to set aside the default.

I entered an order that counsel for the defendant will forthwith determine the marital status of the husband and inform the court. If he has remarried, then counsel for defendant shall

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cause to be served upon the present wife a copy of the motion and notice that she has twenty days to appear in opposition. If he has not remarried, then the motion shall be reset on proper notice to the husband after he has been notified to either hire new counsel or appear in person, as our Nevada Statute provides.

Peter Echeverria protested as to loss of time, etc. After Pete and his "thumb-sucking" lad, Rayner Kjeldsen, who gets things all balled up (such as a notice three days short) had left, my clerk, Marie Beckstead, said to me, "Judge, I think you are picking on Peter Echeverria. This is the third time you have told him he did something wrong and made him do it over. He just can't be wrong all the time!"

I talked with her quite awhile and, to my surprise, found she had not the slightest idea why I told the attorney to serve the new wife if there is one. She had absolutely no conception at all as to what this was all about. After being a court clerk for over twenty-five years, she knows less about court procedure and law than any intelligent person would know after a week in court. The poor old gal is one of the dumbest females I have ever known.