

Friday, 17 June 1960

More and more cases to be tried. This forenoon we set sixteen brand new cases for either pretrial or trial upon the merits. Almost everyday in the local papers I see two, three or four new cases filed in Dept. 3. How come? They are supposed to be filed in rotation: Dept. 1, then 2, then 3. Some way or other, with the help of obliging gals in the Clerk's office, many lawyers find a way to skip Dept. 2, presided over by old Judge Maestretti, eighty-nine, who, it seems, has lost quite a few of his marbles. Judge Bowen, in Dept. 1, gets a good number of tough cases, but some way or other, I get many more than he does. I wish the situation did not worry me, but it does. All I can do is set the cases on ahead where there is open space on the calendar, now over a year ahead.

About a month ago I hit upon a scheme that is going to partly solve the problem. The new Federal Rules adopted by Nevada provide certain cases may be assigned to a master, to hear and report to the court on various phases, such as accountings. Why not contested divorce cases, etc., and battles over child custody? I began a search for authority, and, to my surprise, I found that ninety years ago, in 1870, a judge in Clark County assigned a divorce case, Fitzgerald v. Fitzgerald, to a "referee." An appeal was taken and the Nevada Supreme Court upheld the referee's decision. So I have started assigning urgent cases to masters. The first one was Nielson v. Nielson, to ex-Judge Belford. It has not been tried yet, but I have eight cases out now.