

A SPECIAL SESSION  
of the  
**SUPREME COURT**  
of the  
STATE OF NEVADA  
Thursday, December 17, 1970

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A special session of the Supreme Court of the State of Nevada, commencing at 3 p.m., Thursday, December 17, 1970.

Present: Chief Justice Collins, Justices Zenoff (presiding), Batjer, Mowbray, and Thompson; Attorney General-Elect Robert List; District Judge Kenneth L. Mann; former Governor Grant Sawyer; Officers of the Court; Relatives and Friends of Chief Justice Collins.

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ZENOFF, J.:

The court will come to order.

May the record show that these proceedings are declared by this court to be a matter of record, to be spread upon the minutes of the Supreme Court of Nevada and to be incorporated in the appropriate volume of the Nevada Reports.

We have invited you to be in attendance today to honor the derobing, voluntarily, of our good friend and associate, Justice Jon Collins. Justice Collins has decided to resign from the service of the State of Nevada, which he has served well and faithfully for the past twelve years as a member of the bench and prior to that in the office of the District Attorney of White Pine County, State of Nevada.

I am pleased to present first our new Attorney General-Elect, a native son of this area, a young attorney who has made his mark already in this community, Attorney General-Elect Robert List.

**ATTORNEY GENERAL-ELECT ROBERT LIST:**

Thank you, Justice Zenoff. May it please the court, and most particularly Your Honor Justice Collins, honored guests and friends, members of the bar, members of the bench and other persons here present today: It is a distinct honor for me to be asked to participate in these ceremonies. I am especially pleased, not only as the incoming Attorney General of the State of Nevada, but as the outgoing District Attorney here in Carson City, to comment upon what I consider to be the tremendous contributions which Justice Collins has made to this bench and to this State on the part of law enforcement.

Someone once said that Moses was a great law giver, and

that when he gave the Ten Commandments he kept them short and to the point and thereby proved that he was no regular lawyer. I think it is fair to say that our honored Chief Justice today would fall in that same category.

I had occasion recently to speak with Justice Collins' court reporter for many years, Mr. Bill Wood of Ely, who told me of the dedication to the bench and to his duties as District Judge of White Pine County, and I assured Mr. Wood that certainly that same devotion and hard work and attitude toward his responsibilities had continued here in Carson City. During the course of the conversation Bill remarked that Justice Collins is one of the few judges who was literally shot at while serving on the bench, and we recalled that he had the dubious distinction of presiding over the courtroom in Reno at the time that two of our distinguished colleagues, Mr. Liverato and Mr. Mulcahy, were mortally wounded.

Mr. H. L. Mencken once remarked that a judge is a law student who marks his own examination papers. I think that in the case of Justice Collins that he has a great many people both in the State of Nevada and certainly around the country looking over his shoulder as he has, in effect, marked his own examination papers. Almost universally, it must be agreed, those papers deserve excellent grades. He has established a reputation, not only in Carson City and Ely, but throughout the State and throughout the nation. He is a fine writer of legal opinions and is a distinguished member of this bench.

Finally, as I mentioned in the beginning, I think that he has been a particular credit to those of us in the law enforcement profession where he started his public service. The district attorneys of the State, the police chiefs, the sheriffs and, most importantly probably, the man on the beat, the police officers themselves, have long considered Justice Collins to be a friend. He is known as one who understands their problems, who knows the facts that underlie many of the decisions that they have been compelled to make and which have been reviewed by this court. He is going to be sorely missed by all of us in the law enforcement profession.

I look forward as Attorney General to working with Justice Collins in his private practice and know that it will continue to be a happy and rewarding relationship on my part.

Thank you again very much.

ZENOFF, J.:

Thank you, Mr. List. This court congratulates you and wishes you well when you embark upon your new duties.

We have with us today the Honorable Pat Mann, District Judge in Tonopah, who has assisted this court the past week by sitting with us in the absence of Justice Collins. Judge Mann will grace us with his comments in his personal capacity as an old friend and as the representative of the district judges of the State of Nevada. Judge Mann.

JUDGE KENNETH L. MANN:

Thank you, Mr. Chairman, Mr. Chief Justice, Justices of the Supreme Court and honored guests. The main thing I wanted to tell you, Jon, is that I would assume that you have been looking forward to the prospect of appearing before the district court judges in the not too distant future.

CHIEF JUSTICE COLLINS:

Maybe, maybe not.

JUDGE MANN:

I don't know whether you had any trepidation over that prospect or not, but in the event that you have, I am here to assure you that you have no cause for alarm.

I, of course, came from Northeastern Nevada, as did Chief Justice Collins, and had the pleasure of trying a number of cases before him when I was a practicing attorney. I observed many things that I have tried to adopt in my own approach to the judicial function. I know that our trials moved along rapidly. I was always very much impressed by the fact that the then Judge Collins always listened to an attorney, and he always listened to us in a manner which gave us the feeling that he was interested in what we had to say. Jon, when you had to rule adversely to a position that we took, those rulings were never made from a position of arrogance—it was just a straight-out ruling that you disagreed and saw things differently. I really think that's all that any lawyer really asks of a judge on the trial bench; that and the courtesy with which you presided. So again I say that while we do not like to see you leave the judiciary, when you come back in the other door in the courtroom that the district judges are going to treat you with the same thoughtful consideration that you extended to Nevada's lawyers.

There is one other fact that I would like to mention. Of

course, a district court is not just the presiding judge. The district court also consists of the various county clerks, the court reporters, and the deputy clerks who are involved in judicial proceedings. At least in the small counties of the State, a trial is still quite an important event in many communities. As I travel around the State and follow somewhat the same route that you took on many occasions I am always impressed with the great volume of good will that you have established with district court personnel. These people have a genuine affection for you. As you and I both know, these people are not inclined to commend people if they don't mean it. As I held court in each one of these communities your name would be mentioned. There was a feeling of real friendship, and sometimes they would talk about some of the cases that you tried. And, of course, some know of your friendship with my late uncle, Judge Breen. All of these people have told me how much they hate to see you leave your present position. Consequently, I do not speak only for the district court judges. I am honored to represent all of the district court personnel here today and to say that they all join with me in wishing you the very, very best in the future.

Thank you.

ZENOFF, J.:

Thank you, Judge Mann, for your remarks and thank you for your assistance to this court in our hearings the past week.

We are exceptionally pleased to have with us Grant Sawyer, former Governor of the State of Nevada, an old, old friend of Justice Collins, a good dear friend to all of us, and the Governor who had the wisdom and foresight to appoint Judge Collins to this bench. Governor Sawyer.

FORMER GOVERNOR GRANT SAWYER:

Mr. Presiding Justice, Mr. Chief Justice, Distinguished Members of the Court, the judiciary, members of the Collins family and friends: I am extremely pleased that Justice Thompson asked me to be with you today for two reasons particularly—one a very personal one and one, I suppose, a public one. I have known Jon Collins for so long that when I looked at his biography here, for a minute I thought he was lying about his age. I always thought he was older than I was, but I see here that he isn't unless he has perpetrated this fraud over all of these years.

I haven't known him since that day, May 7, 1923, when he was born, but I have known him for a long, long time. I first really got to know Jon in Washington, D.C., when we were both in law school. We were both employed, if you want to call it that, at that time by Senator McCarran, who made it possible in large measure for both of us to go to law school. We worked in his office, or did whatever you do under those circumstances. I don't really think Judge Collins did very much work. I know that I didn't, but at any rate we got our \$90 a month, or whatever it was. We got through Georgetown Law School. Judge Collins then did all kinds of things after that. He went to Northwestern and New York University and a number of other things which I did not do. At any rate, we came back eventually to the State and although I understand that the judge is of a nonpartisan bent, at that time he was involved in one of the political parties in our State. It happened to be the same one in which I was involved. I really never looked at him at all as a lawyer, certainly not as a judge—I did think basically that he was a pretty good politician, and during those days he was moving around pretty well. He finally decided to run for office and was elected district attorney at the same time that I was district attorney in Elko. He didn't stay there too long, because in 1958 he ran for judge in White Pine County and was elected, and as we all know served there until his appointment on that day in May of 1966.

I knew Jon so well in May of 1966 that when the vacancy occurred it was with great trepidation that I announced his appointment. Nevertheless, he has proven all of my fears to be unfounded. And at this point when he is being derobed, I will have to say that my own judgment in that appointment was about as sound as any of the decisions that I made during those eight years. Judge Collins has certainly proved himself a sound, reasoned, totally incorruptible, quite independent member of the judiciary. He has sat on this bench now from May 1966. Prior to that time, he served on the bench in White Pine County and has established a record for himself, not only in the judiciary but as a person that he can look back upon with great pride.

It is for all of these reasons that I am dismayed and sorry as a friend of his, as a member of the bar and as a Nevadan that he has determined to leave the bench. Those decisions are for reasons which are personal to him I am sure. The whole State will be deprived of one of the outstanding public servants in our State. We will miss Judge Collins in his professional capacity for a long, long time to come.

I am personally very pleased that he has decided to come to Las Vegas and join in the firm of which I am a member. I have such a high regard for Jon Collins as a person and as a lawyer that I am looking forward now to having some small share in the next phase of his distinguished career. So Judge Collins, as a dear friend and great admirer and as just a member of the bar, I want to say that we appreciate your many contributions to this State. It is very difficult to express these things, but we are very sad that you are leaving. We wish you all of the good luck in the world as you leave this bench and start to follow other channels.

Thank you.

ZENOFF, J.:

Thank you, Governor Sawyer.

Justice Collins is completing twelve years as a member of the bench of the State of Nevada. Throughout all of that time, give or take a month or two either way, Justice Jon Collins, Justice John Mowbray and I have served together as members of the trial bench and as members of this Supreme Court. Justice Mowbray has graciously consented to act as spokesman for this court to express appreciation on behalf of this court and on behalf of the people of the State of Nevada. Justice Mowbray.

MOWBRAY, J.:

Justice Zenoff and ladies and gentlemen: You know, Shakespeare once wrote "parting is such sweet sorrow," and today at this ceremony we are bidding farewell to Jon Collins who is leaving the bench where he has served this bench, served over four and a half years, that he may enter the private practice of the law.

Jon Collins has had a distinguished career in public service. He is a native Nevadan, born in Ely where he attended the public schools of that city. He earned his bachelor of science degree from the University of Pennsylvania. He then served with distinction in World War II in the Navy. Afterward, he attended and was graduated from Georgetown University Law School. He returned to Nevada and became District Attorney of White Pine County. When he was in Washington he married the former Rita Barrett, who is here today with their daughters, and Mr. Collins, his father, is also present. After his service as district attorney he became the District Judge of the

Seventh Judicial District where he served with distinction until he was appointed to this court.

Jon Collins has really already earned his niche in the history of Nevada. He has earned the reputation of a hard-working, serious, absolutely honest, dedicated jurist. Jon Collins has kept faith with the spirit and the tradition of Nevada. His devotion to his family and to his community has been unceasing and true to the pioneering spirit—he is a man of the highest ideals. His courage has repeatedly been demonstrated in his insistence upon uncompromising compliance with those ideals.

Personally, and as a citizen and as a judge, I find it regrettable that he has been compelled to make this decision and leave the ranks of this court. He will be missed, not only by his colleagues here on this bench and members of the bar throughout the State, but also by the people of the State whom he has served so well. So on behalf of the court it is my pleasure at this time, Chief Justice Jon Collins, as a memento of your tenure on this bench, to present to you a portrait of your court, The Collins Court. We present this to you with our sincere felicitations, best wishes and God speed. Congratulations.

CHIEF JUSTICE COLLINS:

John, thank you very much.

COLLINS, C. J.:

Mr. Justice Zenoff, Mr. Justice Mowbray, Mr. Justice Batjer and Mr. Justice Thompson: When I first came to this court nearly five years ago, there were only three of us. Later, through the wisdom of the Legislature, it was enlarged to five members. The five justices you now see sitting here comprised the last three-judge Supreme Court of the State of Nevada and the first five-judge Supreme Court of the State of Nevada. It has been an honor and a privilege to participate in those historic judicial events in Nevada.

Personally I find it very hard to leave judicial service because I see so much to be done. I see the growth of this State and the need for understanding of judicial problems. I urge the judges on this court to work toward improvement in judicial administration. I hope that the people of Nevada will find it in their hearts to concern themselves with problems which exist and help in the solution of them.

I would be remiss if I did not introduce to you my lovely wife, Rita, three of our daughters, Pamela, Candace and



Melissa and my father, Joe, who are here. Would you please stand and let everybody say hello to you for a minute. [Mrs. Collins, Pamela, Candace, Melissa and Mr. Joe Collins stand.] Thank you.

Through all of the many interesting and sometimes hard fought cases we have had, I have learned to love and respect the members of this court. They are hard working lawyers. We have differed at times in legal philosophy and what we thought the law ought to be, but at least we were able to keep talking and eventually set down in written form for the people of this State our legal views. I believe we have made a substantial contribution to the law of this State and perhaps in a small way to the law of this country.

Governor Sawyer, I am most grateful that you were able to take time, personal time, to come from Las Vegas to Carson City today.

Judge Mann and Mr. List, it is an honor that you gentlemen were here to participate in this session.

ZENOFF, J.:

Thank you, Justice Collins.

Ladies and gentlemen, we thank you for attending this historic affair. We invite you to join with us in a reception immediately at the conclusion of these proceedings across the hall in the offices of Justice Batjer.

Justice Collins, will you recess and adjourn the court.

COLLINS, C. J.:

Bailiff.

BAILIFF:

The Supreme Court of the State of Nevada stands adjourned until Monday, January 11, 1971, at 9 a.m.

[Proceedings concluded at 3:40 p.m.]