

## CIRCUIT OF LONG-DISTANCE MUSICAL COUNTY SEATS:

# 5TH JUDICIAL DISTRICT COURT

BY PATTY CAFFERATA, ESQ.

The Fifth Judicial District Court, situated in the west central part of Nevada along the California border, is unique in several ways. In the early days, the county seats in Nye and Esmeralda moved from town to town.

As the mines boomed and later died, the population shifted from one mining camp to another and the local governments moved with the people. The residents established six county seats, with Hawthorne serving at different times as the county seat of Esmeralda and Mineral counties. The counties built five courthouses, and additionally held court in two other towns where no courthouse was built.

The distances between the county courthouses did, and still do, determine how the judges manage their case loads. A few years ago, judges John Davis and Robert Lane divided the district into two areas with Davis taking the cases in northern Nye, Esmeralda and Mineral counties. Lane took the heavy case load in Pahrump, in southern Nye County. Davis also took one-half of the criminal calendars in Pahrump, and they each agreed to handle matters for each other in the case of a conflict.

Davis' permanent chambers are in the courthouse in Tonopah, but Lane's chambers and courtroom are in the Nye County Government Complex building in Pahrump. To preside over court, Davis commutes from Tonopah in a state-owned vehicle; it takes almost two hours to get to Hawthorne, just under three hours to Pahrump, and 35 to 40 minutes to Goldfield. The lawyers in the district also commute to court. Other than a few attorneys in Pahrump, no private lawyers reside in the district.

### Counties/current county seats:

- Esmeralda – Goldfield
- Mineral – Hawthorne
- Nye – Tonopah

### Previous county seats:

- Esmeralda – Aurora and Hawthorne
- Nye – Lone, Belmont

### Distances between:

- Tonopah to Hawthorne is 104 miles on Highway 95
- Tonopah to Goldfield is 26 miles on Highway 95
- Tonopah to Pahrump is 166 miles



The following is the history of the Fifth Judicial District courthouses and a description of its legal communities:

## ESMERALDA COUNTY

Esmeralda County moved its county seat three times. In Aurora, its first county seat, court was held in a brick hotel. In 1883, when the mining declined in

Aurora, the county seat moved over the mountains to Hawthorne, where the county built a courthouse. (The building is described below, because later it became the Mineral County courthouse). This courthouse served the Esmeralda citizens until 1907, when the county seat moved to Goldfield.

Goldfield became the county seat during a time of violent labor disputes between the mine owners and the miners. The county commissioners approved an \$80,000 contract to build a

medieval-like fortress for the courthouse in the center of Goldfield, along Highway 95. When needed, Judge Davis drives to the two-story stone courthouse and reaches the second floor courtroom via a long, steep staircase. The building's original olive-green steel furniture is still in use.

Davis presides over court in front of a metal backdrop under the mounted head of a Desert Bighorn sheep, confiscated from a hunter for a wildlife violation. The two fringed Tiffany lamps on either end of the bench are eye-catching. Outside the bar, wooden chairs with wire hat racks under each seat are linked together.

## MINERAL COUNTY

In 1911, the Legislature chopped off the northern part of Esmeralda County to create a new county: Mineral County. Hawthorne became the county seat and remains the only town in Nevada to serve as the county seat for two counties. Since Mineral County already had the original Esmeralda courthouse, officials remodeled it and moved in.

This, the first Esmeralda County Courthouse, cost \$29,125 to construct in 1883. The unusual feature of the austere, two-story brick Italianate structure is the five-sided staircase to the front porch.

After the courthouse opened, the building was fraught with problems. A grand jury investigation found the building was not built to specifications. Later, the people buttressed the courthouse to prevent further settling, and major repairs were made to the building in 1916 and 1936.

In 1969, the \$331,629 construction contract for a new courthouse was awarded to A. S. Johnson Construction Company of Sparks. In 1970, the officials moved into the new Mineral County courthouse, designed by Reno architects Lockard and Casazza. The single-story, 9,000-square-foot brick building has four square columns guarding the entrance (see page 38).

In the courtroom, the only decorations are the photographs of late District Court judges Peter Breen and Bill Beko, hanging on opposite walls.

In 1974, long after the officials and the court moved to the new courthouse, the old building was condemned, but it still remains standing on C Street in Hawthorne.



Esmeralda County Courthouse, Goldfield, Nevada

Courtesy of the Central Nevada Historical Society



Interior of the Esmeralda County Courthouse in Goldfield.

Courtesy of the Esmeralda County Commissioners Office



Esmeralda County Courthouse, 1883-1907, and Mineral County Courthouse, 1911-1970. Located in Hawthorne, Nevada.

Photo by Treat Cafferata.

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## NYE COUNTY

Nye County also had three county seats. Although the first county seat was in Ione, the county did not build a courthouse there. In 1867, the county seat moved to Belmont but the county waited until 1875 to build a two-story red brick Italianate courthouse topped with a cupola. The residents abandoned this \$22,000 edifice when the county seat moved to Tonopah. In 1974, the state acquired the Belmont building, now managed by the Nevada Division of State Parks.

In 1905, the commissioners awarded Continental Construction Company a \$28,000 contract to build a two-story ashlar stone-and-concrete courthouse in Tonopah. The distinctive features of this courthouse include the bullet-shaped dome and thick, Romanesque Revival arches surrounding the main entrance.

Over the years the county added three wings to the sides and rear of the structure, but the county still eventually outgrew the building. In 1995, Davis moved his permanent chambers into the one-story, rectangular courthouse that opened north of town. This building is dedicated to the memory of District Court judge Bill Beko, a well-respected and prominent jurist. The courtrooms are in the center of the building and the county law library sits across the hall.

In 2000, two courtrooms, Judge Lane's chambers, the justices of the peace chambers and courtrooms opened in the Nye County Government Building in Pahrump.

## LEGAL COMMUNITIES AND LOCAL PRACTICE

The lawyers who appear in these courthouses know that the Fifth Judicial District Court is the busiest of the rural courts, with the overwhelming majority of cases filed in Pahrump.

Although the court is bustling, only a few attorneys live in the district. In Mineral County, district attorney Cherie Emm-Smith (the only woman and only Native American district attorney in the state) and one other lawyer reside in the county. Most of the attorneys representing clients come from Yerington or Fallon.

Esmeralda County has no resident lawyers, including the district attorney. In Nye County, the district attorney has about eight deputies, two who live in Tonopah. The prosecutors



Old Nye County courthouse in T

Photo by Treat Cafferata.



The Nye County Courthouse opened in Tonopah in 1995.

Photo by Treat Cafferata.

handle a range of crimes including murder, battery with substantial bodily harm, child molestation, and drug and theft cases. To represent criminal defendants, the counties contract with private

attorneys to provide public defender services. About 10 attorneys, many of whom come from Las Vegas, represent clients in Pahrump.

The judges set hearings and trials around their Law and Motion calendars and rely on the rules in the NRCP and the Nevada Revised Statutes, rather than any local rules, for motions and trial decisions.

The judges preside over a few appeals from the justice courts. Mineral and Esmeralda counties each have one justice court, while Nye has one in Beatty, one in Tonopah and two departments in Pahrump.

To assist with the workload, the judges are aided by hearing masters. In all the counties, the juvenile matters are handled by one of the justices of the peace acting as the juvenile master, except in Hawthorne and Pahrump, where former justices of the peace Vic Trujillo and Margaret Whitaker serve as the juvenile masters.

Davis' only staff is his judicial assistant Gerie Clifford in Tonopah who travels to Pahrump to assist him. Lane has two administrative assistants: Cindy Ward and Louise Mulvey. In Pahrump, the Child Support hearing master is Dave Neeley and the Specialty Court Coordinator is Tammi Odegard,



who handles the drug and family court matters. Each county sheriff supplies a deputy for a courtroom bailiff; a full-time bailiff is assigned to the court in Pahrump.

The Fifth Judicial District Court contains two relatively modern courthouses, four historic courthouses (one is still in use) and a unique Nye County government building that functions as a courthouse. Davis frequently drives about 20,000 miles a year. Lane, on the other hand, mostly works in Pahrump, presiding over a high volume of legal matters. The district is unusual due to its shifting county seats, the long distances between courthouses, the location of a judge's permanent chambers outside a courthouse, and because of the fact that most of the private attorneys travel from outside the district to court. ■

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**PATTY CAFFERATA** is the former district attorney of Lincoln, Lander and Esmeralda counties and appeared before Judge Davis and Lane. She thanks the judges and their judicial assistants, Gerie Clifford and Louise Mulvey, for their time spent contributing to this article. In addition to her personal

knowledge of the county courthouses, Cafferata relied on Ronald M. James's Temples of Justice and Julie Nicoletta's Buildings of Nevada for information for this issue.

## Fifth Judicial District Court – Law and Motion Calendar

### Mineral:

- Judge Davis – Wednesday (every other week)

### Nye – Pahrump:

- Judge Lane:
  - Mondays – civil cases, drug court
  - Monday – the next week criminal cases, drug court
- Specialty Court masters – Mondays
- Judge Davis – Tuesday (every other week)

### Nye – Tonopah:

- Judge Davis:
  - Monday, beginning of month
  - Tuesday - end of the month

### Esmeralda:

- Judge Davis – at the end of the month, if needed