

# JUDGES ON THE MAIN ROAD, BUT OFF THE BEATEN TRACK

BY PATTY CAFFERATA, ESQ.

Fifth Judicial District Court judges John Davis and Robert Lane agree they like working with the lawyers in the district and say that the best part about being a judge is the satisfaction of being able to help people.

The judges also agree that they are isolated from the state's legal community. Lane describes the district as "sometimes lonely" and Davis reports that few people have found it worth their time to visit the outpost court in Tonopah.

On their roads to the bench, both men served in the military, using their technical skills; Davis served the U.S. Army in a heavy construction engineering battalion, and Lane was in the U.S. Navy as an Electrician's Mate.

Similarly, both judges worked in positions unrelated to the law before becoming lawyers.

Their election histories are similar as well; they were both first elected to the bench in contested elections. Davis beat incumbent judge Paul Parraguirre in 1990, and Lane won an open seat, beating friend and fellow deputy district attorney Kirk Vitto in 2000. Both judges have faced contested primary races and one election in which they were unopposed. Although judicial races are non-partisan, both judges were Republicans until Davis changed his registration to non-partisan in 2008.

While they share these experiences and beliefs, they arrived on the bench by taking different paths.

**Joshua trees south of Goldfield, Esmeralda County**

Photo by Treat Cafferata



**PROFILE: JOHN P. DAVIS**

**BORN:** New York City, New York, 1934

**GRADUATED:** Colorado School of Mines and UC Davis School of Law

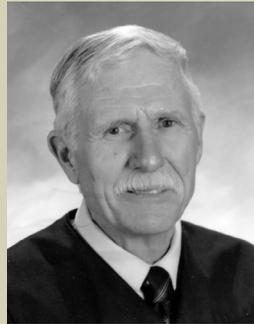
**OTHER LICENSES:** Previously Mining Engineer in Nevada, Colorado and Utah; currently Land Surveyor in California and Nevada; U.S. Mineral Surveyor

**BACKGROUND:** Of English ancestry: his father Everly, Jr., died when Davis was about one year old. His grandfather Everly Davis and his mother, Dorothy Pierce Davis, raised him. She remarried when John was about 25 years old. Davis first came to Nevada as a mining engineer in 1961, and returned after law school in 1972

**FAMILY:** Single, two daughters and a son

**CHURCH:** Tonopah Community Church

**HOBBIES:** Hunting, horseback riding, hiking and flying



An outdoor kind of guy, John Davis loves farming, mining and hiking – a perfect fit for the Fifth Judicial District Court. A relaxed Davis sits in the unadorned judge’s chambers in Hawthorne, and shares his memories with *Nevada Lawyer*.

As a boy, Davis grew up on his grandfather’s farm. Currently, he is farming 30 acres in Nye County. As a young man, he also became interested in things that do not grow, so he obtained an Engineer of Mines degree in 1956. In addition to being farmers, many of Davis’ ancestors were attorneys: both of his grandfathers, two uncles and another uncle was a Georgia judge.

Davis grew up in Santa Barbara where he graduated from Laguna Blanca High School, a private school. He went on to graduate from the Colorado School of Mines, and he worked as a mining engineer at the Blue Diamond gypsum mine in Clark County and other mines in the West. In 1964, he returned to Merced, California, to manage his grandfather’s farm and to work as a land surveyor.

In 1969, he enrolled at UC Davis School of Law, where his favorite class was property law and his favorite professor was John Poulos, who taught many of his courses. During law school, he worked in farming and land surveying. In 1972, Davis graduated from law school and opened a law practice in Minden.

He began thinking about becoming a judge in 1977. He was first elected as the justice of the peace in Smith Valley in Lyon County in 1982. He was re-elected in 1986, but resigned a year later and moved to Tonopah. He knew the only judge in the Fifth Judicial

District Court, Bill Beko, would be retiring and, after campaigning hard door-to-door, Davis was elected in 1990.

Davis has presided over 250 jury trials and sits on six to ten jury trials a year. The case he considers his most interesting was a mining matter that was probably one of the last extralateral rights cases in Nevada.<sup>1</sup> The dispute was over a mine in Beatty. Davis states that some top-notch lawyers represented the parties in the case. Davis mentions Earl Hill from Reno, saying he is a wonderful man and an outstanding attorney. On another mining case before Judge Beko, Davis says he was privileged to associate with Hill and to carry his briefcase into the Tonopah courthouse.

The most challenging cases Davis decides often involve small monetary disputes, mostly appeals from justice court. The frivolous cases are often divorce matters in which the parties do not want to move on with their lives, and insist on making themselves heard. To Davis, an impressive lawyer is one who knows his or her case, explains it in a professional manner and pays attention to every written word. His pet peeve is when a lawyer does not stand up when addressing the court or is ill-prepared. Davis states that the worst part about being a judge is dealing with family matters and those involving children. He believes these are important cases, but are painful both to the parties involved and to the judge.

While Davis recounts his life story, his dog Rat sleeps in an executive chair with his little black nose sticking out from beneath his blanket. For almost 14 years, the small, grey rat terrier has traveled with Davis from home to court and he stays on his chair while the judge is on the bench.



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## PROFILE: ROBERT W. LANE

**BORN:** Omaha, Nebraska, 1958

**GRADUATED:** University of Nevada, Las Vegas and University of Utah School of Law

**BACKGROUND:** His family moved to Nevada in 1973. His father, Wesley, is of English descent, while his late mother, Mary Ann Reily Lane Glassmyer, was of Irish descent. Lane has three sisters and two brothers

**FAMILY:** His wife, Samantha Stanger Lane, and he are the parents of four children: Bobby, Hannah, Baden and Spencer

**CHURCH:** Church of Jesus Christ Latter-day Saints

**HOBBIES:** Spending time with family, attending church and autism groups, playing the guitar, following national politics



Judge Robert Lane takes time out of his lunch hour, before his Law and Motion calendar, to describe, with wry and self-deprecating humor, the struggles he faced in becoming an attorney and judge.

When Lane's family moved to Henderson, Nevada, Lane was 14 years old. His father found work as a waiter in the Monte Carlo room at the Desert Inn Hotel and his mother enjoyed working in a bingo parlor. Lane graduated from Basic High School while working two jobs, one as a cook at the Nevada Hotel and another as a management trainee at the Broadway Department Store.

After high school, Lane enlisted in the Navy and trained as an Electrician's Mate. He served on the USS Barbel (SS-580), the Navy's last diesel submarine. After serving six-and-a-half years, he then served a church mission in Canada. He soon returned to Las Vegas, where

he enrolled at the University of Nevada, Las Vegas. He worked full-time for U. S.

Senator Chic Hecht for two years, wrote a weekly column for the Rebel Yell, the student newspaper, and was active in local and college politics.

Lane met Samantha Stanger at the university and they both graduated in 1989 with degrees in political science. In 1990, the couple married at the Mt. Charleston Inn and later at the Las Vegas Latter-day Saints Temple. They are the parents of Bobby (16), Hannah (14), Baden (11) and Spencer (9). Because Baden has autism, Lane and Samantha (a stay-at-home-mom) are involved with an autism group in Pahrump.

In 1990, Lane enrolled at the University of Utah School of Law, where his favorite course was constitutional law. Not knowing any legal professionals or having any background in law, he struggled through law school. In the summer of his second year, he took the BARBRI course and, he says, the light dawned on what the professors were trying to teach him. While in law school, Lane worked for the Legal Aid Society, tutored constitutional law and served as a judicial intern. He graduated in December 1992.

When Lane returned to Nevada, he applied for jobs with numerous law firms and every district attorney's office in the state.



He was offered a couple of interviews, but no jobs. He took a non-legal job analyzing the profitability of businesses in the U.S. and Canada. Finally, Nye County District Attorney Art Wehrmeister hired Lane for the Tonopah office in September 1993.

There, Lane prosecuted all types of criminal cases. His most legally challenging case was one involving a man who strangled his wife to death in a Beatty motel room. Since her body was never found, the first jury hung, but the defendant was convicted at the second trial and sentenced to life without parole.

Because of its rapid population growth, the Legislature created a new district court seat in Pahrump and Lane won his first election to that position in 2000. His case load includes an interesting mix of legal matters, including criminal, family, juvenile probation, drug court, construction defect, malpractice matters and personal injury cases. He presides over about four to 10 criminal and two to five civil jury trials a year. Almost daily, he presides over bench trials on family law matters and civil cases. Lane regularly conducts settlement conferences to speed up the litigation process.

Lane says he is impressed with a lawyer who is prepared and focuses on the issues, not on irrelevant matters. He respects lawyers who do what is right and fair and act as problem solvers. He is not a fan of lawyers who are too adversarial or arrogant or who talk over one another in court. For Lane, the worst parts of the job are the administrative duties, politics and budget matters.

## CONCLUSION

Even though this rural district is on a main highway, the court is cut off from the larger Nevada legal community. John Davis and Robert Lane enjoy living in the district and facing the legal challenges unique to their district and locations. ■

1 Black's Law Dictionary defines an extralateral right as "the right of any owner of a mining claim duly located on the public domain to follow, and mine, any vein or lode that . . . lies within the boundaries of his location on the surface, notwithstanding the course of the vein . . ."



# PRO BONO HONOR ROLL



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