

SIXTH JUDICIAL DISTRICT COURT JUDGES RIDE THE CIRCUIT BETWEEN THREE NEO-CLASSIC COURTHOUSES

BY PATTY CAFFERATA, ESQ.

This is the seventh in a series of articles on the courts and legal communities in the rural counties of Nevada.

Sixth Judicial District Court judges Richard Wagner and Mike Montero drive about 60 to 75 miles from courthouse to courthouse, in three counties in the north-central portion of Nevada. Humboldt County, the most populous in the district, is north of Pershing County, and Lander County is east of Pershing County. The longest drive is between Pershing and Lander Counties and is roughly 130 miles. The judges commute in state vehicles on Interstate 80, bringing case files from one county to the next for the other judge so they can prepare for court the next day or week.

In this vast rural area, most of the business and commercial activities are located in the county seats. Miners, ranchers and their families are the predominant settlers in this district.

The judges preside over court in striking neo-classical courthouses. This design features colossal central stairways leading up to porticos with tall Greek or Roman columns.

LOVELOCK, PERSHING COUNTY



Photo by Treat Cafferata.

The Pershing County Courthouse was designed by Frederick DeLongchamps and built in 1920 in Lovelock, Nevada.

In 1918, when the Humboldt County courthouse burned down, the residents of Lovelock did not want to pay to build an expensive courthouse 75 miles away in Winnemucca. In 1919 the residents convinced the Legislature to carve off the southern part of Humboldt County to create Pershing County. Lovelock was designated as the county seat. Pershing County built only one courthouse, unlike the other two counties in the district.

Architect Frederick DeLongchamps designed the courthouse. He had been hired to design the new Humboldt County courthouse at the same time, so Pershing County wanted a distinctly different, but equally impressive, building.



Photo by Celeste Hamilton.

The top of the mural above the bench in the Pershing County Courthouse was painted by an inmate.

DeLongchamps designed a round building with a silver-colored dome and six Ionic columns on the portico. The design is reminiscent of Thomas Jefferson's Monticello. After the building was completed, the Pershing County



Photo by Celeste Hamilton.

The Pershing County Courthouse's semi-circular jury box faces the bench and mural.

courthouse became one of the few, if not the only, round courthouses in the county.

Pershing spent about \$100,000 to build the beige brick and terra cotta structure. In the middle of the courthouse is the circular courtroom with a semicircular jury box in the center of the room facing the bench. The round courtroom has been beautifully painted by an inmate that Wagner describes as “a bad burglar, but a good artist.”

Wagner's chambers are located in Lovelock. His office is typical of most law offices, with a floor-to-ceiling bookshelf full of Nevada law books, a computer with Internet access, and a pen and an ink sketch of the Pershing courthouse drawn by a friend. The most unusual item in the chambers is the original black metal tumbler used in the random drawing of potential jurors' names during trials. Montero shares Wagner's chambers and works with Wagner's staff when Montero is in Lovelock.

Wagner's legal secretary, Jolene Scilacci, began her legal career with District Court judge Llewellyn Young in the 1960s. Wagner's staff also includes court reporter Zoie Williams, a real-time reporter. The county sheriff provides the courtroom bailiff, usually Carol Duncan.

The judges are assisted by Juvenile Court Master Sam Matheny, who presides over the drug court. Five attorneys in private practice, the district attorney, his deputy and the public defender regularly represent clients on law and motion days in Pershing County's unique courthouse and courtroom.

Unionville and Winnemucca, Humboldt County



Photo by Treat Cafferata.

The current Humboldt County Courthouse was designed by Frederick DeLongchamps and built in Winnemucca in 1920.

The original county seat of Humboldt County in 1861 was Unionville. After the Unionville mines failed, the population and county seat shifted to Winnemucca in 1873. Humboldt

CONTINUED ON PAGE 16 ►

THREE NEO-CLASSIC COURTHOUSES

CONTINUED FROM PAGE 15



Photo by Treat Califraia.

The central staircase in the Humboldt County Courthouse.



Photo by Treat Califraia.

The current small courtroom in the Humboldt County Courthouse.

County built two courthouses in Winnemucca. The first Winnemucca courthouse burned down in 1918. Frederick DeLongchamps designed a new courthouse for the same site. The cornerstone of the \$150,000 two-story neo-classical building was laid in 1920. The 90-by-90-foot courthouse with beaux-arts architectural features is constructed of yellow-brown brick. Massive Corinthian columns extend from the stairway up to the roof of the portico.

The interior design continues the neo-classical theme with a marble floor and a wide marble staircase leading up to the second floor. The two-story atrium is topped with a colored glass ceiling. Today, the county commissioners meet in the original courtroom. The District Court judges preside in two courtrooms located on the second floor in the no-frills utilitarian building, added behind the courthouse in the 1970s.

Montero's chambers are located in Winnemucca. Typical of most chambers, a floor-to-ceiling bookshelf, full of Nevada law books, covers one wall. His office is decorated with photos of his wife and three daughters, and rodeo and ranch memorabilia such as a 2004 Reno Rodeo poster, a bull and rider metal statute and a small, carved, tan horse.

Montero's support staff consists of his judicial assistant Rosa Sanchez, who started her legal career with District Court judge Llewellyn Young in the 1970s. Paige Brown is the part-time alcohol and drug court facilitator and Kathy Brumm is his court recorder. The sheriff assigns the bailiff to the courtroom on a rotating basis.

Wagner uses a small, unadorned office with a bookshelf of Nevada law books, and shares Montero's staff when he is in Winnemucca. The 12 to 15 lawyers in private practice, the district attorney and his four deputies, and the public defender regularly appear in District Court.

Jacobsville, Austin and Battle Mountain, Lander County



The third Lander County Courthouse in Austin. The building was opened in 1872 and is currently used for county offices and by the JP. The small building to the left is the sheriff's substation.

Since 1862, Lander County has had four courthouses. The original Lander County seat and courthouse were at Jacobsville or Jacob's Spring. When a mining strike occurred in Austin in 1863, the county seat moved there. J.A. McDonald had built the original courthouse and then he built a temporary courthouse in Austin.

Finally, in 1871, the cornerstone of the permanent courthouse was laid. Dan P. Bell designed the building in the Greek revival style, a simple design used for erecting civic buildings. The county spent about \$30,000 for the building, furniture and adjacent lots. The 40-by-62-foot brick building has a stone foundation, gabled roof and front double doors. The courtroom, jury room, and judge's chambers and clerk are on the second floor. On the first floor were other county



Photo by Treat Cafferata.

The current Lander County Courthouse was built as a school in Battle Mountain in 1916 and converted to the courthouse in 1979.

offices and four jail cells. Finished in 1872, this courthouse served the county until the people voted to move the county seat 90 miles north to Battle Mountain, in 1979.

Lander County remodeled a former school building in Battle Mountain for the “new” courthouse. This 1916 structure is similar to other neo-classical courthouses in the district. The one-story courthouse is made of off-white brick with a full daylight basement. Four Tuscan columns, the simplest Roman order, are on the portico.

The courtroom is plain with windows along one wall and wood paneling along two other walls. The District Court judges and the justice of the peace share the courtroom for hearings and trials. In addition to his regular judicial duties, Justice of the Peace Max Bunch manages the drug court in Lander County.

The District Court judges also share the small chambers in Battle Mountain. The office walls are lined with bookshelves and Nevada law books. The judges rely on the assigned Court Clerk Mary Ann Grey for assistance. The sheriff dedicated Deputy Donn Bohall as the bailiff. Lander County has the smallest legal community in the district with two lawyers in private practice, the district attorney with a part-time deputy, and a part-time public defender.

Legal Community and Practice

The Sixth Judicial District Court has few local rules, and relies on the District Court rules for most matters. The law and motion calendars are set on Mondays and Tuesdays with trials set Wednesday through Friday. Most of the jury trials are held in Winnemucca. On the average, six criminal jury trials and an occasional civil jury trial are held a year. The district has its share of drug, driving under the influence (DUI) and violent crimes of murder, battery and kidnapping cases. The Pershing County civil case load includes petitions for post-conviction relief from the inmates in the Lovelock Correctional Center, a medium-security prison located outside of town.

Most civil matters in the district involve family law cases. Bench trials are frequently held on divorces, child

support, custody cases and NRS 432B (children in need of protection) matters. The judges also handle probate and guardianship cases. The district has no discovery or probate masters, and no specialty departments.

Juvenile matters are handled by Juvenile Master Sam Matheny in all three counties. Master Rita Fowler handles family and child support in Humboldt and Pershing counties. In Lander, Montero handles these cases.

Montero presides over the Humboldt County drug court. The program is for first-time nonviolent drug offenders charged with possession of drugs, not with sales or trafficking. The program is an intense, structured supervision of the participants. Each defendant is assigned a color and they call in five days a week. If their color is named when they call, they must appear between 12 and 2 p.m. for a drug test. Failure of the drug test can warrant anything from jail time to community service to writing an essay.

In addition to the District Court, Pershing and Humboldt Counties each have one Justice Court. Lander has a Justice Court in Battle Mountain and in Austin where Justice of the Peace Joe Dory presides in the old courthouse.

The circuit-riding judges in the Sixth Judicial District are general jurisdiction judges presiding in some of the most historic courthouses in Nevada. **NL**

SIXTH JUDICIAL DISTRICT COURT JUDGES' SCHEDULES

Montero

Monday: Humboldt

Tuesday (first and third): Pershing

Tuesday (second and fourth): Lander

Wagner

Monday (first and third): Humboldt

Monday (second and fourth): individual cases

Tuesday (first and third): Lander

Tuesday (second and fourth): Pershing

PATTY CAFFERATA appreciates the time Judges Richard Wagner and Mike Montero spent providing information for this article. In the 1990s Cafferata was the district attorney of Lander County when Wagner was one of the District Court judges in the Sixth Judicial District Court. Thanks also to Karen Westner for arranging for Celeste Hamilton and Dixie McKay to photograph the Pershing County courthouse and Wagner. For certain information about the courthouses, the author relied on Ronald M. James's *“Temples of Justice.”*