

FIFTH JUDICIAL DISTRICT COURT

RURAL COURT COLUMN

BY PATRICIA D. CAFFERATA, ESQ.



RECONFIGURED FIFTH DISTRICT CUTS JUDGES' TIME ON THE ROAD IN HALF

The Fifth Judicial District Court currently comprises two counties: Esmeralda and Nye. In 1864, when Nevada became a state, Esmeralda was in the Second Judicial District with Ormsby (now Carson City) and Douglas counties, while Nye County was in the Third Judicial District with Lyon, Churchill, Humboldt and Lander counties. Over the years, the Nevada Legislature changed the boundaries of all the judicial districts. In 1929, Mineral, Esmeralda and Nye counties became the Fifth Judicial District with J. Emmett Walsh as the presiding judge. In 2015, the legislature removed Mineral County from the district, leaving Esmeralda and Nye counties in the district. (Mineral County was included in the newly created Eleventh Judicial District. See *Nevada Lawyer*, April 2019 issue.)

According to *The Nevada Judiciary 2018 Annual Report*, the Fifth Judicial District Court's case load, excluding traffic matters, is unique. In 2018, the case load in all the state district courts consists of 40 percent civil law, 36 percent criminal law, 21 percent family law, and juvenile matters were 3 percent. In the Fifth Judicial District Court, the case load is 42 percent criminal, 35 percent civil, 14 percent family, and 9 percent juvenile. These numbers account for the activity in the two district courts and the Beatty, Esmeralda, Pahrump and Tonopah justice courts. The Pahrump Justice Court processed the most cases with 1,054 cases in 2018, while Esmeralda handled only two cases that year.

Two judges preside over all the district court matters. Kimberly A. Wanker (Department 1) and

Robert Lane (Department 2) are the judges in the Fifth Judicial District Court. They are based in Pahrump in Nye County (about 65 miles from Las Vegas on State Route (SR) 160). For Law and Motion Day and district court hearings, the judges drive for about two hours and cover approximately 139 miles to Goldfield in Esmeralda County once a month during different weeks. When the judges sit in Tonopah, the Nye County seat, they drive north for 166 miles for nearly three hours on SR 160 and U.S. 95 to the courthouse. Before the reconfiguration of the district, when Mineral County was moved to the newly created Eleventh Judicial District Court, the judges drove 271 miles to Hawthorne in Mineral County for court. The trip took a little more than four hours. The judges' time on the road has been considerably reduced after the legislature moved Mineral to another judicial district.



When former Governor Brian Sandoval appointed Wanker to the bench in 2011, she became the first rural woman judge in Nevada. After law school, she practiced law in Colorado for two years. In 1989, she moved to Nevada and worked for Gordon and Silver, Ltd. from 1989 until 1995. Then, she opened her own law firm in Las Vegas until she was appointed to the bench. Since 2011, Wanker has been in charge of the Pahrump Drug Court, and in 2014, she started the Tonopah Drug Court, which serves both northern Nye and Esmeralda counties.



Lane took a different path before being elected to the bench. He served as a Nye County deputy district attorney. The voters first elected Lane as a judge in 2000, and re-elected him in 2002, 2008 and 2014. In 2002, he developed a Drug Court in Pahrump. This alcohol and drug intervention program for adults and juveniles channels chemically dependent, non-violent individuals into substance abuse treatment programs as an alternative to incarceration. The goal is to help participants to become and remain drug free, so they can lead productive lives.

The Fifth Judicial District Court judges are busy presiding in courthouses and judicial buildings located vast distances from one another, so they spend time on the road and in court presiding over the same kinds of cases as the other district court judges. **NL**

PATRICIA D. CAFFERATA received her J.D. from Southwestern School of Law, graduating with Justice Abbi Silver in 1989. Cafferata is currently District Court Judge Connie Steinheimer's law clerk. Cafferata served as the district attorney of Esmeralda County from 2000 to 2003 and for three months in 2010.

KIMBERLY A. WANKER

Born: Nebraska
Education: Graduate, Scottsbluff Senior High School, Nebraska Western College, the University of Nebraska, and the University of Nebraska College of Law.
Hobbies: karting, car racing and restoration, biking and boating.

ROBERT LANE

Born: Nebraska, moved to Nevada during middle school
Education: Graduate, Basic High School in Henderson; University of Nevada, Las Vegas; and University of Utah Law School
Family: Wife Samantha and children: Bobby, Hannah, Baden and Spencer
Hobbies: Spending time with family, attending church (LDS), and playing guitar