

## Rural District Court Judicial Travel In Nevada, Fiscal Years 2011-16

### INTRODUCTION

This is the third report published by the Nevada Supreme Court on judicial travel. In 2005, the report focused on fiscal years (FY) 2000-04 and found rural court judges who must travel their circuit have notably less time available for their judicial obligations than their urban counterparts. The second report, focusing on FY 2007-10, reported that in four judicial districts, judges spent 7.1 hours per week (19 percent judicial position equivalent (JPE<sup>1</sup>)) on the road and out of the courtroom. This was a 14 percent reduction in JPE from FY 2000-04 (22 percent JPE). Part of the reduction in JPE was noted to be due to courts implementing video conferencing equipment and rules governing its use in judicial matters.

This report focuses on judicial travel for FY 2011-16. The average hours on the road per district for FY 2011-16 was 6.1 hours per week (16 percent JPE), which is a 14 percent reduction from FY 2007-10. Additionally, the average miles driven per year during FY 2011-16 (70,888) was a decrease of 12 percent from the average of FY 2007-10 (80,172). Moreover, in FY 2016, the total miles driven was the lowest magnitude (56,560) reported since the original report, and reflected a 39 percent reduction from FY 2010 (93,302).

During FY 2011-16, there were substantial changes to the makeup of the Nevada Judiciary. In particular, in January 2012 (mid-fiscal year 2012), the Tenth Judicial District (JD) was created encompassing Churchill County, which left the Third JD comprising of Lyon County only. Additionally, the Eleventh JD was created July 2015 (FY 2016), which encompasses Mineral, Lander, and Pershing Counties. The Fifth JD, which used to contain Mineral County, was pared down to only Esmeralda and Nye Counties. Additionally, the Sixth JD now only encompasses Humboldt County. A significant point to mention is that the two new judicial districts were created without additional judicial positions.

Due to the changes in the make-up of the Nevada judiciary, a direct comparison in judicial travel to previous reports becomes difficult. For example, the Third JD reported an average of 21,356 miles driven per year in FY 2007-10, which then included Lyon and Churchill Counties; but in FY 2016, the Third (Lyon County)

<sup>1</sup> One JPE equals one full-time judge.

and Tenth (Churchill County) JDs did not report any mileage (FY 2011-16 reported an average of 4,583 miles per year for the Third JD; the Tenth JD reported no mileage since its inception). Since previous reports used Lyon and Churchill Counties in calculations for the average hours per week on the road, including them in new calculations for FY 2011-16 will understate the average for districts still reporting judicial travel. Excluding these districts creates dissociation with previous reports' established standards, as well as omitting the judicial travel that occurred during FY 2011-12 before the Tenth JD was created.

As referenced in previous reports, one of the most important aspects of justice in any community is quick and reliable access to the judicial system. No matter whether a citizen lives in a rural or urban community, each has a reasonable expectation of access to the court system. Rural communities face many challenges, including some seldom handled in more urban areas. Judges in rural areas must be sensitive to the close-knit nature of the communities they serve while fairly administering the law. To provide expedient access to the judicial system without forcing individuals to travel great distances, judges have made arrangements for their travel to the rural communities they serve. Generally, providing access to the judicial system requires that rural court judges travel many miles from the community they reside in to assist in other communities within their jurisdiction.

The connection between the issues of access to the courts and traveling judges may not be readily apparent. As judges spend more time traveling, less time is available to perform their judicial responsibilities. Currently, within the judiciary, District Court Judges may be and have been called upon to assist within any district in the State.

To determine the amount of judicial time needed for travel, the Supreme Court of Nevada, Administrative Office of the Courts, compiled mileage claims submitted by rural District Court Judges during the last 6 fiscal years. This information was used to provide a larger perspective on the travel time by District Court Judges in rural jurisdictions. This report does not include occasional travel taken by judges in single-county districts, which are the Second

(Washoe County), Fourth (Elko County), Eighth (Clark County), or Ninth (Douglas County) JDs. Additionally, the First JD (Carson City and Storey County) was not included because of the proximity (15 miles) between the two county seats. Air travel was not included. The amount of time spent at airports and in flight, traveling to judicial assignments, training, and meetings would add mileage and time to the figures presented herein. However, such information is not quantifiable at this time.

## **DATA SOURCES**

The data used in this analysis has been extracted from the mileage and travel claims submitted by the judges in the Third, Fifth, Sixth, Seventh, Tenth, and Eleventh JDs to the Administrative Office of the Courts. All data are organized by judicial district for FY 2011-16. The judicial districts included in this study on rural district judges' travel include 77,301 square miles (mi<sup>2</sup>) of area.<sup>2</sup> The District Courts are in the county seats, which are shown on Figure 1.

Rural judges who must travel by car have two options available to them—drive a State Motor Pool vehicle or their personal vehicle. The decision of which to use is made by individual judges. The State's reimbursement rate for mileage compensates drivers for an average of fuel, as well as wear and tear on personal vehicles driven, so the cost to the State of Nevada for either method is approximately the same.

- The **Third JD** originally covered about 6,931 mi<sup>2</sup> and included Churchill and Lyon Counties from FY 2010 to mid-FY 2012. The county seat of Lyon County (2,001 mi<sup>2</sup>) is Yerington. The county seat of Churchill County (4,930 mi<sup>2</sup>) is Fallon, and the county became the **Tenth JD** mid-FY 2012.
- The **Fifth JD** originally covered about 25,517 mi<sup>2</sup> and included Esmeralda, Mineral, and Nye Counties for FY 2010-15. The county seat of Esmeralda County (3,582 mi<sup>2</sup>) is Goldfield. The county seat of the largest county in Nevada, Nye County (18,182 mi<sup>2</sup>), is in Tonopah. Nye County also has a courthouse in Pahrump. The county seat of Mineral County (3,753 mi<sup>2</sup>) is Hawthorne, and the county became part of the **Eleventh JD** in FY 2016 (Nye and Esmeralda Counties remained with the Fifth JD).

- The **Sixth JD** originally covered about 21,168 mi<sup>2</sup> and included Humboldt, Lander, and Pershing Counties for FY 2010-15. The county seat of Humboldt County (9,641 mi<sup>2</sup>) is Winnemucca. The county seat of Lander County (5,490 mi<sup>2</sup>) is Battle Mountain. The county seat of Pershing County (6,037 mi<sup>2</sup>) is Lovelock. Lander and Pershing Counties were combined with Mineral County to form the **Eleventh JD** in FY 2016 (Humboldt County remained the only county in the Sixth JD).
- The **Seventh JD** covers about 23,685 mi<sup>2</sup> and includes Eureka, Lincoln, and White Pine Counties. The county seat of Eureka County (4,176 mi<sup>2</sup>) is Eureka. The county seat of the third largest county in Nevada, Lincoln County (10,633 mi<sup>2</sup>), is Pioche. The county seat of White Pine County (8,876 mi<sup>2</sup>) is Ely.
- The **Eleventh JD** was created in FY 2016 from counties in the Fifth and Sixth JDs. The Eleventh JD covers about 15,280 mi<sup>2</sup> and includes Lander, Mineral, and Pershing Counties.

## **TOTAL MILES DRIVEN EACH YEAR**

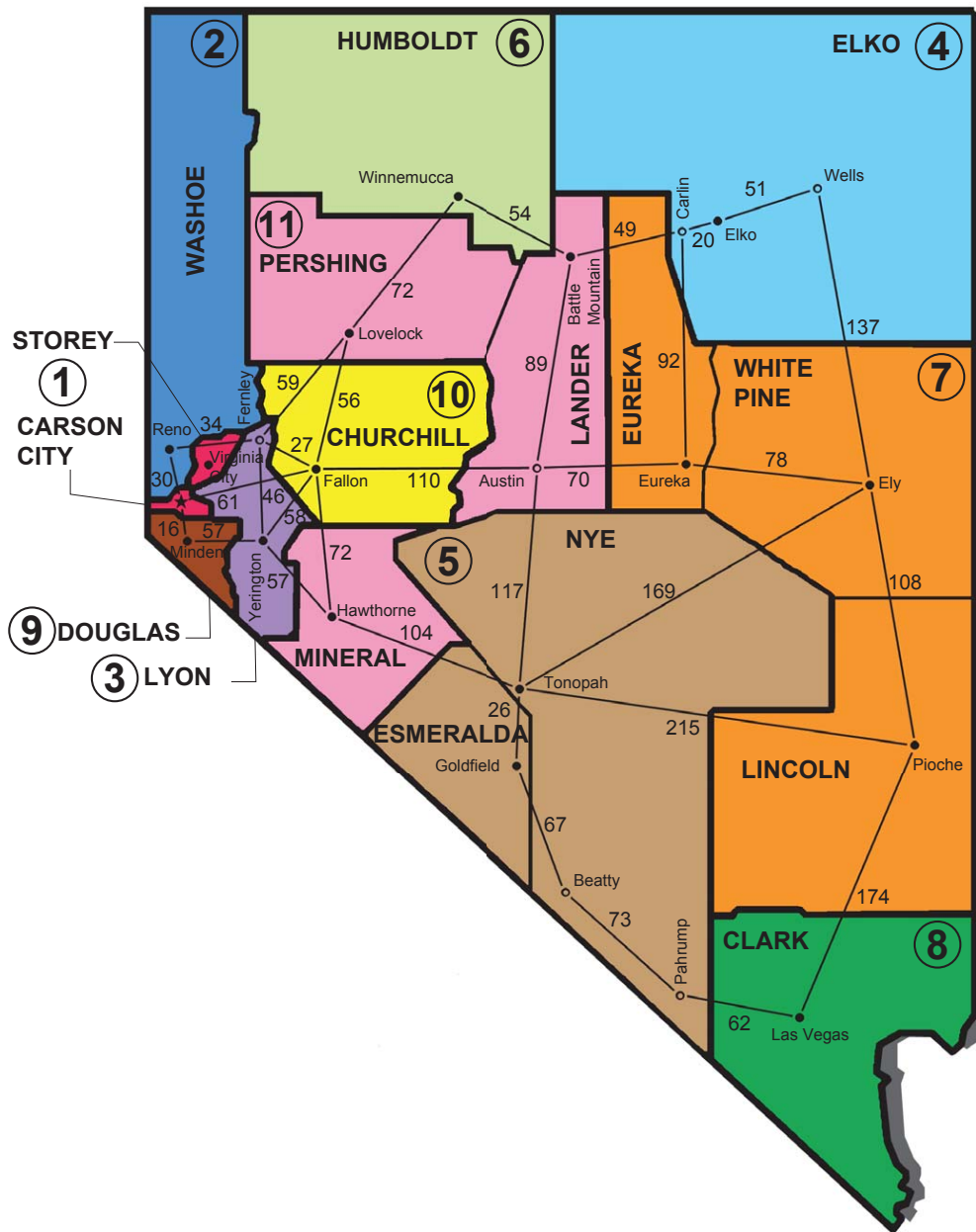
The mileage of both Motor Pool and private vehicles driven by rural court judges is shown in Figure 2. The figure includes all judicial travel activities for the Third, Fifth, Sixth, Seventh, and Eleventh Judicial Districts during the reporting period (such as travel to other courts, judicial seminars, and training). The Tenth JD did not report any judicial travel since its inception.

Reviewing the total miles driven in Figure 2, the Third JD had a significant decrease in FY 2012, reporting 18,734 miles in FY 2011 to 7,095 miles in FY 2012 (of which, only 30 miles were after the formation of the Tenth JD), and then reporting less than 600 miles each year in FY 2014-15. No travel mileage was reported in FY 2016. The decreases were due to the creation of the Tenth JD mid-FY 2012.

The Fifth JD total miles driven varied between 18,679 in FY 2011 to 46,056 miles in FY 2015, with an average of 30,246 miles driven per year during FY 2011-16. In FY 2011, the reduced number of miles driven was due to the passing of Judge Davis mid-fiscal year. Much of the travel in the Fifth JD is to sustain specialty courts in Goldfield, Hawthorne, Pahrump, and Tonopah. With the formation of the Eleventh JD in FY 2016, judicial travel decreased 12 percent from the FY 2011-16 average, reporting 26,657 miles that year.

<sup>2</sup> Land area figures are based on 2010 U.S. Census Bureau statistics.

**Figure 1. Mileage Map of Nevada Judicial Districts as of January 2017**

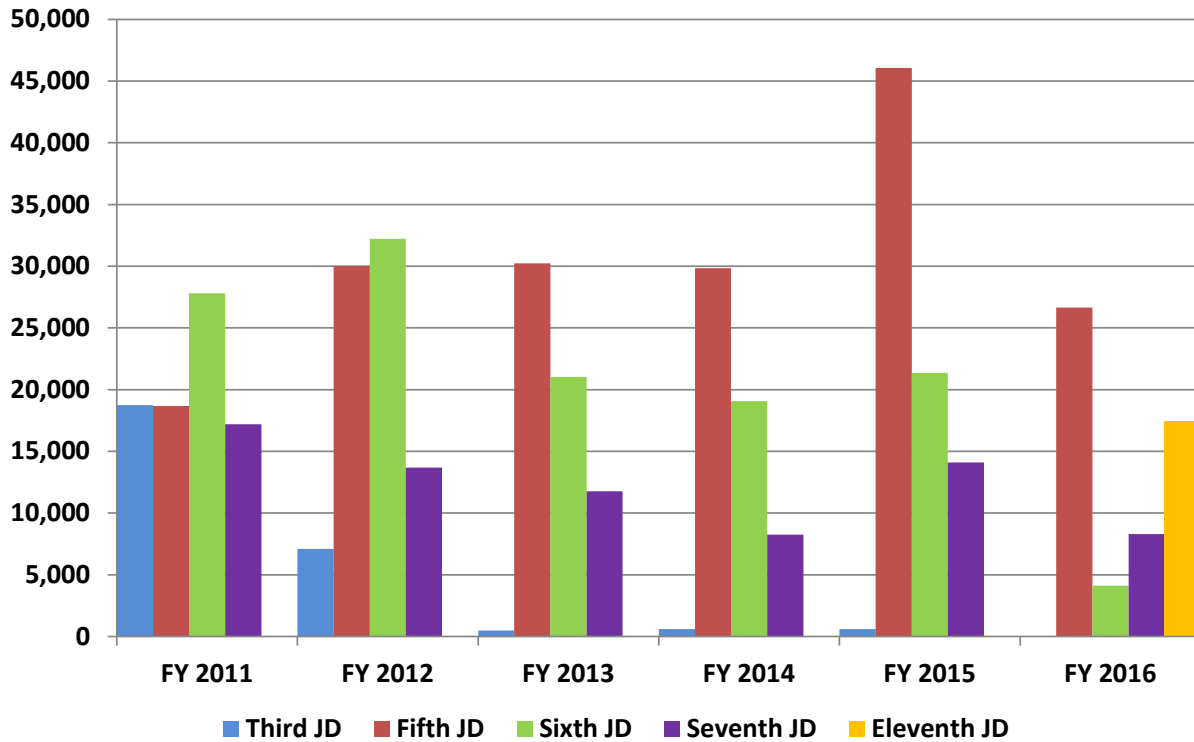


The Sixth JD travel fluctuated during the reporting period, from a high of 32,214 miles in FY 2012, to a low of 19,072 miles in FY 2014. On average, the Sixth JD reported 24,295 miles per year during FY 2011-15. With the formation of the Eleventh JD in FY 2016, judicial travel decreased 83 percent from the FY 2011-15 average, reporting 4,115 miles that year (the judge in Humboldt County still supported the specialty courts in Lander County). Much of this decrease was offset, however, with the 17,501 miles traveled for the judge of the Eleventh JD.

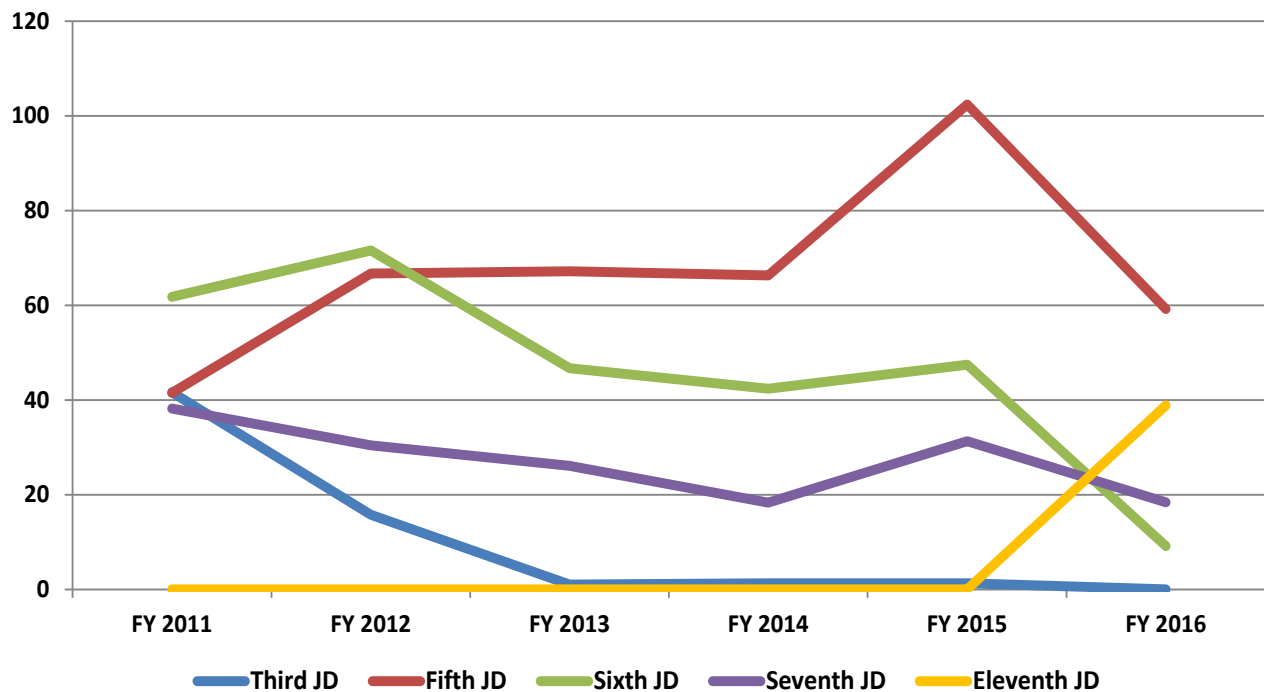
The Seventh JD fluctuated between a high of 17,195 miles traveled in FY 2011, to 8,244 miles traveled in FY 2014, with an average of 12,211 miles traveled per year during FY 2011-16. This average represents a 14 percent decrease from the average reported for FY 2007-10 (14,234 miles).

In FY 2010, the District Court judges in the counties of this study reported 93,302 miles driven during the year—in FY 2016, these same counties reported 56,560 miles driven, which is a 39 percent reduction in just 7 years.

**Figure 2. Number of Miles Driven by Rural Nevada District Court Judges, FY 2011-16.**



**Figure 3. Number of Travel Days for Rural Nevada District Court Judges, FY 2011-16. (Based on Mileage Driven with a speed of 60 mph)**



## **TIME ON THE ROAD**

The issue of time spent on the road is important in considering time available to handle judicial responsibilities. The data gathered from mileage reports has been compiled to calculate the time used by travel, as shown in Figure 3. In determining the rate of travel for this analysis, several values were considered including the speed limits and the usual travel time noted by staff and judges. The closest approximation to the average rate of travel with the rural judicial districts is 60 miles per hour (mph). This rate is meant to reflect the changes in speed limits along the different stretches of roadway traveled, as well as slowing down through smaller communities en route.

In analyzing time spent traveling, the first assumption is that the standard work year for judges is 235 days.<sup>3</sup> The second assumption is that one judicial day is equal to 7.5 hours (37.5 hours per week). To get 235 days, take the number of days in a calendar year (365), minus the number of weekend days (104), minus state/federal holidays (11), and subtract 5 days for judicial training. Additionally, in Nevada, judges do not accrue sick or vacation time; however, this study used 2 weeks (10 days) per year for personal leave, which is consistent with the last report. While some judges reported working in excess of 7.5 hours a day, a judicial day was determined by using a standard 9-hour working day and allowing for a 1-hour lunch and 0.5 hours for two 15-minute breaks.

Figure 3 translates the mileage reported in Figure 2 to a quantifiable amount of days spent on the road each year. With the formation of the Tenth JD mid-FY 2012, the Third JD went from 42 days on the road in FY 2011 to 16 days in FY 2012. During FY 2013-15, the reformation of the districts allowed for only 1 day per year of judicial travel. This means that there were 41 more days per year for judges to address pending caseloads, rather than being on the road. Looked at in another way, the formation of the Tenth JD allowed for a gain of 18 percent JPE when comparing FY 2011 (42 days traveling) to FY 2016 (0 days traveling); this is equivalent to more than 6 hours gained each week to hear cases rather than traveling.

The Fifth JD reported a low of 42 days of travel in FY 2011 (18 percent JPE), to a high of 102 days in FY 2015 (44 percent JPE, more than 16 hours per week). During FY 2012-14, the Fifth JD reported close to 67 days of judicial travel each year (28 percent

<sup>3</sup> Note in 2005, 240 days were used.

JPE, less than 11 hours per week), which was also the average for the entire FY 2011-16 timeframe.

The Sixth JD reported a high of 72 days of travel in FY 2012 (30 percent JPE), to a low of 9 days in FY 2016 (4 percent JPE). For FY 2011-15, the Sixth JD averaged 54 days of travel a year (23 percent JPE, less than 9 hours per week), and with the formation of the Eleventh JD in FY 2016, the two Districts reported 48 days of travel (20 percent JPE, less than 8 hours per week) that year.

The Seventh JD fluctuated between 18 days of travel (in FY 2014 and 2016, representing 8 percent JPE, or almost 3 hours per week) to 38 days traveled (in FY 2011, representing 16 percent JPE, or 6 hours per week). On average, the judges of the Seventh JD spent 27 days on the road per year, which is 12 percent JPE, or more than 4 hours per week.

In the original report, which covered FY 2000-04, it was found that, on average, judges were spending 22 percent JPE (8.2 hours per week) on the road traveling. In the second report (FY 2007-10), the average decreased to 19 percent JPE (7.1 hours per week). Statewide, the districts in this report averaged 16 percent JPE, or 6.1 hours per week,<sup>4</sup> traveling for FY 2011-16.

## **CONCLUSION**

The rural judges of Nevada face the increasing stress and fatigue of traveling throughout their districts after already working long days in the courthouse. Judges still strive to meet the demands and expectations of the public they serve to maintain access to justice, improve productivity, make communities safer, and practice restorative justice. Time traveling from court to court reduces the quantity of cases that can be heard, as well as decreases the time rural judges are available to hear and prepare for matters that come before them.

Although travel times vary among the judicial districts, one conclusion is clear: The rural District Court Judges who must travel their circuit have notably less time available for their judicial obligations than their urban counterparts. On average, the judges in

<sup>4</sup> Note this weights the Eleventh JD equally with the other districts, but only has 1 year of data. It is 6.0 percent JPE when excluding the Eleventh JD, and 6.3 percent JPE when including the Eleventh JD total in the Sixth JD for FY 2016 (note that Mineral County, previously part of the Fifth JD, is included, however).

these judicial districts spend 6.1 hours per week (16 percent JPE), nearly one full day, on the road and out of the courtroom. Recent changes to the districts contributed to a 14 percent reduction in the time on the road since the last report.

Improvements to access to justice, such as installation of video conferencing equipment through the rural areas of Nevada, as well realignment of the counties into new districts have contributed to a 26 percent reduction in the time judges spend on the road traveling to and from their respective courthouses since the original report, and most notably, without adding any new judicial positions.

## **SUPREME COURT OF NEVADA**

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