

Miles Driven by Rural District Court Judges In Nevada, Fiscal Years 2007-2010

INTRODUCTION

In 2005, the Nevada Supreme Court published a report on judicial travel for fiscal years 2000-04. Since that report, the Supreme Court through the Administrative Office of the Courts has implemented video conferencing equipment and rules governing its use in judicial matters. Additionally, recent legislation and budgetary issues have renewed interest in judicial travel for the rural districts and whether or not it impacts a judges time to address matters in their respective district.

As referenced in the 2005 report, 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 in the judicial system, 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. Our research shows that this travel averages about 19 percent JPE¹ or 7.1 hours a week, per district.

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 judges during the last 4 fiscal years (FY). 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) Judicial Districts. Additionally, the First Judicial District (Carson City and Storey County) was not included because of the proximity (15 miles) between the two county seats. Air travel was also 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.

¹ JPE is Judicial Position Equivalent. One JPE equals one full-time judge.

DATA SOURCES

The data used in this analysis has been extracted from the mileage and travel claims submitted by judges in four multi-county judicial districts to the Administrative Office of the Courts. All data are organized by judicial district for FY07-10. The four judicial districts included in this study on rural judges travel include 77,281 square miles (mi²) of area. The courthouses are in the county seats, which are shown on Figure 1.

- Third Judicial District covers about 6,923 mi² and includes Churchill and Lyon Counties. The county seat of Churchill County (4,929 mi²) is Fallon. The county seat of Lyon County (1,994 mi²) is Yerington.
- Fifth Judicial District covers about 25,493 mi² and includes Esmeralda, Mineral, and Nye Counties. The county seat of Esmeralda County (3,589 mi²) is Goldfield. The county seat of Mineral County (3,757 mi²) is Hawthorne. The county seat of the largest county in Nevada, Nye County (18,147 mi²), is in Tonopah. Nye County also has a courthouse in Pahrump.
- Sixth Judicial District covers about 21,179 mi² and includes Humboldt, Lander, and Pershing Counties. The county seat of Humboldt County (9,648 mi²) is Winnemucca. The county seat of Lander County (5,494 mi²) is Battle Mountain. The county seat of Pershing County (6,032 mi²) is Lovelock.
- Seventh Judicial District covers about 23,686 mi² and includes Eureka, Lincoln, and White Pine Counties. The county seat of Eureka County (4,176 mi²) is Eureka. The county seat of the third largest county in Nevada, Lincoln County (10,634 mi²), is Pioche. The county seat of White Pine County (8,876 mi²) is Ely.

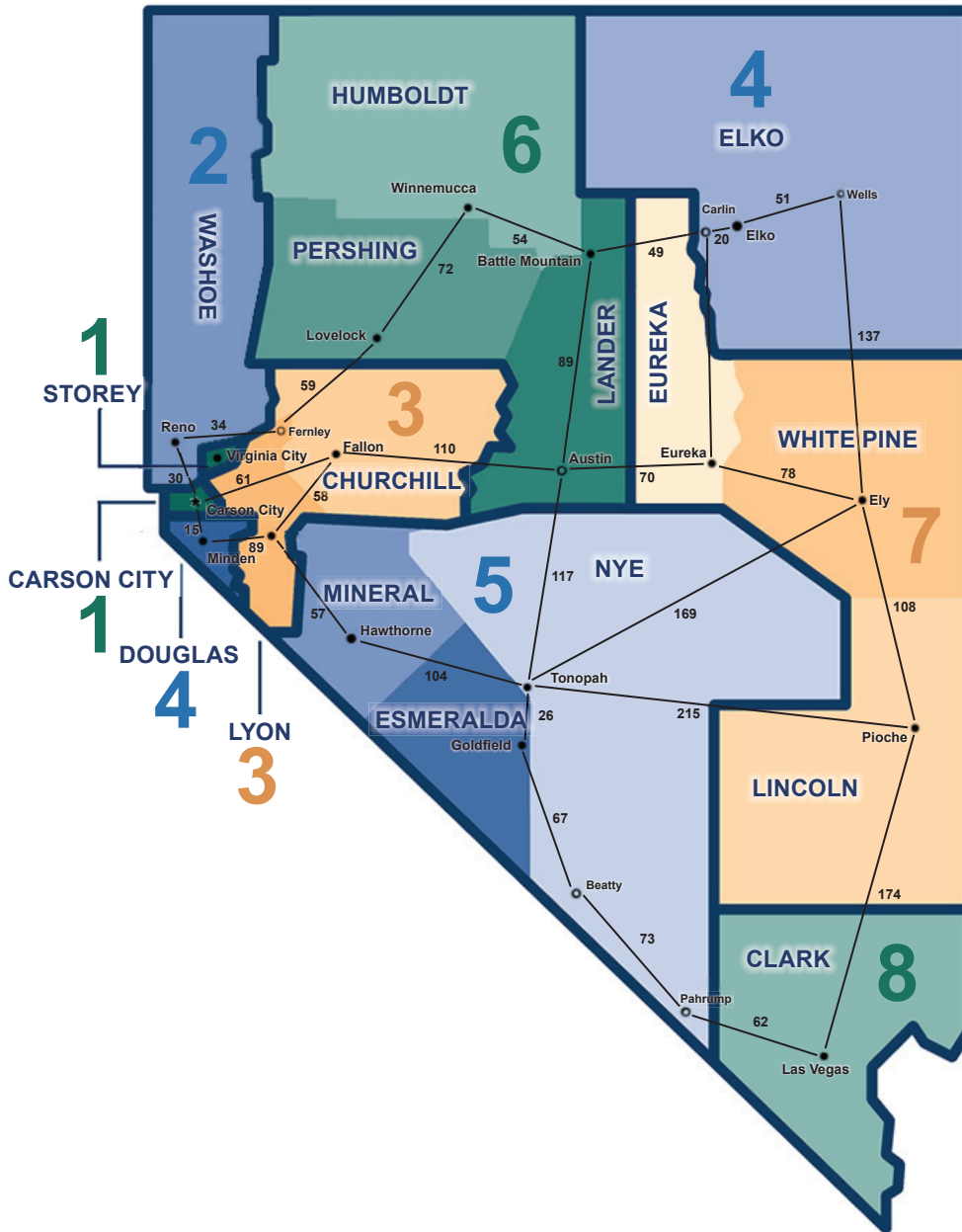


Rural judges who must travel by car have two options available to them - drive a State Motor Pool vehicle or their personal vehicle. The decision of which to use is made by the individual judge. Because the State's reimbursement schedule for mileage compensates a driver for an average of fuel, wear,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

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 figures include all judicial travel activities for the Third, Fifth, Sixth, and Seventh Judicial Districts during the year (such as travel to other courts, judicial seminars, and training).

In reviewing the totals, Figure 2 indicates that each district has some distinct trends. The Third Judicial District has steadily decreased its miles driven from a peak of 25,247 in FY07 to 15,984 in FY10. Possible events associated with this decreasing pattern are a reported decrease in the number of bench and jury trials held



in the different counties. Additionally, the downturn in mileage traveled is partly attributable to a continued redistribution of cases by geographic location.

In contrast, the Fifth Judicial District has the largest increase in miles driven of the four rural districts, growing from 11,904 miles in FY07 to 30,306 miles by FY10. The increase in travel is attributed to a corresponding rise to the in case filings in Pahrump. This necessitated more frequent travel for the judge residing in Tonopah. The Sixth Judicial District also saw a steady increase in the miles driven during the 4 years of this study. Combined, the two judges in that district traveled a low of 17,207 miles in FY07 and a high of 28,508 miles in FY10.

The Seventh Judicial District had the greatest fluctuations of the four districts for the 4 years observed. Judges in the Seventh Judicial District drove a low 9,623 miles in FY07 and a high of 18,504 miles in FY10.

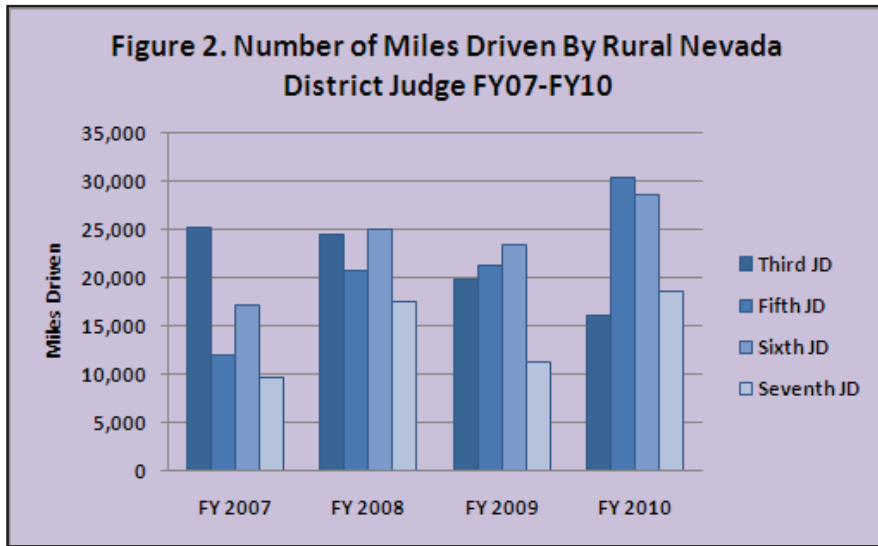
In reviewing the miles traveled in the separate judicial districts, it is important to note that the Third and Sixth had new judges elected during the time frame being reviewed. After being newly elected or appointed, a judge must attend several training courses besides traveling the regular court circuit. Although judicial turnover does not occur often in most rural judicial districts, this example provides a glimpse of how circumstances can affect mileage (and thereby time) reported within a district during any period.

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 (note in 2005, 240 days were used). The second assumption is that one judicial day is equal to 7.5 hours. 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, the judges report that on average they use approximately 2 weeks or 10 days per year of vacation or sick time. While some judges reported working in excess of 7.5 hours a day, a judicial day

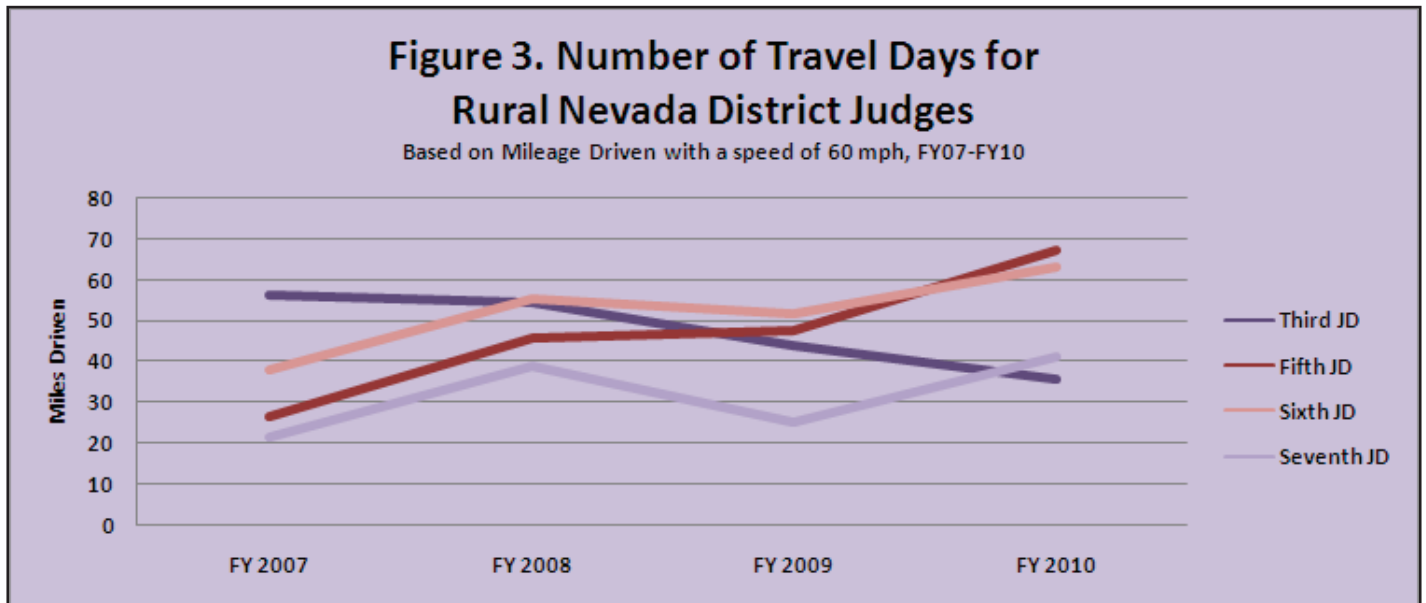


was determined by using a standard 9-hour working day and allowing for a 1-hour lunch and 0.5 hour for two 15-minute breaks.

As shown in Figure 3, the Third Judicial District's travel time has decreased from almost 56 workdays per year in FY07 to 36 workdays in FY10, a difference of 20 days per year. That is a decrease from 24 percent to 15 percent JPE or approximately 9 hours in FY07 to 5.6 hours in FY 10,

per week. The Fifth Judicial District has had the largest increase in mileage and time spent on the road. Between FY07 and FY10, their time on the road more than doubled from 26 to 67 workdays per year, an increase from nearly 11 percent to 29 percent JPE of the work year; or 10.8 hours on average per week.

The total miles traveled in the Sixth and Seventh Judicial Districts increased as well. The Sixth Judicial District travel time increased from 38 to 63 workdays during the 4 years. That is an increase from 16 percent to 27 percent JPE of the work year, approximately 10.1 hours per week. The Seventh Judicial District had a smaller increase over the 4-year period, from 21 to 41 workdays, or 9 to 17 percent JPE of the work year or nearly 6.3 hours per week. However, this consistency does not illustrate the wide variation between the first and last year of the study as seen in Figure 3.



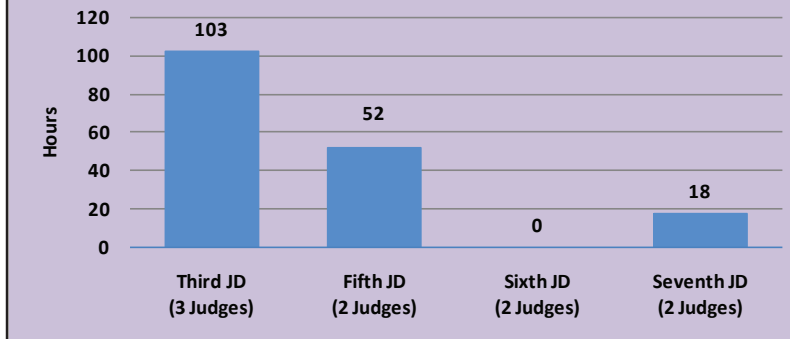
SENIOR JUDGE ASSISTANCE

As noted in the previous section, the rural judges reported taking 10 days of vacation. Additionally, judges were at times unable to perform their duties due to an illness. During these times, requests are made for senior judges to assist and oversee a courts calendar until the sitting judge is able to return. During FY 2010, the amount of time senior judges assisted the individual rural districts is shown in figure 4. This figure includes 116 hours of Senior Judge assistance for the illness or death of a sitting Judge. By taking advantage of senior judges, these rural districts ensure that the work of the court continues even in the absence of the sitting judge and that the communities receive timely, fair, and equal access to justice.

CONCLUSION

Although travel times vary among the judicial districts, one conclusion is clear: The rural court judges who must travel their circuit have notably less time available for their judicial obligations

Figure 4: Total Hours of Sr. Judge Assistance



than their urban counterparts. On average, the judges in these four judicial districts spend 7.1 hours per week (19 percent JPE), nearly one full day on the road and out of the courtroom. This result is slightly less than was found in 2005 (22 percent JPE). This travel time reduces the quantity of cases that can be heard, as well as decreases the time rural judges are available and accessible, in general. The rural judges of Nevada face the

increasing stress and fatigue of traveling throughout their districts after working already long days in the courthouse. Judges still strive to meet the demands and expectations on the court system to maintain or improve productivity, meet statutory sentencing requirements, and hold specialty courts. To assist rural judges in addressing these issues, the Supreme Court has implemented programs, rules, and initiatives that are meant to reduce the need and costs of travel but still allow for equal or greater access to justice. One example of this commitment is the recent installation of video conferencing equipment through the rural areas of Nevada. The Supreme Court is hopeful these types of relatively low cost programs help alleviate the stresses on rural court judges to allow them to better serve their circuit communities.

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