

# History of Nevada Supreme Court Buildings

BY TERESA "TERRY" P. FRONCEK RANKIN, ESQ.

**In southern Nevada, the Supreme Court and now Court of Appeals have moved between several buildings. The same is true in Northern Nevada.**

## Original Courtrooms

In 1864, the court was in the sandstone block Great Basin Hotel on the corner of Musser and Carson streets in Carson City. After 1871, when the state capitol opened, they heard arguments in their chambers on the second floor of the capitol. Those original chambers remain in the capitol and are open for viewing.

In 1935 and 1936, the court moved into a new building directly across from the capitol built on top of what was West King Street. The building was designed by Nevada's famous historical architect Frederic Joseph DeLongChamps. The new art deco building sits between two more architecturally formal buildings built in the 1940s, including the "Heroes Memorial Building" and the courthouse for Carson City. When they first moved into the building in 1936, the justices

walked from the capitol to the new building in their robes across the main street in Carson City.

Over the years, the art deco building became crowded from attic to basement with a small courtroom, clerk's offices, the Attorney General's offices, and the law library. With the support of the Nevada Legislature and Public Works, the court and state developed a plan for the Capitol Complex near the capitol and legislative building, to include a new Supreme Court building, a new state library and archives building, and public landscaping. The three original courts and heroes buildings became offices for the Attorney General.

## The Current Nevada Supreme Court Building

On February 12, 1990, the court held a groundbreaking ceremony for a new building between the capitol and the Nevada Legislature. Most of these grounds were the original Chinatown in Carson City, long removed. The Nye Building, containing state offices, was remediated for asbestos and demolished. On May 15, 1992, the cornerstone for the new building was installed by the Grand Lodge of the Free and Accepted Masons of Nevada and by the justices. On May 18, 1992, the first oral arguments were held in the new courtroom after the Seal of Justice was unveiled by architects Ralph



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Eissmann and Susan Eissmann-Pence. Finally on June 19, 1992, the court held a dedication ceremony, which included musicians, dignitaries, and a speech by J. Clifford Wallace, Chief Justice of the Ninth Circuit Court of Appeals. U.S.

1992, the court heard oral arguments.

In *Neal v. Griepentrog*, the real party in interest was Sunrise Hospital's chief of staff, Dr. George Hemmeter. The case arose from a subpoena issued by state Senator Joe Neal for his

Senator Richard Bryan, Governor Bob Miller, and all of Nevada's constitutional officers attended the ceremony.

## The First Oral Arguments in the New Building

Before the dedication ceremonies, on May 18,

Human Resources Committee with the information to be used by Hemmeter as discovery in a federal district court case in Las Vegas. Neal subpoenaed all documents from the Department of Human Resources and the Insurance Division for Humana, Inc., and Humana Health Insurance Company of Nevada. In prior negotiations, the parties agreed to withhold or redact personal medical records from consumer complaints and the Medical Legal Screening Panel. The issue on appeal to the Nevada Supreme Court was the confidentiality of the price agreements for medical care between the hospital and insurer. The insurer argued the documents were proprietary trade secrets that could not be disseminated. All three branches of government were represented in the courtroom – the judicial, legislative, and executive. In a written opinion, the court concluded the documents were not protected since certain statutes required them to be filed as part of the review of medical rates in Nevada.<sup>1</sup>

After this opinion, the class action trial in the Las Vegas federal court proceeded, and the jury awarded treble damages against the insurer for unfair trade practices. The insurer appealed. In *Humana v. Forsyth*, U.S. Supreme Court Justice Ruth Bader Ginsberg held that the \$50,000 fine imposed by the insurance commissioner for Humana's unfair trade practices did not interfere with the treble damages under the Racketeer Influenced and Corrupt Organizations Act (RICO). The RICO award made by the jury in Las Vegas was affirmed.<sup>2</sup>

The second argument was for a writ of prohibition requested by Proctor Hug prohibiting the insurance commissioner from activating the Life and Health Guaranty Fund under chapter 686C of the Nevada Revised Statutes for the insolvency of Executive Life. As the argument started, Justices Robert Rose and Cliff Young stood up and left because they recused themselves from the case. Executive Life sold annuities and life policies but became insolvent after using junk bonds for reserves and from bad

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management. The writ was denied without a written decision. Justices John Mowbray, Charles Springer, and Thomas Steffen signed the denial.<sup>3</sup>

Once the guaranty fund is activated, the insurer's life insurance policies and annuities are frequently modified as required by law. For Executive Life, most of the active policies were transferred to another insurer and through the excellent work of Nevada's insurance examiner and others from California, the junk bonds were corralled in a "NewCo" until they could increase in value or be sold.

The third argument was for three consolidated appeals with multiple parties challenging decisions by Las Vegas judges and Clark County requiring a party to pay for the construction of a courtroom and other expenses for the mass tort litigation arising from the Pacific Engineering and Production Co. of Nevada (PEPCON) explosion in Henderson on May 4, 1988. The court reviewed NRS 3.100 for the support of courts, recommended the parties consider settlement or alternative

dispute resolution, denied the writs for mandamus, and granted the writ of prohibition for the district courts' orders requiring PEPCON to pay for court construction and costs.<sup>4</sup>

The PEPCON disaster was the largest non-nuclear explosion to that date, creating a 3 to 3.5 Richter Scale quake, two deaths, more than 400 injuries and destruction of multiple factories, other buildings, and damage to residential structures and vehicles within a three-mile radius. PEPCON produced rocket fuel and was storing significant amounts for the federal government while the space shuttles were grounded after the 1986 Challenger disaster. Ultimately, the survivors of the deceased, injured persons, homeowners, businesses, political subdivisions, and other claimants from the disaster entered into a \$71 million settlement. The settlement included payments to home and vehicle owners for subrogation claims for damages and the deductibles paid by the insureds.

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### ENDNOTES:

1. *Neal v Griepentrog*, 108 Nev. 660 (1992).
2. *Forsyth v Humana*, 525 US 299 (1999)
3. *Hug v. Commissioner of Insurance*, Docket 23056, (1992). No written opinion.
4. *Angell v. District Court*, 108 Nev. 923 (1992).

*Special thanks to the Supreme Court Law Library and Clerk's Office, Nevada Archives, members of the Nevada Judicial Historical Society, and the late Justice Cliff Young for his scrapbooks.*

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