

Meet Cheri Emm-Smith: Farmer, Judge, and Attorney

BY ANNE LAUGHLIN, ESQ.

Cheri Emm-Smith is the Yerington Municipal Court Judge and the Chief Tribal Court Judge of the Yerington Paiute Tribe. She also served as the Juvenile Court Master for the Third Judicial District Court. She received a bachelor's degree from the University of Nevada, Reno and a J.D. from the University of Arizona, Tempe. She is a member of both the State Bar of Nevada and the State Bar of California, and was previously admitted to numerous tribal courts in Nevada.

Emm-Smith grew up in Schurz on the Walker River Paiute Tribe Reservation. She is an enrolled member of the Yerington Paiute Tribe. The youngest of six children, she has a twin sister, Yvonne, who is seven minutes older. In third grade, her family relocated to Arizona when her father, Warren Emm, retired from teaching school to attend law school. Emm-Smith remembers looking into a law school classroom and being enamored by how smart the people in law school seemed.

Emm-Smith started her legal career as a clerk for Judge Mario Recanzone, in the Third Judicial District Court, which at that time covered both Churchill and Lyon counties. She went on to



be a deputy attorney general and then a deputy district attorney in Churchill County. She went into private practice from 1998-2002, and from 2011-13, she appeared in state and tribal courts from Elko to Tonopah and from Reno to Ely. Her private practice included contracts, family, criminal, and appellate cases. She went on to serve as the district attorney for Mineral County for more than eight years.

Now, Emm-Smith splits her time between serving as the Yerington Municipal Court judge, chief tribal court judge of the Yerington Paiute Tribe, and her work as a farmer, growing and harvesting hay.

I had the opportunity to sit down with Emm-Smith and ask her some questions about working in rural Nevada.

Do you see a difference working in the rural courts and the Washoe County court?

“An advantage of the rural courts is that they are more personal. The judge is likely to know the person who is before them in court. They might have seen them at a game cheering on their children or somewhere else in town. The judge and the lawyers will see one another on a weekly basis in court as well as at the grocery store later that day.

As judge in the Yerington Municipal Court, how does knowing who the defendant is help you in a criminal case?

“I try to work with them to complete any sentencing requirements. I set more frequent review hearings to make sure a defendant will stay on track with counseling. As they start doing better, I let more time go between review hearings. I ask the defendant when they want to come back. Sometimes they

tell me that coming to court for regular checks is helpful. This seems to help some defendants from being repeat offenders.”

What positive improvements have you seen in the rural courts?

“When I was the Mineral County district attorney, Judge Archie Blake and Judge Peter Breen brought the drug court to Mineral County. I have seen positive life changes for people who have benefitted from the program. Drug court is such an important benefit to any community. So many criminal cases have the misuse of intoxicants as an underlying issue for the defendant.”

How is working in tribal court different from state court?

“I find that the decisions in the tribal court cases impact the community more because the community is so small. Whereas in state court I find the decisions impact the individual more. Procedurally, the tribal court works a lot like the state court.”

What do you see as a need for the rural courts?

“There is a need for more attorneys who are willing to make the drive and represent clients in the rural areas. It is difficult for attorneys to take time to travel to the rural areas for trials. An attorney is away from their office and resources when they are

in the rural court, not to mention the time traveling to and from the court. I used to let attorneys use my office when they were traveling so that they had a place to work.”

What is a misunderstanding about rural courts that you have seen?

“There are many excellent and competent attorneys working in the rural courts. Sometimes there are comments made that the only real attorneys are located in Reno or Las Vegas. I have seen some of the best legal advocacy and skill practiced in the remote rural trial courts.”

What advice can you give a new lawyer starting out?

“Work hard and do your best. Don’t hold on to disappointment. If you didn’t win the case, or if you didn’t get the job you wanted, it just wasn’t right at the time. Keep working at your goals because there is another door that will open.”

ANNE LAUGHLIN has a private practice in Carson City. Her practice specializes in Native American tribal law.



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