

# The Forward March of Progress in Rural Nevada

BY JUDGE MASON E. SIMONS, FOURTH JUDICIAL DISTRICT COURT

**On December 5, 1911, a new courthouse was dedicated in Elko County, following the demolition of the smaller, pre-existing, and inadequate courthouse on the same site. The new building was “neo-classical ... with a shallow dome and a two-story pedimented portico supported by Doric columns.” It was designed by William Henry Weeks, an early 20<sup>th</sup> century architect, who is best known for designing a series of schools, banks, and public buildings around California. The building was lauded as one of the finest buildings in the state at the time of its construction. The building cost \$150,000 to build—around \$5 million in today’s dollars.<sup>1</sup>**

Nevada Supreme Court Justice George F. Talbot, a former district court judge from Elko County, dedicated the structure in an elaborate evening ceremony capped with singing and a performance by a local orchestra.<sup>2</sup> Talbot called the “stately temple of justice” a “fitting tribute to the growth of the county.” Talbot expressed his earnest desire that the “sunny skies, spacious valleys and lofty mountains” of Elko County would serve to “broaden the mind and heart” and help to “produce here men and women the equal of any, and who will do their part in the world for the betterment of the race and the higher destiny of man.”<sup>3</sup>

The construction of Elko County’s current stately courthouse greatly modernized Elko County’s judiciary a century ago, and the Fourth Judicial District Court continues its onward march of progress, doing everything we can to modernize our operations and provide the structure and services that are needed for the local legal community to operate efficiently and professionally in service to the public.

In January 2021, the Fourth Judicial District Court became the first rural judicial district to add a third district court department. This followed extensive negotiations by the sitting district court judges with county management, local elected leaders, and members of Nevada’s Legislature.



Exterior of the Elko County Court House in Elko, Nevada

Former Nevada Supreme Court Chief Justice James Hardesty is to be lauded for his unrelenting efforts to shepherd that proposal through the legislature.

The implementation wasn't without its challenges, especially concerning the provision of adequate physical facilities, with court proceedings held, at times, in the county commission meeting room and a repurposed conference room. Ultimately, a former bank adjacent to the courthouse was acquired and remodeled to provide the needed additional courtroom and office space to accommodate the addition of the third judicial department.

Following the addition of the third department, the Fourth Judicial District Court requested amendments to its local court rules in ADKT 585, which, among various other changes, provided for a chief judge to be elected from among the judges of our court. Those changes were adopted by order of the Nevada Supreme Court on October 22, 2021. Judge Alvin R. Kacin was elected as the first-ever chief judge of the Fourth Judicial District Court, and he has served the court ably since that time.

During the COVID-19 pandemic, the Fourth Judicial District soldiered on to keep court operations moving, making use of whatever facilities were available that would accommodate the required social distancing protocols for jury trials. This accommodation included frequent use of the Elko County Convention Center, the Elko Conference

Center, and even one trial, in unique Nevada fashion, that I conducted in a ballroom at the Stockmen's Hotel and Casino.

In April 2024, with the generous support and assistance of the Administrative Office of the Courts and the Nevada Supreme Court, the Fourth Judicial District Court became one of the first rural courts to begin using the Nevada Supreme Court's e-filing system, eFlex, which is powered by technology provider Tybera. This much-needed change has enabled legal practitioners, especially those outside the county, to meet filing deadlines more easily, and ultimately, to better serve their clients.

However, this was only the beginning of the changes that would be implemented in the Fourth Judicial District Court.

Since the creation of the third district court department in January 2021, the judges of the Fourth Judicial District Court had discussed the possibility of making several much-needed changes that would affect how the district court operates in our jurisdiction.

The first was the hiring of a court administrator to manage the administrative processes of the Fourth Judicial District Court. Unlike many other district court jurisdictions around the state, the Fourth Judicial District Court

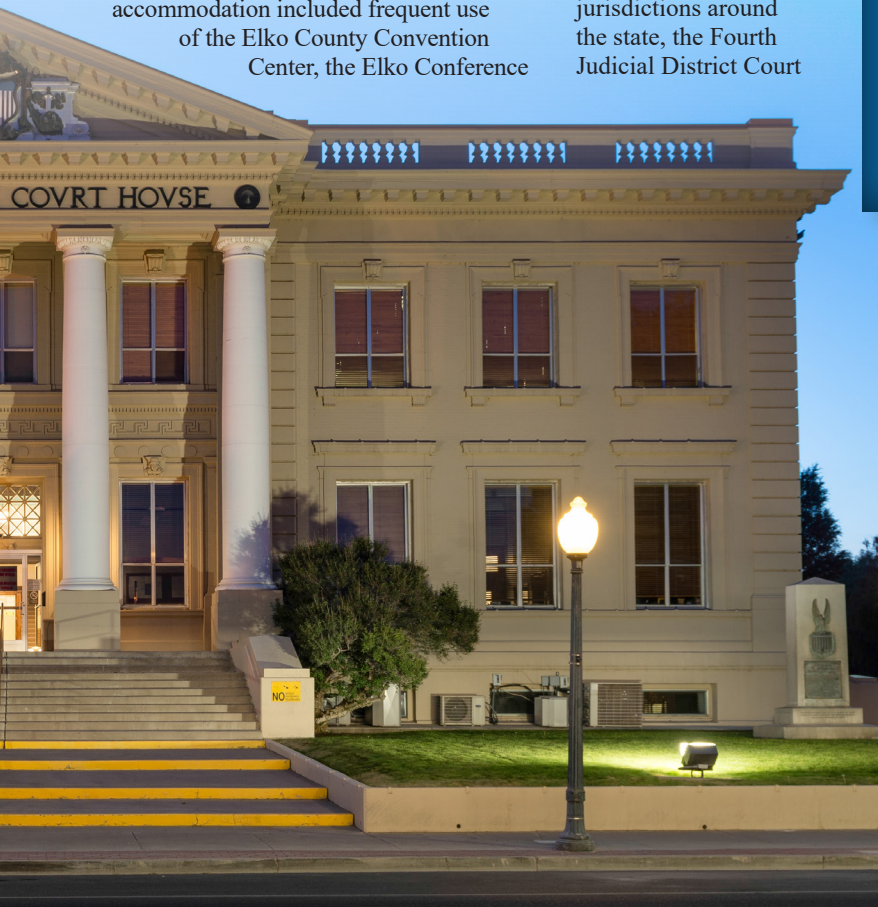
had never employed the services of a court administrator and had traditionally relied on the elected Elko County Clerk to perform these administrative functions. We recognized that this was a necessary change to move the district court forward, to professionalize operations, and to firmly establish the separate and co-equal nature of the judicial branch of government.

Second, we recognized that there were real efficiencies to be gained from consolidating the court's administrative operations with the Elko Township Justice Court, the Elko Municipal Court, the Court Master's Office, and the other court entities that were operating here in the City of Elko, and having one court administrator oversee the operation of the entire endeavor. The Elko Township Justice Court and City of Elko Municipal Court have long operated on a consolidated basis in our community, serving as a successful model for our undertaking.

A similar model is in place in Carson City (the First Judicial District Court) and in Douglas County (the Ninth Judicial District Court). We recognized that such an arrangement would allow more equal division of work responsibilities, the ability to redeploy manpower as needed to best serve the public, and a more unified approach to the accomplishment of the objectives envisioned by the courts.

We also believed the time had come for the Fourth Judicial District Court to assume control over the Clerk of Court functions that had traditionally been performed by the Elko County Clerk's Office. The Fourth Judicial District Court was one of the few remaining jurisdictions in the state that had not followed the legal precedent solidified by *State ex rel. Harvey v. Second Judicial District Court*, 117 Nev. 754 (2001), in taking control of the Clerk of Court functions on an ex-officio basis. The challenge of court clerks "serving two masters" had been apparent for some time, and we believed that improvements in training, job performance, and accountability could be made by severing this arrangement and allowing for the supervision of these court employees by a court administrator and the administrator's leadership team.

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On May 3, 2024, the judges of the Fourth Judicial District Court, and the judges of the consolidated Elko Township Justice Court and City of Elko Municipal Court, formally executed a Joint Resolution for Administrative Consolidation, which formalized the consolidation of our administrative operations “to integrate and merge responsibilities and functions associated with court management, services, personnel, and infrastructure.”<sup>4</sup> We are confident that this consolidation will achieve substantial efficiency gains, realize significant cost savings, and allow for new opportunities for training, promotion, and advancement within our organization.

On June 7, 2024, we hired our first-ever joint court administrator and clerk of court to provide stewardship and leadership to our new consolidated court organization. Elidia Rosales, who has more than 20 years of experience in both the limited jurisdiction and the general jurisdiction courts, has been hired to fulfill this critical new role.

On July 1, 2024, the Elko County Clerk’s ex-officio role as clerk of court for the Fourth Judicial District Court formally terminated, and Rosales assumed her new role as joint court administrator and clerk of courts for the consolidated court organization. Half of the employees of the Elko County Clerk’s Office also transitioned on this date to formal employment as court employees, rather than employees of the Elko County Clerk’s Office, under the new consolidated operation.

With this change came a change in physical facilities for court clerks as well. The clerks relocated from the Elko County Clerk’s Office to other court office space, along with thousands of court files, evidence, etc. This has been a challenging process, but the talented staff has risen to the occasion as this drastic change in how the courts operate has been implemented.

The Elko County Courthouse has served the citizens of Elko County well for the past 113 years. However, the stately edifice is showing its age, and the time has come to transition into a new future. Talks are underway in the jurisdiction about the possibility of building a new \$55 million justice center adjacent to the courthouse that will serve the needs of our county residents for many years to come. To quote the words of Justice Talbot, we hope that the “pure white snows that mantle the summits and canyons of the Rubies ... kissed by summer sunbeams, melt and flow in crystal streams to moisten the fertile lands below, produc[ing] abundant harvests and shower[ing] blessing upon them” and that the onward march of progress continues throughout rural Nevada and the rest of the state.<sup>5</sup>

## ENDNOTES:

1. Elko County, *Happy 100<sup>th</sup> Birthday Elko County Courthouse*, 2018, [https://www.elkocountynv.net/happy\\_100th\\_birthday\\_elko\\_county\\_courthouse!.php](https://www.elkocountynv.net/happy_100th_birthday_elko_county_courthouse!.php) (last visited Aug. 15, 2024).
2. Hon. George F. Talbot, *Judge Talbot’s Dedication Address*, Daily Independent (Elko), Dec. 7, 1911, at 3, available online at <https://www.newspapers.com/article/daily-independent/115631562/>
3. *Dedication Program*, Daily Independent (Elko), Dec. 5, 1911, at 3, available online at <https://www.newspapers.com/article/daily-independent/132171736/>
4. Talbot, *supra* note 2.
5. Talbot, *supra* note 2.

**JUDGE MASON E. SIMONS** serves in Department 3 of the Fourth Judicial District Court and serves concurrently as the Juvenile Court judge in his jurisdiction. He has served as a judicial officer for nearly 18 years, having previously served as Court Master for the Fourth Judicial District Court, Child Support Hearing Master for the Seventh Judicial District Court, City of Elko Municipal Court Judge and Elko Township Justice of the Peace. He is a graduate of the William S. Boyd School of Law at the University of Nevada, Las Vegas, and he was awarded a master’s degree in judicial studies from the University of Nevada-Reno in 2023.



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