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DEC - 5 2023

By [Signature]
Reno Municipal Court
Deputy Clerk

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IN THE MUNICIPAL COURT OF THE CITY OF RENO
COUNTY OF WASHOE, STATE OF NEVADA

IN THE MATTER OF PROHIBITING)
PHOTOGRAPHING, VIDEO)
RECORDING, AND AUDIO)
RECORDING OF)
NON-PROCEEDINGS, AND OTHER)
DISRUPTIVE CONDUCT ON THE)
GROUNDS OF THE RENO)
MUNICIPAL COURT)

Administrative Order: 2023-02

NRS 5.021(2)(c) permits the Chief Judge of the Reno Municipal Court to enter Administrative Orders as necessary for the orderly conduct of court business. Pursuant to this authority, the Chief Judge of the Reno Municipal Court hereby enters this Administrative Order Prohibiting Photographing, Video Recording, Audio Recording and other disruptive conduct within the Reno Municipal Court.

Nevada Supreme Court Rules, Part IV, regulates cameras and electronic media coverage applicable to courtroom proceedings. Courtroom proceedings are defines as any “trial, hearing, motion, hearing on order to show cause or petition, or any other matter held in open court which the public is entitled to attend.” This Administrative Order does not conflict or interfere with Supreme Court Rules, Part IV. Instead, this Administrative Order regulates the photographing, filming, recording and disruptive behavior of non-proceedings in the common areas and on the grounds of the Reno Municipal Court, which are not governed by Supreme Court Rules, Part IV.

The Reno Municipal Court has been apprised of recent incidents of individuals video recording patrons, defendants, persons under subpoena to appear at court, including witnesses to crimes and victims of crimes. These video recordings also include recordings in various commons areas of the courthouse, filming court employees while engaged in work activities causing a

1 slowing of the efficient and orderly operation of the court. Moreover, some of these video
2 recordings have captured clerks and court marshals at their respective stations while working on
3 confidential files while on telephone calls concerning confidential matters. These incidents
4 require this Court to create guidelines prohibiting photographing, video recording, audio recording
5 and other disruptive behavior on the grounds of the Reno Municipal Court.

6 Courts and courthouse premises are subject to the unique control of the Court. *Sheppard v.*
7 *Maxwell*, 384 U.S. 333, 358 (1966). The purpose of the courthouse is the impartial and efficient
8 administration of justice. *Comfort v. MacLaughlin*, 473 F.Supp.2d 1026 (C.D. Cal. 2006).
9 Regulating behavior within the grounds of the courthouse is properly within the scope of the
10 orderly conduct of court business pursuant to NRS 5.021(2)(c) and is required to meet the purpose
11 of the courthouse for all intended users pursuant to *Comfort*.

12 In analyzing the constitutionality of restrictions placed on protected speech, courts
13 differentiate between public and nonpublic forms. *Occupy Fresno v. County of Fresno*, 835
14 F.Supp.2d 849, 856 (2011), *See also Int'l Soc. For Krishna Consciousness, Inc. v. Lee*, 505 U.S.
15 672, 678 (1992). Traditional public forms are those places which have, “immemorially been held
16 in public trust for the use of the public, and time out of mind have been used for purposes of
17 assembly, communicating thoughts between citizens and discussing public questions.” *Pleasant*
18 *Grove City, Utah v. Summum*, 555 U.S. 460 (2009). It is the location and purpose of the property
19 that is the critical factor in determining the nature of the property for forum analysis. *U.S. v.*
20 *Kokinda* 497 U.S. 720, 728-30 (1990).

21 While courthouses are open to the public, they are considered non-public forums for
22 purposes of First Amendment analysis. *U.S. v. Grace*, 461 U.S. 171, 177 (1983) (Government
23 owned property does not automatically acquire status as a public form simply because the building
24 is open to the public). The physical characteristics of the property alone are insufficient in
25 determining forum. *Kokinda* 497 U.S. at 727.

26 The Ninth Circuit Court of Appeals plainly held courthouses are nonpublic forums for
27 purposes of First Amendment analysis. *Sammartano v. First Judicial District Court*, 303 F.3d
28 959, 966 (9th Cir. 2002). The Court held that the Public Safety Complex, which housed the

1 courthouse, existed for the purpose of conducting business of the county and the municipal and
2 state courts, and was never a place considered for expressive activity. *Id.* As with the facility
3 discussed in *Sammartano*, the Reno Municipal Court was designed, constructed and built for the
4 purpose of conducting business related to the functioning of the municipal court and is properly
5 considered a nonpublic forum for purposes of the First Amendment. Indeed, courthouses, like the
6 Reno Municipal Court, have the primary purpose of conducting the impartial and efficient
7 administration of justice. *Comfort v. MacLaughlin*, 473 at 1026.

8
9 Nonpublic forums may adopt viewpoint neutral regulations to control access that are
10 reasonable in light of its purpose and function of the building. *Cornelius v. NAACP Legal Defense*
11 *& Educ. Fund, Inc.*, 473 U.S. 788, 806 (1985). Furthermore, the government need only enlist
12 regulations that fulfill a legitimate and demonstrated need, and is not required to choose the least
13 restrictive alternative. *Id.* citing *Swanner v. United States*, 937 D.2d 1478, 1482-83 (9th Cir. 1991).

14 Patrons of the Reno Municipal Court, including individuals charged with crimes, witnesses
15 and victims under subpoena required to appear for court, those making payments, signing up for
16 community service or otherwise conducting court business are entitled to a base level of decorum
17 and respect. Those present to conduct court business should reasonably expect to handle court
18 matters without facing intrusive, aggressive and invasive filming, photographing or recording of
19 them while at court.

20 Additionally, many conversations that take place throughout the courthouse are
21 confidential and subject to privilege, such as those between attorney and client, those between
22 victim and victim advocate, those between social worker and client and between therapist and
23 client for purposes of psychological evaluations used to guide treatment plans for Reno Municipal
24 Court's various therapeutic courts. *See generally* NRS 49.095, NRS 49.2457, NRS 49.252, NRS
25 49.247 and NRS 49.2504. The identity of certain individuals, documents and proceedings may
26 also be kept confidential. *See* NRS 178.5691; NRS 433A.714. Furthermore, those entitled to seal
27 their record of arrest and/or conviction may not be able to enjoy the full benefit of sealing where
28 their identity is exposed while awaiting their court proceeding. *See generally* NRS chapter 179.

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3 **10.1 RULE REGARDING PHOTOGRAPHY, VIDEO RECORDING, OR AUDIO**
4 **RECORDING IN PUBLIC AREAS OF THE RENO MUNICIPAL COURT**

5 Photography, video recording, or audio recording in the public areas of the Reno
6 Municipal Court is strictly prohibited except as authorized by the Chief Judge of the Reno
7 Municipal Court.

8 1. Definitions

9 a. "Photography, video recording or audio recording," shall include, but is not
10 limited to, capturing photographs, recording by audio, video and/or any device
11 capable of electronic recording, which includes, but is not limited to, cell
12 phones, cameras, and audio recorders.

13 b. "Public areas of the Reno Municipal Court" are defined as all such areas
14 under the administrative control of the Reno Municipal Court, including, but
15 not limited to, the following areas:

16 i. The 1st floor lobby area outside of the Clerks windows, which are
17 designed for public access to interface with Reno Municipal Court
18 clerks;

19 ii. The 1st floor lobby area outside of the Marshals offices, directly
20 adjacent to the Clerks windows;

21 iii. The 1st floor hallway outside Courtrooms "A" and "B" of the Reno
22 Municipal Court, including the seating area within the hallway;

23 iv. The ante rooms outside Courtrooms "A" and "B";

24 v. The 1st elevator lobby and hallway leading to the public restrooms;

25 vi. The 1st floor public restrooms;
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- vii. The 1st floor security room, also known as the “Security Bubble,” located across the hallway from Courtroom “A”;
- viii. The stairway leading to the 2nd floor of the Reno Municipal Court;
- ix. The 2nd floor hallway outside of Courtrooms “C” and “D”, including the seating area within the hallway;
- x. The 2nd floor ante rooms outside Courtrooms “C” and “D”;
- xi. The 2nd floor hallway adjacent to the office of Pretrial Services and the offices of the Reno Municipal Court Case Managers;
- xii. The 2nd floor elevator lobby;
- xiii. The 2nd floor hallway leading to the public restrooms;
- xiv. The 2nd floor restrooms;
- xv. The 3rd floor hallway outside Courtroom “E;”
- xvi. The ante room outside Courtroom “E;”
- xvii. The 3rd floor hallway outside the 3rd floor conference room;
- xviii. The 3rd floor hallway adjacent to the office of the Court Evaluator;
- xix. The 3rd floor elevator lobby;
- xx. The 3rd floor hallway leading to the public restrooms;
- xxi. The 3rd floor public restrooms;
- xxii. The entire 3rd floor on days when Community Court presides.

2. Any person who violates any provision of this Administrative Order may be asked to cease and desist from any such activity and may be removed from the grounds of the Reno Municipal Court by Reno Municipal Court Marshals for noncompliance.

3. Any person who actively interferes with any court employee, patron, defendant, witness, victim or any other person present at the Reno Municipal Court to conduct

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court business may be asked to leave the courthouse and may be removed by Reno
Municipal Court Marshals for noncompliance.

IT IS FURHTER ORDERED that this rule is effective immediately and shall remain in
effect unless and until (1) this Rule is rescinded, or (2) the Reno Municipal Court enacts a local
rule which supersedes this Rule.

DATED this 5th day of December, 2023.



HON. CHRISTOPHER HAZLETT-STEVENSON
Chief Judge
Reno Municipal Court

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Reno Municipal Court, Reno, Nevada, and that on this date I served a true and correct copy of the foregoing document, **ADMINISTRATIVE ORDER 2020-03** on the party(ies) set forth below:

_____ Placing said document in a sealed envelope placed for collecting and mailing in the United States mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

 X Electronic mail:

- rmcmanagers@reno.gov
- sotoj@reno.gov
- dbalaam@washoecounty.us
- jtrevino@washoeschools.net
- rflocchini@tmcc.edu
- todd_renwick@police.unr.edu
- lavansino@rsic.org
- rramirez@dps.state.nv.us
- kfield@renoairport.com
- pretrialservices@washoecourts.us
- pretrialservicesjail@washoecourts.us
- CACriminalDivision@reno.gov
- LegalDefenders@reno.gov
- gina@wcbar.org
- kimberlyf@nvbar.org
- landond@reno.gov

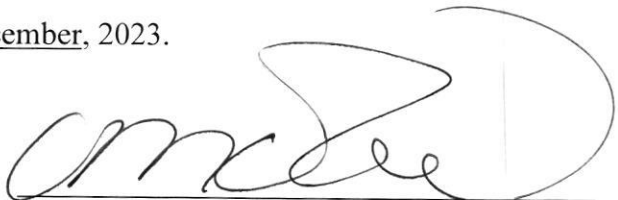
_____ Reno/Carson Messenger Service.

_____ Federal Express or other overnight delivery.

_____ Inner-office mail following ordinary business practices.

_____ Personal Delivery.

DATED this 5th day of December, 2023.



Cynthia McTier