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RENO MUNICIPAL COURT

By: CMCTIER

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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 AND)
COMMUNITY COURT)
_____ /

Administrative Order: 2023-01 **AMENDED**

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

1 areas of the courthouse, filming court employees while engaged in work activities causing a
2 slowing of the efficient and orderly operation of the court. Moreover, some of these video
3 recordings have captured clerks and court marshals at their respective stations while working on
4 confidential files while on telephone calls concerning confidential matters. These incidents
5 require this Court to create guidelines prohibiting photographing, video recording, audio recording
6 and other disruptive behavior on the grounds of the Reno Municipal Court.
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8 Furthermore, incidents of recording, filming and/or disruptive conduct have taken place at
9 the Reno Municipal Community Court located at the Washoe County Library, 301 South Center
10 Street, while Community Court was in session. This disruptive conduct included filming private,
11 sensitive and/or protected, privileged conversations in the Community Court venue. This behavior
12 also included following various members of the Court and its staff while filming and yelling,
13 which disrupted the administration of justice and the delivery of court services. Community Court
14 is a specialized venue that supports doctors, clinicians, attorneys and other professionals
15 delivering on-site services. Many of these interactions involve the transfer of protected, privileged
16 and/or sensitive information and involve protected and/or privileged conversations in order to
17 facilitate the delivery of services.

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

24 In analyzing the constitutionality of restrictions placed on protected speech, courts
25 differentiate between public and nonpublic forms. *Occupy Fresno v. County of Fresno*, 835
26 F.Supp.2d 849, 856 (2011), *See also Int'l Soc. For Krishna Consciousness, Inc. v. Lee*, 505 U.S.
27 672, 678 (1992). Traditional public forms are those places which have, "immemorially been held
28 in public trust for the use of the public, and time out of mind have been used for purposes of

1 assembly, communicating thoughts between citizens and discussing public questions.” *Pleasant*
2 *Grove City, Utah v. Summum*, 555 U.S. 460 (2009). It is the location and purpose of the property
3 that is the critical factor in determining the nature of the property for forum analysis. *U.S. v.*
4 *Kokinda* 497 U.S. 720, 728-30 (1990).

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

10 The Ninth Circuit Court of Appeals plainly held courthouses are nonpublic forums for
11 purposes of First Amendment analysis. *Sammartano v. First Judicial District Court*, 303 F.3d
12 959, 966 (9th Cir. 2002). The Court held that the Public Safety Complex, which housed the
13 courthouse, existed for the purpose of conducting business of the county and the municipal and
14 state courts, and was never a place considered for expressive activity. *Id.* As with the facility
15 discussed in *Sammartano*, the Reno Municipal Court was designed, constructed and built for the
16 purpose of conducting business related to the functioning of the municipal court and is properly
17 considered a nonpublic forum for purposes of the First Amendment. Indeed, courthouses, like the
18 Reno Municipal Court, have the primary purpose of conducting the impartial and efficient
19 administration of justice. *Comfort v. MacLaughlin*, 473 at 1026.

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

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

4 Additionally, many conversations that take place throughout the courthouse are
5 confidential and subject to privilege, such as those between attorney and client, those between
6 victim and victim advocate, those between social worker and client and between therapist and
7 client for purposes of psychological evaluations used to guide treatment plans for Reno Municipal
8 Court's various therapeutic courts. *See generally* NRS 49.095, NRS 49.2457, NRS 49.252, NRS
9 49.247 and NRS 49.2504. The identity of certain individuals, documents and proceedings may
10 also be kept confidential. *See* NRS 178.5691; NRS 433A.714. Furthermore, those entitled to seal
11 their record of arrest and/or conviction may not be able to enjoy the full benefit of sealing where
12 their identity is exposed while awaiting their court proceeding. *See generally* NRS chapter 179.

13 This Court also finds that the possibility of being filmed, photographed and/or recorded
14 while awaiting their appearance at court may have a chilling effect on appearance rates and
15 participation in the criminal justice system. A similar chilling effect was identified in *Washington*
16 *v. U.S. Dept. of Homeland Security*, 614 F.Supp.3d 863 (W.D. Wash. 2020). This Court is
17 obligated to provide unencumbered and equal access to the justice system as well as to the
18 courthouse without the threat of being invasively filmed, photographed, or recorded in order to
19 access justice. This Court, therefore, finds it reasonable and necessary to adopt reasonable,
20 viewpoint neutral restrictions prohibiting photography, video recording and audio recording in the
21 common areas of the Reno Municipal Court in order to facilitate the orderly and efficient
22 administration of justice and to preserve the safety, decorum and order of the court.

23 **ACCORDINGLY, IT IS HEREBY ORDERED** that the attached local rule Regarding
24 Photography, Video Recording or Audio Recording in the Courthouse and/or Community Court
25 shall be implemented as Reno Municipal Court Rule 10.1 and shall become effective immediately
26 and shall remain in effect until further notice.

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

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

1. Definitions

- a. “Photography, video recording or audio recording,” shall include, but is not limited to, capturing photographs, recording by audio, video and/or any device capable of electronic recording, which includes, but is not limited to, cell phones, cameras, and audio recorders.
- b. “Public areas of the Reno Municipal Court” are defined as all such areas under the administrative control of the Reno Municipal Court, including, but not limited to, the following areas:
 - i. The 1st floor lobby area outside of the Clerks windows, which are designed for public access to interface with Reno Municipal Court clerks;
 - ii. The 1st floor lobby area outside of the Marshals offices, directly adjacent to the Clerks windows;
 - iii. The 1st floor hallway outside Courtrooms “A” and “B” of the Reno Municipal Court, including the seating area within the hallway;
 - iv. The ante rooms outside Courtrooms “A” and “B”;
 - v. The 1st elevator lobby and hallway leading to the public restrooms;
 - 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.
- c. “Public areas of the Reno Municipal Community Court” are defined as all such areas under the administrative control of the Reno Municipal Court while Community Court is in session, including, but not limited to, the following areas:

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- i. The entire auditorium located on the ground floor of the Washoe County Library located at 301 Sout Center Street;
- ii. The ground floor landing area where community providers, case managers, attorneys, the Judge and others are providing direct services to Community Court participants and where protected, sensitive and/or privileged information is being exchanged, and sensitive and/or privileged conversations are taking place;
- iii. The large meeting room encased in glass where privileged and protected attorney/client conversations are taking place and/or privileged and protected therapy group meetings are being held;
- iv. The computer room adjacent to the glass encased room where case managers and/or clinical providers are engaging in sensitive and/or privileged conversations and/or where privileged and/or sensitive information is being exchanged;
- v. The enclosed rooms within the computer room where privileged and protected attorney/client and/or otherwise sensitive conversations are taking place and privileged and/or sensitive information is being exchanged.

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 and/or the Reno Municipal Community Court to conduct court business may be asked to leave the

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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 9th day of January, 2025.


HON. CHRISTOPHER HAZLETT-STEVENSON
Chief Judge
Reno Municipal Court

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCF 5(b), I certify that I am an employee of the Reno Municipal Court,
3 Reno, Nevada, and that on this date I served a true and correct copy of the foregoing document,
4 **ADMINISTRATIVE ORDER 2023-01 AMENDED** on the party(ies) set forth below:

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

7 X Electronic mail:

8 rmcmanagers@reno.gov

9 nancek@reno.gov

10 rmcjudges@reno.gov

11 dbalaam@washoecounty.us

12 jtrevino@washoeschools.net

13 rflocchini@tmcc.edu

14 todd_renwick@police.unr.edu

15 lavansino@rsic.org

16 rramirez@dps.state.nv.us

17 kfield@renoairport.com

18 pretrialservices@washoecourts.us

19 pretrialservicesjail@washoecourts.us

20 CACriminalDivision@reno.gov

21 LegalDefenders@reno.gov

22 gina@wcbbar.org

23 kimberlyf@nvbar.org

24 landond@reno.gov

25 _____ Reno/Carson Messenger Service.

26 _____ Federal Express or other overnight delivery.

27 _____ Inner-office mail following ordinary business practices.

28 _____ Personal Delivery.

DATED this 9th day of January, 2025.

29 
Cynthia McTier