

1 Accordingly, Nevada's Courts can deny requests for media coverage in cases where the
2 media coverage would have an impact on trial, where coverage would compromise the privacy of
3 parties or witnesses, impact the safety of any party, witness, or juror, and/or distract participants
4 or detract from the dignity of the proceedings.

5 Nevada's legislature has also provided participants in divorce trials with the ability to
6 demand that their proceedings occur in private. The parties may demand that all persons be
7 excluded from the Court with certain specific exceptions. The pertinent statute provides in whole:

8 **NRS 125.080** Trial of divorce action may be private.

9 1. In any action for divorce, the court shall, upon
10 demand of either party, direct that the trial and issue or issues of
fact joined therein be private.

11 2. Except as otherwise provided in subsection 3, upon
such demand of either party, all persons must be excluded from the
12 court or chambers wherein the action is tried, except:

- 13 (a) The officers of the court;
- (b) The parties;
- 14 (c) The counsel for the parties;
- (d) The witnesses for the parties;
- (e) The parents or guardians of the parties; and
- 15 (f) The siblings of the parties.

16 3. The court may, upon oral or written motion of
either party, order a hearing to determine whether to exclude the
17 parents, guardians or siblings of either party, or witnesses for either
party, from the court or chambers wherein the action is tried. If
18 good cause is shown for the exclusion of any such person, the
court shall exclude any such person from the court or chambers
wherein the action is tried.

19 This statute allows the parties to a divorce proceeding to demand privacy and exclude all
20 persons from the court except necessary parties, family, counsel, witnesses, and personnel for the
21 case if good cause is shown.

22 Nevada Supreme Court **Rule 229** (1)(c) defines "*news reporters*" as follows:

23 "*News reporter* shall include any person who gathers, prepares, collects, photographs,
24 records, writes, edits, reports, or publishes news or information that concerns local, national, or
25 international events or other matters of public interest for dissemination to the public."

26 **ANALYSIS**

27 Here, there are separate defenses to Third Party's Media request under both state statute and
28 our Nevada Supreme Court rules.

NSCR 230

NSCR 230 (2) sets forth a presumption that those court proceedings which are open to the public are subject to electronic coverage. However, a Judge determining whether to allow such electronic coverage must also consider several factors pertaining to the effect such media coverage would have on the proceedings. In this case, NSCR 230 (2) factors A-D are at play, which pertain to the media request's impact on the fairness, privacy, safety, and dignity of the proceedings.

Here, those factors should weigh against the Third Party Media Request because the individuals requesting to provide this media coverage are non-parties, they are not family members, they are not journalists, and they have provided no reasoning or argument as to why they should be allowed to broadcast this proceeding. The presence of legally uninterested individuals and the electronic broadcast of a matter to which they are entirely unrelated is inappropriate. Parties will be discussing their incomes and expenses, their children's medical needs, their household debts and personal obligations, and various other private aspects of their lives.

Further, no part of this proceeding appears to be newsworthy or novel enough to generate media coverage. Having an electronic broadcast in this case would be disruptive, denigrating, violative, and possibly unsafe to the parties involved and their family members, all factors which must be considered under NSCR 230.

NSCR 229

Nevada's Supreme Court has confined the definition of "news reporters," to which NSCR 230 is applicable, as those persons who gather and disseminate information which concerns local, national, or international events or other matters of public interest.

In this case, the requested coverage would pertain to a private matter unrelated to the public interest and could not be considered a local, national, or international event. The third Party Reply to State's Objection indicates that Our Nevada Judges is not an educational non-profit or a broadcasting corporation. In fact, the entity is a sole proprietorship owned and operated by Mr. Alexander Falconi. Mr. Falconi is not a news entity, an educational entity, or a news

1 reporter. Mr. Falconi's own website holds Mr. Falconi out as an administrator, not a journalist or
2 media member.

3 Our Nevada Judges attempts to use *Solid v. Eighth Judicial District Court*, 133 Nev. 118,
4 393 P. 3d 666 (2017) in support of their request to film this proceeding. This reliance is misplaced
5 for several reasons. *Solid* involved a first-degree murder trial wherein a media coverage request
6 was made by an actual broadcasting company, My Entertainment TV (MET), that produced the
7 television show "Las Vegas Law." Further, MET had a formal television series agreement with
8 the Clark County District Attorney's office pertaining to their coverage.

9 First degree murder trials covered by legitimate broadcasting companies are a far cry from
10 the issue before this court. A first-degree murder trial can be considered an event or public affair,
11 is more likely to be sensational or newsworthy, and pertains to a public interest in safety. A
12 private child support hearing for a small family matches none of these criterion. Accordingly,
13 Third Party's media request because they fail to meet the definition of "news reporter" under
14 NSCR 229(1)(c) and the proceeding would fail to meet the standard of being a local event or
15 public affair.

16 **NRS 125.080**

17 Nevada Revised Statute 125.080 affords participants in a divorce trial the ability to
18 demand privacy in their proceeding. Under this law, parties can demand the exclusion of any
19 person not explicitly listed as an exception under the statute, and sometimes even those listed
20 exceptions can be excluded upon demand. This statute serves to protect the intimate and private
21 nature of a divorce proceeding, which may involve deeply personal information such as
22 individual assets, medical issues or needs, debts, and more.

23 In this case, the current child support action upon which the Media Request has been
24 brought is a derivative of the original divorce action between the same parties. The same issues
25 which would be exposed in a divorce trial are discussed in this child support action. The parties
26 should be able to discuss these issues as openly and candidly as possible, something that would
27 become extremely difficult if their entire proceeding was being broadcasted.

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1 The purpose of NRS 125.080 is simple, it allows for parties to protect their privacy during
2 divorce proceedings which are sure to expose intimate and private parts of their lives. Those very
3 same intimate and private parts of a family's business are exposed in child support hearings as
4 well.

5 CONCLUSION

6 The Third Party Media Request should be denied in this case because it could only be
7 granted at the expense of the reasonable expectation of privacy that the parties should enjoy when
8 deal with a personal familial issue such as child support. There are sure to be discussions regarding
9 the children, as well as any medical issues or bills they may have. There are sure to be discussions
10 regarding personal incomes and debts and other private financial matters.

11 Third Party's Reply to State's Objection attempts to assure this Court that they will only
12 use their coverage to provide a minimal summary and coverage of the entire proceeding, all for
13 educational purposes. Their request is veiled under the pretense of providing coverage to a
14 viewership that is interested in the judicial process. If this is truly the case, there are several other
15 proceedings available for coverage that do not cover in-depth the personal issues of a family, their
16 children, and their private disputes and affairs.

17 The applicants in this case have provided no explanation or reasoning for their request to
18 publicize the affairs of this family and their legal issues. The applicants describe themselves as an
19 Administrator and Rural Coordinator of Our Nevada Judges. They do not hold themselves out as
20 news reporters in their own application, yet the rule under which they have applied pertains to news
21 reporters only. Electronic coverage of this matter likely serves no purpose other than the political
22 agenda of the applicants. If they have issues regarding the way child support is administrated or
23 governed in this state, the proper avenue is to contact their elected representative and to push for
24 political or legislative change in the properly designated arenas for those issues.

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