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IN THE JUSTICE COURT OF RENO TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

IN THE ADMINISTRATIVE MATTER OF
PHOTOGRAPHY, VIDEO RECORDING,
AND OTHER DISRUPTIVE CONDUCT ON
COURT PROPERTY.

ADMINISTRATIVE ORDER 2023-03

Pursuant to NRS 4.157(c) and JCRRT 21, the Chief Justice of the Peace of Reno Township hereby enters this Administrative Order regarding unauthorized video recording, audio recording, photography, and other disruptive conduct on the grounds of Reno Justice Court.

Recent incidents of invasive video recording of Court patrons conducting business at Reno Justice Court compel this Court to establish guidelines on where such conduct is prohibited. Nevada Supreme Court Rule 229 expressly prohibits “the use of cameras, cellular phones or other electronic devices to photograph or record courtroom proceedings without the express permission of the judge,” and Rules 230 to 246 contain specific procedures to grant or deny permission to record court proceedings. These Rules do not, however, address recordings outside of the courtroom. Importantly, these Rules were last modified in 2011. Although cell phone cameras were not particularly rare in 2011, they are certainly much more ubiquitous in today’s society. Moreover, the meteoric rise in the technological capabilities of such devices is undeniable.

1 Almost every individual now carries in their pocket a device that can take an almost unlimited
2 amount of high-resolution video recordings, audio recordings, and photographs.

3 The Ninth Circuit Court of Appeals has recognized a general First Amendment Right to
4 take photographs and make other recordings in a public forum. *Askins v. U.S. Dept. of Homeland*
5 *Security*, 899 F.3d 1035 (9th Cir. 2018). However, the mere fact that a government building is
6 open to the general public does not automatically confer upon the property the legal status of a
7 “public forum” for First Amendment purposes. *Jacobsen v. Bonine*, 123 F.3d 1272, 1273 (9th
8 Cir. 1997). The legal status of a public forum is traditionally reserved for areas such as streets,
9 sidewalks, and parks, and in any such areas government restrictions upon activity that is protected
10 by the First Amendment “are subject to strict scrutiny and may only be upheld if they are ‘the
11 least restrictive means available to further a compelling government interest.’” *Askins*, 899 F.3d
12 at 1044 (quoting *Berger v. City of Seattle*, 569 F.3d 1029, 1050 (9th Cir. 2009)).

13 In *Sammartano v. First Judicial District Court*, the Ninth Circuit clearly and
14 unambiguously stated that a courthouse *is not* a public forum. *Sammartano v. First Judicial*
15 *District Court*, 303 F.3d 959, 966 (9th Cir. 2002). “This circuit has never explicitly addressed
16 the question of whether judicial and municipal complexes like the one in this case are public fora,
17 but under the tests set forth for determining the nature of a forum, *it seems clear that they are*
18 *not.*” *Id.* (emphasis added). As with the facility at issue in *Sammartano*, the building containing
19 the Reno Justice Court was not constructed for the purpose of providing a venue for expressive
20 activity. Rather, it “was built, and is operated, for the purpose of conducting the business of the
21 county and of the municipal and state courts.” *Id.* Accordingly, this Court may place restrictions
22 on activities otherwise protected by the First Amendment, so long as the restrictions are
23 viewpoint neutral and reasonable in light of the purposes for which the building exists. *Id.* citing
24 *Cornelius v. NAACP Legal Defense & Educ. Fund*, 473 U.S. 788, 797 (1985).

1 Except in rare cases, Reno Justice Court proceedings are open to the public. Similarly,
2 most documents filed into Reno Justice Court are available for public inspection. However,
3 individuals coming to the courthouse to conduct court business are entitled to a base level of
4 decorum and respect from their fellow citizens, and they may also reasonably expect a base level
5 of privacy as there are numerous statutes and court rules that protect the identity of individuals
6 who come to court for certain types of cases or protect the confidentiality of information
7 contained in certain court records. *See generally*, NRS 200.3773; NRS 200.3771; NRS 178.5691;
8 NRS178A.290; NRS 433A.715; NRS 127.140; Nevada Supreme Court Rule 229; Nevada
9 Supreme Court Rules Governing Sealing and Redacting Court Records; and Rule 5 of the Nevada
10 Supreme Court Policy for Handling Filed, Lodged, and Presumptively Confidential Documents.

11 The Court finds that photography and video/audio recording undermine Court decorum,
12 frustrate the public's ability to communicate confidential information to Court staff, and create
13 the potential to violate the privacy of individuals whose identifying information is protected
14 under Nevada law. The Court, therefore, finds that it is reasonable to prohibit photography, video
15 recording, and audio recording in areas of the Court where Court patrons are likely to convey
16 confidential information to Court staff or in areas where individuals whose privacy is protected
17 by law are likely to assemble prior to appearing in Court. Therefore, the Court orders as follows:

- 18 1) Photography and video/audio recording in the following areas of Reno Justice Court
19 are hereby prohibited absent the express written permission of the Chief Judge or
20 his/her designee: the second-floor bailiff station, attorney conference rooms, and
21 lobbies outside of the Reno Justice Court courtrooms; the Reno Justice Court first-
22 floor Community Resource Room; and the area beyond the double doors leading to
23 the Court's first-floor customer service windows (commonly referred to as "the
24 horseshoe"). Any person who violates this provision may be asked by Court staff to
25 cease and desist from any such activity and (upon their refusal to comply) may be
removed from the grounds of Reno Justice Court by Court bailiffs.

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2) The areas described in the above paragraph exist to allow the staff and public to conduct the business of the Court. Any individual who actively interferes with Court business or who loiters in such areas with no intent to conduct any Court business may be asked to leave the area at issue and (upon their refusal to comply) may be removed from the grounds of Reno Justice Court by Court bailiffs.

DATED this 21st day of November 2023.



SCOTT E. PEARSON
CHIEF JUSTICE OF THE PEACE
RENO JUSTICE COURT
DEPARTMENT 4