

IN THE SUPREME COURT OF THE STATE OF NEVADA

ILEEN SPOOR,  
Petitioner,  
vs.  
NEVADA COMMISSION ON JUDICIAL  
DISCIPLINE,  
Respondent.

No. 49790

FILED

JUL 13 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS  
AND UNSEALING RECORD IN THIS MATTER

This original petition for a writ of mandamus challenges the Nevada Commission on Judicial Discipline's refusal to allow petitioner's counsel to appear and participate at a confidential hearing before the Commission, for which petitioner has been subpoenaed as a witness.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station,<sup>1</sup> or to control a manifest abuse of discretion.<sup>2</sup> Mandamus is an extraordinary remedy, and it is within this court's discretion to determine if a petition will be considered.<sup>3</sup> To demonstrate that this court's extraordinary intervention is warranted is petitioner's burden.<sup>4</sup>

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<sup>1</sup>See NRS 34.160.

<sup>2</sup>See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

<sup>3</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>4</sup>Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004).

Having considered this petition and its supporting documentation, in light of those principles, we are not persuaded that our intervention by way of extraordinary relief is warranted, and we therefore deny the petition.<sup>5</sup>

In addition, petitioner originally submitted her petition in this matter under seal, stating that she did so in light of NRS 1.4683, which provides that proceedings before the Commission are confidential up to the point that a formal statement of charges is filed with the Commission. In an abundance of caution, the clerk of this court filed the petition under seal in the first instance. But as we held in Attorney General v. Steffen,<sup>6</sup> in connection with the then-effective, nearly identical confidentiality rule governing Commission proceedings at that time, a provision requiring confidentiality in proceedings before the Commission does not require confidentiality in proceedings before this court, particularly in light of NRS 1.090, mandating that court proceedings be open to the public, and the First Amendment concerns discussed in the opinion. Petitioner has not asserted any compelling government interest that might warrant sealing this matter, and we perceive none.<sup>7</sup> Accordingly, we direct the court clerk to unseal the record in this matter.

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<sup>5</sup>See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.

<sup>6</sup>112 Nev. 369, 373-75, 915 P.2d 245, 248-49 (1996).

<sup>7</sup>See id. at 374, 915 P.2d at 248; see also Barron v. Florida Freedom Newspapers, 531 So. 2d 113, 118-19 (Fla. 1988) (reaffirming the presumption that court proceedings are open and listing interests that might warrant closure); Hammock by Hammock v. Hoffman-LaRoche, Inc., 662 A.2d 546, 559 (N.J. 1995) (noting that the need for secrecy must

*continued on next page . . .*

It is so ORDERED.<sup>8</sup>

Maupin, C.J.  
Maupin

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

cc: Adams & Rocheleau, LLC  
Nevada Commission on Judicial Discipline

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*... continued*

be demonstrated as to each document, and that the party seeking closure has the burden to show that public access should be denied).

<sup>8</sup>The Honorable Mark Gibbons and Michael Cherry, Justices, voluntarily recused themselves from participation in the decision of this matter. The Honorable Nancy Saitta, Justice, did not participate in the decision of this matter.