

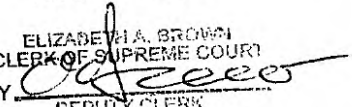
IN THE SUPREME COURT OF THE STATE OF NEVADA

OUR NEVADA JUDGES, INC., A
NEVADA NON-PROFIT
CORPORATION,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
KATHLEEN A. SIGURDSON,
DISTRICT JUDGE,
Respondents,
and
COUNTY OF WASHOE; AND ROBERT
A. CONRAD,
Real Parties in Interest.

No. 88483

FILED

AUG 14 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER GRANTING PETITION FOR A WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a request for electronic coverage of civil proceedings. Petitioner Our Nevada Judges, Inc. filed a media request for electronic coverage of the underlying proceedings. The district court denied the request without explanation in a form order. Our Nevada Judges then filed this petition for a writ of mandamus directing the district court to vacate that order.

Mandamus is used to compel performance of a legal duty when there is no other adequate remedy at law. *See* NRS 34.160; *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 476 P.3d 1194 (2020). Those requirements are satisfied here.

SCR 230(2) governs electronic coverage of courtroom proceedings. “[T]here is a presumption that all courtroom proceedings that

are open to the public are subject to electronic coverage.” SCR 230(2). There is a constitutional right of access to civil proceedings, and they are presumed open to the public. *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Adv. Op. 8, 543 P.3d 92, 97 (2024). None of the parties suggest the proceedings in the underlying case have been closed. SCR 230(2) requires the district court to “make particularized findings on the record when determining whether electronic coverage will be allowed at a proceeding.” The rule also lists six factors the court must consider in making its determination.

While the challenged form order states that the district court considered the SCR 230(2) factors, the district court merely checked the box for denying the request for electronic coverage and never provided any factual findings. SCR 230(2) mandates the district court “make particularized findings on the record.” Thus, the district court failed to perform an act required by law such that a writ of mandamus may be issued to compel its performance. And Our Nevada Judges has no other remedy at law. *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Adv. Op. 8, 543 P.3d 92, 95 (2024) (recognizing that “direct appellate review is often not available to the press, and thus, writs for extraordinary relief may be necessary to challenge a denial of access”). To the extent Our Nevada Judges asks us to direct the district court to grant the request for electronic coverage, we decline to do so as the district court must consider the factual question regarding the appropriateness of electronic coverage in the first instance. *See Ryan’s Express v. Amador Stage Lines*, 128 Nev. 289, 299, 279 P.3d 166, 172-73 (2012) (recognizing that the district court should consider questions of fact in the first instance).

Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate its April 16, 2024, order re electronic coverage of court proceedings, reconsider the request for electronic coverage, and make particularized findings on the record when reconsidering the request for electronic coverage.

Stiglich, J.
Stiglich

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

cc: Hon. Kathleen A. Sigurdson, District Judge
Luke A. Busby
Washoe County District Attorney
Washoe District Court Clerk