

1 Alexander M. Falconi
2 153 Sand Lake St.
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6 Appearing in Proper Person

EIGHTH JUDICIAL DISTRICT
CLARK COUNTY, NEVADA

7 T. MATTHEW PHILLIPS,
8 Plaintiff,

Case No.: A-21-829038-C
Dept. No.: 16

9 vs.

**OPPOSITION TO MOTION FOR
RECONSIDERATION OF ORDER
ALLOWING CAMERA ACCESS TO
COURT PROCEEDINGS**

10 JENNIFER V ABRAMS,
11 THE ABRAMS LAW FIRM, L.L.C.,
12 MARK DICIERO,
13 DAVE SCHOEN,
14 DOES I-X,
15 Defendants.

* NO HEARING REQUESTED *

16 COMES NOW, Alexander M. Falconi d.b.a. Our Nevada Judges¹, appearing in proper
17 person, and hereby files opposition to Plaintiff's motion for reconsideration filed March 30, 2021.
18 This opposition is based upon the following memorandum of points and authorities and all
19 pleadings on file herein.

20 DATED THIS 30th day of March, 2021.



21
22 _____
23 Alexander M. Falconi
24 Our Nevada Judges
25 Administrator
26 *Appearing in Proper Person*

27
28 _____
¹ Alexander M. Falconi owns, operates, and controls Our Nevada Judges.

1 **Memorandum of Points and Authorities**

2 **I. Summary**

3 Administrator Alexander Falconi ('Falconi') of Our Nevada Judges has been authorized to
4 provide electronic coverage of these proceedings. The Supreme Court has established a
5 presumption favoring electronic coverage of judicial proceedings. Plaintiff, Todd Matthew
6 Phillips, fails to overcome this presumption. His motion should be denied.
7

8 **II. Procedure on Requesting Camera Access**

9 Plaintiff contests the procedure for seeking camera access to judicial proceedings; namely,
10 he requests notice prior to approval. *Motion for Reconsideration of Order Allowing Camera Access*
11 *to Court Proceedings* ('MROACACP') filed March 30, 2021 at 2:6-28. SCR 230(1) provides that
12 requests must be made within 24 hours. The rule does not contemplate notice prior to approval.
13 The procedure has been discussed² on writ review. *Solid v. Eighth Jud. Dist. Ct.*

14
15 Plaintiff fails to support his constitutional due process objection with specific argument or
16 authority. Plaintiff's mere citation of the 14th amendment is insufficient and an independent basis
17 for this Court to reject the argument. EDCR 2.20(c). DCR 13(2). Compare *State v. Haberstroh*³.

18 Due process triggers on reconsideration, as Plaintiff now attempts. *Id.* "Due process is
19 satisfied where interested parties are given an 'opportunity to be heard at a meaningful time and
20 in a meaningful manner.'" *Mesi v. Mesi*, 136 Nev. Adv. Op. 89 (2020). Thus, this Court now
21 satisfies Plaintiff's due process concerns on consideration of his MROACACP. Whether a hearing
22 is required is a separate question, and the summary denial of Plaintiff's motion doesn't necessarily
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25 _____
26 ² *Solid v. Eighth Jud. Dist. Ct.*, 393 P. 3d 666, 670 (2017): "Following the district court's order
denying his motion for reconsideration, Solid filed the instant writ petition seeking interpretation
of the Supreme Court Rules involving media in the courtroom."

27 ³ *State v. Haberstroh*, 69 P.3d 676, 686 (2003) ("Haberstroh invokes his right to an impartial jury
and cites the United States and Nevada Constitutions, but he offers no specific authority or
28 argument for his contention[.] Contentions unsupported by specific argument or authority should
be summarily rejected on appeal.")

1 violate due process principles. *Id.* (“Ordinarily, [a meaningful opportunity to be heard] takes the
2 form of a live hearing, but in some cases the parties may be ‘afforded sufficient opportunity to
3 present their case through affidavits and supporting documents.’”)

4 Plaintiff’s issue with the procedure is an issue with SCR 230(1) generally. Should this
5 Court sustain his objection, the procedure itself would have to be altered at the District level and
6 for all media who are seeking camera access. At this juncture, news reporters are required to
7 comply with District 8’s procedure when seeking camera access to District 8 proceedings.
8

9 The District 8 Court Information Officer has provided assurances that Plaintiff was notified
10 consistent with SCR 230(1). Exhibit 1.

11 **III. On the Issue of Blue Jeans and J.A.V.S. Access**

12 The argument that the existence of J.A.V.S. recordings or alternative electronic access
13 precludes electronic coverage is a common objection raised by attorneys. MROACACP at 3:6-8
14 and 3:19-22. District Court Judges Ronald Israel⁴ and Cristina Silva⁵; and, Justice of the Peace
15 Ryan Sullivan⁶ have rejected this argument given the argument, if availing, would effectively
16 apply to all cases and lock out all electronic coverage. Specific to J.A.V.S. videos, the argument
17 also fails to consider video quality, live coverage of proceedings, and distribution through the
18 media entity’s network. This case is slated for live coverage on Our Nevada Judges social media
19 networks; the existence of Blue Jeans and J.A.V.S. hearing videos as the only allowable electronic
20 source would deprive the public of access to the proceedings live through Our Nevada Judges
21 networks and is inconsistent with SCR 230(2).
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25 ⁴ *The State of Nevada vs Michael Lee McDonald*, Eighth Jud. Dist. Ct. docket no. C-18-335284-
26 1; defense counsel raised objection, District Court Judge Ronald Israel overruled.

27 ⁵ *The State of Nevada vs Michael Lee McDonald*, Eighth Jud. Dist. Ct. docket no. C-18-333684-
28 1; defense counsel raised objection, District Court Judge Cristina Silva overruled.

⁶ *The State of Nevada vs Michael Lee McDonald*, Reno Justice Ct. docket no. RCR2019-103468A;
prosecutor raised objection, Justice of the Peace Ryan Sullivan overruled.

IV. On the Issue of Summary Reporting

Plaintiff appears to contest the fact that Our Nevada Judges does not provide summary reporting of a case, as is typical with mainstream media. MROACACP at 3:9-18. Our Nevada Judges instead provides comprehensive coverage of the proceedings and publishes them. Plaintiff appears to argue that Our Nevada Judges publishes raw, unaltered footage. This is not true, all footage⁷ is edited to include educational and information tidbits, including identification cards for legal and judicial officers, parties, and other persons as mentioned. Video editing and the production process greatly augments the quality of the coverage and increases viewer engagement substantially. Exhibit 2.

V. On the Issue of Fairness

Plaintiff appears to argue that Our Nevada Judges is, in the general sense, unfair, for a multitude of reasons; namely, that Our Nevada Judges is aligned with Defendants, with the judiciary, or both. MROACACP at 3:24-4:28.

Plaintiff argues Our Nevada Judges “lie[d]” in a published Event video⁸, and provides citations to portions of the video. MROACACP at 11:4-28. Plaintiff is merely trying to control the presentation. The purpose of the Event video is to give the public a background of the case, Parties arguments, and serve as a reference for when comprehensive coverage begins. Exhibit 3. The purpose of the Event video is not to represent the findings of an independent media investigation and deliver an opinion or pick a side in the case, but rather, to make the viewers aware of Parties’ positions and give a background of the dispute. Plaintiff takes issue with the characterization of Defendants’ arguments and wishes to control Our Nevada Judges’ presentation to include a conclusion or opinion favorable to him. Plaintiff’s allegation on inaccuracies and deceptions, if

⁷ <https://www.ournevadajudges.com/media/videos>

⁸ <https://www.youtube.com/watch?v=5Hzdt71FqHU>

1 material and relevant, would require evidentiary support to overcome the presumption favoring
2 electronic coverage. Compare *Solid v Eighth Jud. Dist. Ct.*⁹

3 Plaintiff's allegation that Our Nevada Judges is "propaganda" to "promote the official
4 family court narrative" is not genuine. MROACACP 4:22-28. Plaintiff, an active social media
5 personality, has intensely and publicly scrutinized multiple Family Division judges and would be
6 thoroughly aware that Our Nevada Judges' error rate coverage has likewise placed the Family
7 Division of the State under intense scrutiny. For the allegation to be even remotely true, Plaintiff
8 would at the very least need to point to biased coverage or hidden information; he does not, because
9 none exists. All negative information, including appellate dispositions and article coverage, is
10 posted to Family Division profiles¹⁰. Furthermore, Our Nevada Judges' position on electronic
11 coverage of domestic relations matters is inconsistent with that of the Family Division and the
12 family bench bar. Ultimately, Plaintiff's allegations would require evidentiary support to overcome
13 the presumption favoring electronic coverage. As they are patently false, they should be summarily
14 rejected.
15
16

17 Plaintiff alleges bias in favor of Mark DiCiero ('DiCiero') due to Falconi's contract work
18 with Pro Se Pros. MROACACP 5:4-6. Plaintiff appears to allege that this is a continuing business
19 relationship. Falconi disassociated with Pro Se Pros September 14, 2019 at 2:49 p.m. Falconi's
20 last interaction with Pro Se Pros was approximately July 21, 2019. Plaintiff's allegations do not
21 appear relevant as they point to personal link between Falconi and DiCiero and are not supported
22 by publications made by Our Nevada Judges. Our Nevada Judges has covered DiCiero in the past¹¹
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26 ⁹ *Solid v Eighth Jud. Dist. Ct.*, 393 P.3d 666, 672 (2017) ("Solid did not present evidence showing
27 how MET's cameras affected the fairness of the trial, the dignity of the proceedings, or the ability
28 of trial counsel to present effective advocacy any differently than the other cameras in the
courtroom.")

¹⁰ <https://www.ournevadajudges.com/judges>

¹¹ *Adam Breeden vs David Schoen and Mark DiCiero*, Las Vegas Justice Ct. docket no. 20PO0395.

1 and coverage was both fair and unbiased. Ultimately, Plaintiff’s allegations, if material and
2 relevant, would require evidentiary support to overcome the presumption favoring electronic
3 coverage. *Eighth Jud. Dist. Ct., Id.*⁹

4 Plaintiff alleges bias in favor of Dave Schoen (‘Schoen’) and Jennifer Abrams (‘Abrams’).
5 MROACACP 5:7-9 and 5:14-6:13. This appears to be a wild guess. Falconi is not “in” on a
6 conspiracy favoring the Family Division nor does he take orders from Schoen or Abrams. Abrams
7 has never financed a video. This allegation is not genuine; if it was true, Our Nevada Judges would
8 not report the errors of Family Division judges. Ultimately, Plaintiff’s allegations, if material and
9 relevant, would require evidentiary support to overcome the presumption favoring electronic
10 coverage. *Solid v Eighth Jud. Dist. Ct., Id.*⁹

11 Plaintiff alleges funding of the Event video by Abrams. MROACACP 5:22-28. Not only
12 has Abrams not funded the video, she has never funded any video. In fact, none of the videos
13 published by Our Nevada Judges have ever been funded by anyone. This guess is so wild Falconi
14 struggles to come up with what might have possibly given Plaintiff the idea that this ever occurs,
15 much less this specific video. The only contributions Our Nevada Judges has received from judges
16 and candidates occurred during the elections, and these contributions were made public *via* social
17 media posts and did not “fund” videos. Ad revenue provided by judges and candidates supports
18 Our Nevada Judges by defraying costs associated with video editing and data mining; had those
19 contributions not occurred, case coverage would still have occurred and those videos still would
20 have published because additional revenue generated by Our Nevada Judges is actually through
21 ad revenue diverted by Google¹². Ultimately, Plaintiff’s allegations, if material and relevant, would
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27 ¹² Google owns, operates, and controls YouTube. Facebook has not yet monetized Our Nevada
28 Judges content.

1 require evidentiary support to overcome the presumption favoring electronic coverage. *Eighth Jud.*
2 *Dist. Ct., Id.*⁹

3 Plaintiff raises fairness concerns given Falconi’s communication with Justices, District
4 Court Judges, Justices of the Peace, and the Commission on Judicial Discipline. MROACACP at
5 10-13. Falconi and other District Coordinators do indeed communicate with the above mentioned.
6 This, however, is not a basis to revoke camera access. It is normal for news reporters to maintain
7 communication with sources on their topics of coverage. Our Nevada Judges covers every judicial
8 district of the State, and these communications help shape internal operating policy and procedure.
9 Exhibit 4. The Commission on Judicial Discipline and all judges who communicate with Our
10 Nevada Judges have never done so in an irresponsible or unethical manner. It is not the role of Our
11 Nevada Judges to take sides and attempt to alter the outcomes of individual cases. Exhibit 5.
12 Plaintiff’s allegations, if true, would be supported by at least one of Our Nevada Judges’ 330 videos
13 and 8305.13 minutes of footage¹³. Plaintiff has cited none, because none exists. Ultimately,
14 Plaintiff’s allegations, if material and relevant, would require evidentiary support to overcome the
15 presumption favoring electronic coverage. *Eighth Jud. Dist. Ct., Id.*⁹

16 Plaintiff expresses disapproval with the title given to coverage of the instant case.
17 MROACACP at 6:1-10. Our Nevada Judges controls the presentation of the coverage, not
18 Plaintiff. *Todd Matthew Phillips vs. Mark DiCiero* is more accurate as the dispute is largely, from
19 the perspective of the public, a dispute between Plaintiff and DiCiero. There appears to be far less
20 engagement between Plaintiff and Schoen. Engagement between Plaintiff and Abrams is virtually
21 nonexistent. There is no conspiracy; Our Nevada Judges has provided coverage of other cases
22 where both Schoen¹¹ and Abrams¹⁴ were in the coverage title.

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27 ¹³ *Video Coverage and Public Engagement*, Edition 0, published March 4, 2021.

28 ¹⁴ *Jennifer Abrams vs Steve Sanson*, Supreme Court of Nevada, docket no. 73838.

1 **VI. On the Issue of Defamation**

2 Plaintiff alleges defamation by Our Nevada Judges and insinuates an intent to sue.
3 MROACACP at 6:18-21. He argues that, as a named Defendant, Our Nevada Judges cannot
4 provide unbiased coverage. This argument is unavailing, as it would allow virtually any litigant to
5 allege defamation by the press, supported by bald assertions, and then claim that their lawsuit
6 against the press justifies revocation of camera access. The purpose of the lawsuit, if it were to
7 occur, would not be to prevail in the action but to trigger a revocation of camera access. It is not
8 dissimilar from litigants who sue a judge and argue bias not with the intention to prevail in the
9 lawsuit but rather, to trigger a disqualification of judge. Compare *Whitehead v. Comm'n on Jud.*
10 *Discipline*¹⁵.

11
12 Plaintiff's claims, if ever brought, would ultimately fail due to the fair report privilege,
13 which "shields a defendant from liability for publication of defamatory content in the course of
14 reporting on official actions, official proceedings, or meetings open to the public regarding issues
15 of public concern so long as it is a fair and accurate summary thereof." *Wynn v. The Associated*
16 *Press*, 136 Nev. Adv. Op. 70 (2020). It is interesting to note that the *Wynn Court* criticized the use
17 of a police report by the Associated Press in invoking the privilege, as this is precisely what
18 Plaintiff now urges Our Nevada Judges to include in its coverage. The *Wynn Court* specifically
19 held that police reports are "not a report of an official action or proceeding". The findings of fact
20 entered by District Court Judge Vincent Ochoa, and the protective orders sustained by District
21 Court Judges Linda Marquis and Bryce Duckworth, however, are all indeed stemming from
22 "official proceedings" where Plaintiff participated in the litigation process and thusly are within
23 the scope of the privilege. Coverage of the case may not have been 100% to Plaintiff's liking, but
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28 ¹⁵ *Whitehead v. Comm'n on Jud. Discipline*, 920 P.2d 491 (1996) ("[A] judge is not disqualified merely because a litigant sues or threatens suit.")

1 has been objectively fair and balanced and Plaintiff will have opportunities through the “official
2 action or proceeding”, i.e. the instant case, to have potential evidence (if ultimately admitted)
3 considered by this Court. The fair reporting privilege is essential to the Nevada Press; even Justice
4 Becker, who dissented in *Sahara Gaming v. Culinary Wkrs. Union*¹⁶, conceded that while “the
5 privilege should be conditional as to the general public”, it should remain “absolute when applied
6 to the press.”
7

8 Whether Defendants’ social media posts constitute defamation are for this Court to
9 determine; it is not the role of Our Nevada Judges to conduct an independent investigation and
10 determine, on its own, whether they are true or false. Exhibit 5. It is the role of Parties and attorneys
11 to investigate and litigate the matter. Our Nevada Judges does not alter its presentation in response
12 to meritless threats of litigation, as no respectable news organization would.
13

14 **VII. On the Issue of Our Nevada Judges’ Protected Status**

15 Plaintiff insinuates, using phantom quotes, that Falconi abuses his position as
16 Administrator of Our Nevada Judges because he feels he is “protected”. MROACACP at 8:9-11.
17 This Court should note that Plaintiff has provided no citation, whether email, text, social media
18 post, interview, or published video. This is because none exists. Falconi has never stated that he is
19 “protected” because it is not true. Our Nevada Judges operates independently from the judiciary,
20 and is subject to the scrutiny of the courts just as any other person and business entity under the
21 jurisdiction of the State is.
22

23 **VIII. On the Issue of Nevada Court Watchers’ Purpose**

24 Plaintiff argues that Our Nevada Judges’ characterization of Nevada Court Watchers is
25 improper because it is not stated in the briefs. MROACACP at 8:12-10:7. The brief filed by Schoen
26 and DiCiero implicate First Amendment protections directly connected with the purpose of their
27

28 ¹⁶ *Sahara Gaming v. Culinary Wkrs. Union*, 984 P.2d 164, 172 (1999).

1 organization and their active role in past elections. Our Nevada Judges is free to elaborate on the
2 First Amendment issue and include public portions of the dispute. The public has been following
3 proceedings surrounding Nevada Court Watchers in the past, and Nevada Court Watchers has
4 stated, very publicly, its purpose, and has acted on that purpose by using its Political Action
5 Committee arm to support and oppose judicial candidates. Nevada Court Watchers' participation
6 in the past election was so hands-on that its Administrators were sued by a judicial candidate, and
7 Our Nevada Judges provided electronic coverage¹⁷ of the case. As much as it appears to frustrate
8 Plaintiff, Our Nevada Judges' viewers have become accustomed to and interested in following the
9 important perspective¹⁸ furthered by Nevada Court Watchers.

11 **IX. On the Issue of Prejudice**

12 Plaintiff alleges prejudice given Our Nevada Judges' presentation of specific
13 characterizations on his actions as a parent. MROACACP at 10:7-11:28. Firstly, the use of the
14 underscore in the Event video is nothing special, it is used in all Event videos published to Our
15 Nevada Judges. Secondly, the characterization of DiCiero's denunciation of Phillips in his posts
16 to Nevada Court Watchers is accurate. Whether the posts constitute defamation is for this Court to
17 determine. Just as DiCiero's position is relevant to coverage of the matter, so too is Phillips'
18 position. Just as DiCiero's position was covered in the Event video, so too was Plaintiff's position.
19 DiCiero specifically cites findings entered by District Court Judge Vincent Ochoa and has posted
20 the court order to Nevada Court Watchers. Plaintiff's taking issue with the technical and legal
21 details and language of this specific list of findings of fact are for this Court to resolve, not Our
22 Nevada Judges.
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26 ¹⁷ *Adam Breeden vs David Schoen and Mark DiCiero*, Las Vegas Justice Ct. docket no. 20PO0395.

27 ¹⁸ Plaintiff does not appear to understand that the debate furthered by Nevada Court Watchers is
28 both very public and very important. The debate over the issue of malefactors and external
influences attempting to alter the outcome of individual cases is one that is worthy of debate.

1 Plaintiff argues that a police report should have been included in the Event video.
2 MROACACP at 12:1-14:10. It is the role of this Court to consider evidence. Our Nevada Judges
3 will of course provide comprehensive coverage of the matter, and publish it. Plaintiff's opportunity
4 to admit the police report into evidence and have it considered is his prerogative, and his efforts to
5 do so will be covered and published, as has occurred with all other cases.
6

7 **X. On the Issue of Mathew Butcher**

8 Plaintiff alleges Falconi is Mathew Butcher. MROACACP at 14:19-26. He characterizes
9 it as a "hunch" but is yet another wild guess. Falconi is not Mathew Butcher. Mr. Butcher was
10 heavily engaged in Our Nevada Judges' coverage of the *State of Nevada vs. Michael Lee*
11 *McDonald*¹⁹. Mr. Butcher would comment on the videos and provide information to the public.
12 Mr. Butcher created a playlist of the proceedings which included coverage of the case provided by
13 other organizations. Mr. Butcher was a YouTube moderator for Our Nevada Judges for quite some
14 time. Falconi does not have any "fake" accounts on any social media sites and interacts on social
15 media using his real name.
16

17 **XI. On the Issue of Motive and Agenda**

18 Plaintiff is under the bizarre assumption that Falconi's purpose is to serve the Family
19 Court's agenda, or Abrams' agenda. MROACACP at 5:4-19. Firstly, coverage of cases involving
20 the dispute between Nevada Court Watchers and their opponents is only a small portion of the
21 coverage provided by Our Nevada Judges. Our Nevada Judges is actively providing coverage from
22 Districts 2, 3, 6, 8, and 10; and, Reno, Boulder City, and Beatty Justice Courts; and, the Court of
23 Appeals, Supreme Court of Nevada, and Commission on Judicial Discipline. The attention on
24 Plaintiff is not so much of a focus for Our Nevada Judges as he seems to think. Secondly, Falconi
25 has virtually no financial or professional motive to do the bidding of any members of the legal
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28 ¹⁹ *Eighth Jud. Dist. Ct.*, docket nos. C-18-335284-1 and C-18-333684-1.

1 community. Our Nevada Judges continues to operate at a loss and Falconi’s day job is as a software
2 engineer for Amazon, Inc. Falconi does not benefit professionally from his work on Our Nevada
3 Judges and when his colleagues do show interest it is purely from an academic perspective
4 regarding the technical infrastructure Falconi implemented to deploy the project and its interfacing
5 with government systems. Our Nevada Judges started out as a passion project, and expanded far
6 beyond that when it started to garner support from the public and the judiciary. Our Nevada Judges
7 will continue to operate for as long as the public and the government’s appreciation for the project
8 continues.
9

10 **XII. Miscellaneous Allegations**

11 Plaintiff alleges “fraud”, “libel”, “false light”, “unclean hands”, and “unconscionability”.
12 MROACACP at 5:17-19. Claims of “fraud”, “libel”, “false light”, and “bad faith” require proving
13 a number of elements in a complaint for money damages. Plaintiff has not sued Our Nevada Judges
14 alleging those claims and they are thus not relevant on the issue of media access now.
15

16 Plaintiff alleges “unclean hands”, which is an affirmative defense. Our Nevada Judges has
17 not brought any claims against Plaintiff for him to affirmatively defend with “unclean hands”.

18 Plaintiff alleges “unconscionability”. The issue of procedural and substantive
19 unconscionability goes to contracts and is not at issue here as there are no contractual provisions
20 to which Plaintiff and Our Nevada Judges are a party. *D.R. Horton, Inc. v. Green*, 96 P.3d 1159,
21 1162 (2004)
22

23 **XIII. Ghost Writing**

24 Plaintiff insinuates Falconi’s use of a ghost writer. MROACACP at 9:7-8. Falconi does not
25 now nor did he ever use ghost writers. Falconi prevailed in multiple²⁰ cases before the Supreme
26

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²⁰ Supreme Court of Nevada, docket nos. 62296 (reversed), 65289 (reversed), 69341 (reversed), 73469 (reversed).

1 Court of Nevada and was published²¹ by Justice Michael Cherry on a writ petition that expanded
2 Nevada case law. It is in fact these personal experiences as a proper person litigant that ultimately
3 led Falconi to found Our Nevada Judges.

4 **XIV. Vexatious Litigation**

5 It is the position of Our Nevada Judges that certain allegations made by Plaintiff are
6 knowingly false, and that he is abusing the litigation process not to prevail on issues of merit but
7 to harass, annoy, and waste the time of those who do not do as he tells them to do. In contemplating
8 the filing of a countermotion to have Plaintiff declared a vexatious litigant, Our Nevada Judges is
9 concerned about exacerbating the waste of judicial resources this Court is already being subjected
10 to in having to consider the multiple assertions raised by Plaintiff that are based on nothing but a
11 wild guess. Our Nevada Judges reserves its right to file a motion to have Plaintiff declared a
12 vexatious litigant after litigation on this matter has resolved, especially given it appears Plaintiff
13 intends to include Falconi in the lawsuit which may add additional basis.
14
15

16 **XV. Conclusion**

17 The denial of electronic coverage would do less harm Our Nevada Judges and more harm
18 to the public's right to view and learn from it. Our Nevada Judges has garnered more than 10
19 million watch-time-minutes and educated the public on the judicial process in a way that impacted
20 the 2020 election and furthered a number of important discussions. Chief Justice James Hardesty
21 underlined the importance of judicial transparency at his 2021 State of the Judiciary address to the
22 legislature. For the several reasons articulated in this opposition, Plaintiff's motion should be
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27 ²¹ *Falconi v. Secretary of State*, 299 P.3d 378 (2013) (The gateway to challenging the Confidential Address
28 Program.) Second Jud. Dist. Ct., docket no. CV13-01019 (Issuing *mandamus* consistent with the procedure
outlined in the aforementioned opinion.)

1 summarily denied. Should this Court find cause to take evidence on the issues, Falconi is willing
2 to appear and provide²² testimony.

3 **AFFIRMATION:** This document does not contain a social security number of any person.

4 DATED THIS 30th day of March, 2021.

5
6 

7 _____
8 Alexander M. Falconi
9 Our Nevada Judges
10 Administrator
11 *Appearing in Proper Person*

12 **DECLARATION OF ALEXANDER FALCONI**

13 I, Alexander M. Falconi, state that I have read this *Opposition* and that the contents are true
14 and correct of my own personal knowledge, except for those matters I have stated that are not of
15 my own personal knowledge, but that I only believe them to be true, and as for those matters, I do
16 believe they are true.

17 ***I declare²³ under penalty of perjury that the foregoing is true and correct.***

18 EXECUTED this 30 day of March, 2021.

19 

20 _____
21 Alexander M. Falconi

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28 ²² Plaintiff should be advised that the “News Shield” statute confers privilege to news reporters protecting the confidentiality of their sources. NRS 49.275. *Toll v. Wilson*, 453 P.3d 1215 (2019).

²³ NRS 53.045 (declaration in lieu of affidavit).

List of Exhibits

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Exhibit 1: Clerk’s Notice of Service.
Pages: 3

Exhibit 2: Video Coverage and Public Engagement, Edition 0.
Pages: 6

Exhibit 3: Email in Response to Cease & Desist.
Pages: 4

Exhibit 4: Internal Operating Procedures & Policy
Pages: 14

Exhibit 5: White Paper.
Pages: 4

EXHIBIT 1

EXHIBIT 1

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
03/17/2021 2:37 PM
Clerk of the Court

T Mathew Phillips
PLAINTIFF
-VS-
Mark DiCiero
DEFENDANT

CASE NO: A-21-829038-C
DEPT. NO: 16
MEDIA REQUEST AND ORDER ALLOWING
CAMERA ACCESS TO COURT PROCEEDINGS
* Please fax to (702) 671-4548 to ensure that
the request will be processed as quickly as possible.

Brittany Falconi (name), of Our Nevada Judges (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in
Dept. No. 16, the Honorable Judge Timothy Williams Presiding, on the 13 day of
April, 2021.

I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-246, inclusive. If this request is being
submitted less than twenty-four (24) hours before the above-described proceedings commence, the following facts provide good
cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be
arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 13 day of April, 20 21.

SIGNATURE: B. Falconi PHONE: 775-391-9139

IT IS HEREBY ORDERED THAT:

- [] The media request is denied because it was submitted less than 24 hours before the scheduled proceeding was to
commence, and no "good cause" has been shown to justify granting the request on shorter notice.
[] The media request is denied for the following reasons:

[X] The media request is granted. The requested media access remains in effect for each and every hearing in the above-
entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with
Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion
of any party to the action. Media access may be revoked if it is shown that access is distracting the participants,
impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.

[X] OTHER: All matters are currently being held via videoconferencing - no live appearances
Please contact JEA one week prior to obtain video link for hearing (702) 671-4406

IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.

Dated this 17th day of March, 2021

Dated this day of March, 20 21.

Timothy C. Williams
DISTRICT COURT JUDGE

60A D18 09B0 CEC8
Timothy C. Williams
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 T. Phillips, Plaintiff(s)

CASE NO: A-21-829038-C

7 vs.

DEPT. NO. Department 16

8 Jennifer Abrams, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Media Request and Order was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 3/17/2021

15 Melvin Grimes	melg@grimes-law.com
16 Joseph Garin	jgarin@lipsonneilson.com
17 Kimberly Glad	kglad@lipsonneilson.com
18 Susana Nutt	snutt@lipsonneilson.com
19 Adam Pernsteiner	Adam.Pernsteiner@lewisbrisbois.com
20 Marc Cwik	Marc.Cwik@lewisbrisbois.com
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22 Katrina Leaver	KLeaver@lipsonneilson.com
23 Kristine Bernhardt	kristineb@grimes-law.com
24 Grimes Reception	Reception@grimes-law.com
25 Jennifer Abrams	JVAGroup@tamlf.com

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tmatthewphillips@aol.com

Brittany Falconi

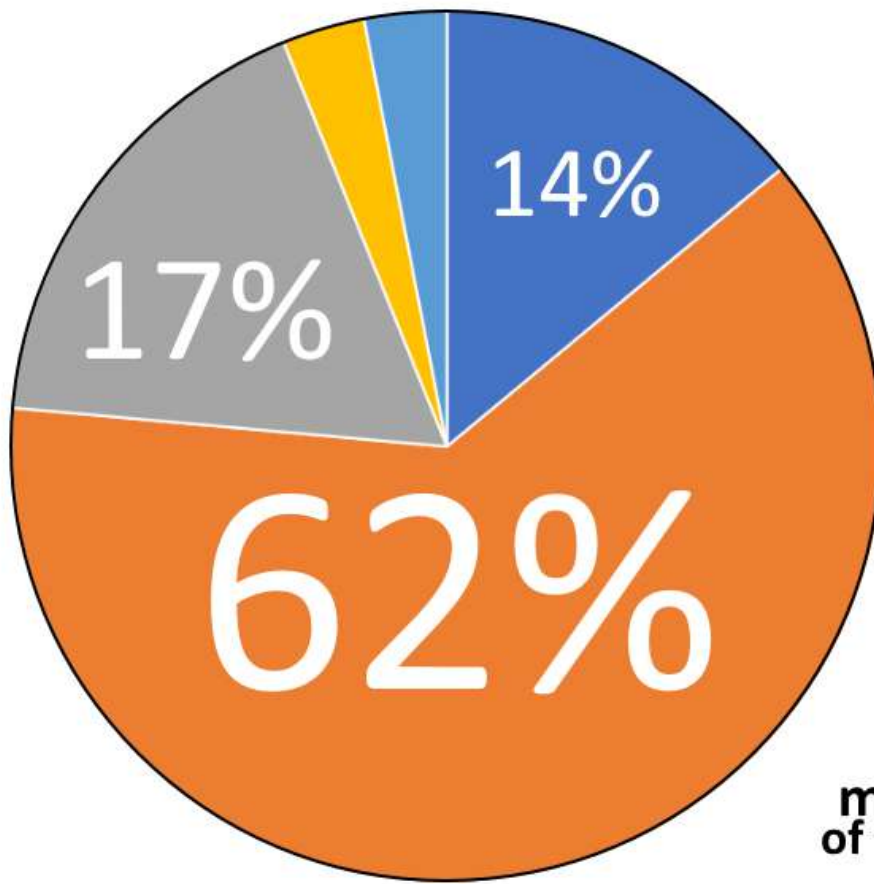
broadcasting@ournevadajudges.com

Alexander Falconi

admin@ournevadajudges.com

EXHIBIT 2

EXHIBIT 2



32 Events
143 Hearings
40 Perspectives
7 Interviews
7 Others
minutes of footage **8305.13**

A Report

on video coverage and public engagement with the judiciary.

Edition 0: Includes analytics from 2019, 2020.

Alexander M. Falconi, Administrator

Jump to page 2 for a glossary of terms.

Facebook analytics not included. We're working on this!

The State of Nevada vs. Michael Lee McDonald

Judges Presiding



ISRAEL, R.



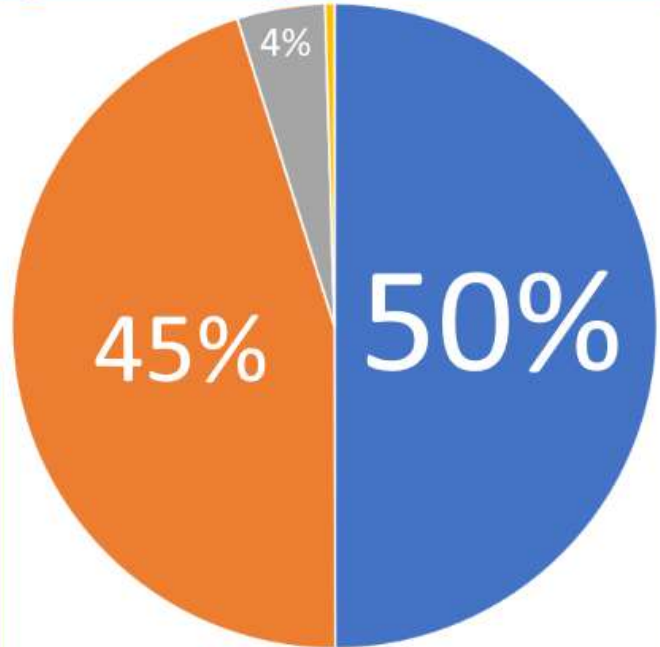
HARDCASTLE



SILVA, C.



BIXLER, J.



More Statistics

Videos34

Views.....510365

Avg. View Duration387 m

Avg. View Percentage 37.5%

4933 / 257

Comments.....7563

7,253,902 watch time minutes

Public Engagement



Deputy District Attorney

Karen
Mishler

27 mentions.

ADMIRED



Expert Witness

Marshal
Willick

5 mentions.

CREDIBLE



Deputy District Attorney

Brandon
Albright

12 mentions.

RELATABLE



Lay Witness

Candace
Ruiz

135 mentions.

INSPIRATIONAL

941 Likes



Chief Deputy District Attorney

Jay
Raman

11 mentions.



Lay Witness

Mark
DiCiero

13 mentions.

51 Likes

STOIC



Defense Attorney

Craig
Mueller

243 mentions.

DISLIKED



Lay Witness

Nancy
Hunterton

Watch-Time Minutes

The watch-time minutes a video has is a reflection of how long, in minutes, the viewers have spent watching the video.

Views

The views a video has is a reflection of how many times the video has been viewed. It is not a preferred metric as it does not take into account viewers who watch briefly and leave.

Average Watch-Time Percentage

The average watch-time percentage a video has is a reflection of what percentage of the video has been viewed, on average, by the viewers.

Average Watch-Time Duration

The average watch-time duration a video has is a reflection of how long, in minutes, viewers on average are watching the video.

Likes

The number likes a video has is a subjective opinion given by the viewers who have chosen to click and provide input. It is not necessarily a reflection of the public's approval of a judge or candidate.

Dislikes

The number of dislikes a video has is a subjective opinion given by the viewers who have chosen to click and provide input. It is not necessarily a reflection of the public's approval.

In the matter of Justice of the Peace Melanie Andress-Tobiasson

Judicial Discipline

Participants



Presiding Officer
Mason
Simons

Prosecuting Officer
Thomas
Bradley

Lay Witness
Justice of the Peace
Karen Bennett-
Haron

For Melanie Tobiasson
William "Bill"
Terry

Lay Witness
Justice of the Peace
Suzan
Baucum

For Amy Chelini
Tom
Pitaro

More Statistics

Videos9
Views10892
Avg. View **Duration**160 m
Avg. View **Percentage** 21.9%
203 👍 / 👎 4
Comments116

193,919 watch time minutes



"The costs and delays caused by unnecessary appeals are substantial."

-Prosecuting Officer Thomas Bradley

"In these cases where firm, after firm, after firm, after firm; comes in works, and withdraws, at what point does the court say this is the final line, and that the court will be looking at billings very closely..."

District Court Judge Linda Marquis-



In the matter of the Guardianship of Garrett Dosch

Participants



District Court Judge
Linda
Marquis

For the Guardian
Lorien
Cole

Guardian ad Litem
Elizabeth
Brickfield

For the Petitioners
Dara
Goldsmith

For the Protected Person
James "Jim"
Berchtold

For the Guardian
Lynn
Hughes

More Statistics

Videos8
Views141537
Avg. View **Duration**130 m
Avg. View **Percentage** 32.4%
210 👍 / 👎 8
Comments105

141,537 watch time minutes

		Name	Watch-Time Minutes	Views	Likes	Dislikes	Comments	Average View Duration
1	DIST RICT 8	Israel, Ronald J	3612869	247807	2446	115	3392	41%
2	DIST RICT 8	Silva, Cristina D	3295212	183607	1856	109	2398	32%
3		Willick, Marshal	799782	38311	398	16	507	28%
4	DIST RICT 8	Hardcastle, Kathy	318686	38870	279	13	594	59%
5	CARSON J. CT.	Thomas, Armstrong	191807	9847	178	4	112	19%
6	DIST RICT 4	Simon, Mason E	191807	9847	178	4	112	19%
7	VEGAS J. CT.	Chelini, Amy J	191807	9847	178	4	112	19%
8	VEGAS J. CT.	Andress-Tobiasson M	191807	9847	178	4	112	19%
9	DIST RICT 8	Marquis, Linda	171313	13241	274	10	156	30%
10	DIST RICT 8	Wiese, Jerry A	144522	22677	357	7	130	46%
11	SUPREME COURT	Gibbons, Mark	109024	10454	132	0	128	21%
12	SUPREME COURT	Stiglich, Lidia S	99647	9512	105	0	118	19%
13	SUPREME COURT	Hardesty, James	99647	9512	105	0	118	19%
14	DIST RICT 8	Miley, Stefany A	83248	5514	59	3	39	26%
15	VEGAS J. CT.	Bonaventure, Joe M	83248	5514	59	3	39	26%
16		Gale, Bruce L	83248	5514	59	3	39	26%
17	DIST RICT 2	Breslow, Barry L	81917	5789	137	9	54	12%
18		Hughes, Lynn N	79902	6261	148	8	80	16%
19	DIST RICT 8	Bare, Rob W	77890	9630	170	6	98	45%
20	DIST RICT 8	Hughes, Rena G	73297	8461	122	0	96	9%
21	SUPREME COURT	Cadish, Elissa F	73297	6787	76	0	76	19%
22	SUPREME COURT	Parraguirre, Ron	73297	6787	76	0	76	19%
23	SUPREME COURT	Pickering, Kris	73297	6787	76	0	76	19%
24	SUPREME COURT	Silver, Abbi	73297	6787	76	0	76	19%
25		Henry, Jennifer	57230	3019	43	4	76	19%
26	DIST RICT 2	Polaha, Jerome	57230	3019	43	4	19	14%
27	DIST RICT 10	Stockard, Thomas	57230	3019	43	4	19	14%
28	VEGAS J. CT.	Bennett-Haron K	43646	2882	68	4	61	40%
29	DIST RICT 8	Scotti, Richard F	42717	2778	74	4	51	29%
30	RENO J. CT.	Sullivan, Ryan K	42111	4201	86	4	50	42%
31	DIST RICT 8	Johnson, Eric	41073	3472	89	3	15	45%
32	DIST RICT 8	Bixler, James	34004	9334	92	6	174	56%
33	DIST RICT 8	Hardy, Joseph P	32285	5716	88	3	60	64%
34	SUPREME COURT	Herndon, Doug	32175	5162	76	3	50	47%

		Name	Watch-Time Minutes	Views	Likes	Dislikes	Comments	Average View Duration
35	DIST RICT 8	Bell, Linda M	29776	4763	64	2	41	43%
36	VEGAS J. CT.	Jansen, William	29776	4763	64	2	41	43%
37		Breeden, Adam	24627	1627	46	4	44	51%
38	VEGAS J. CT.	Baucum, Suzan	22628	928	21	0	17	21%
39	DIST RICT 8	Leavitt, Michelle	20996	7392	170	6	252	61%
40	VEGAS J. CT.	Zimmerman, Ann	17783	890	18	0	7	21%
41	DIST RICT 8	Earley, Kerry L	17207	999	23	4	18	33%
42	DIST RICT 2	Walker, Egan K	16479	1277	55	1	15	33%
43	DIST RICT 1	Wilson, James E	14768	964	36	0	19	10%
44	DIST RICT 6	Montero, Michael	13016	3002	66	1	28	42%
45	APPEALS COURT	Bulla, Bonnie A	12085	1495	42	3	19	26%
46	APPEALS COURT	Tao, Jerome T	9377	938	27	0	10	23%
47	DIST RICT 8	Crockett, James	8099	1259	24	1	5	32%
48	DIST RICT 1	Maddox, William	7882	1090	28	0	5	33%
49	DIST RICT 2	Freeman, Scott	5756	1008	29	0	19	45%
50		Torvinen, Mark	5741	401	21	0	6	47%
51	DIST RICT 8	Barker, David B	4788	1586	26	2	27	67%
52		McKellar, Mandy	4653	1482	34	2	9	12%
53	DIST RICT 8	Perry, Mary D	4212	926	24	1	6	8%
54	DIST RICT 8	Duckworth, Bryce	3989	1426	32	1	12	46%
55	DIST RICT 2	Robb, Bridget E	3939	491	10	0	0	12%
56	DIST RICT 2	Sattler, Elliot A	3939	491	10	0	0	12%
57	DIST RICT 2	Sigurdson, Kathleen	3939	491	10	0	0	12%
58		Bushur, Aaron	3939	491	10	0	0	12%
59		Shannon, Greg	3939	491	10	0	0	12%
60	DIST RICT 2	Dollinger, Paige	3939	491	10	0	0	12%
61	DIST RICT 8	Jones, David M	3290	533	18	0	4	56%
62		Ungaro, Laura	3290	533	18	0	4	56%
63		Stoffel, Jason P	6264	682	22	0	7	11%
64	DIST RICT 8	Krall, Nadia	3075	603	21	1	20	60%
65		Hunt, John A	2524	470	13	0	6	13%
66		Perez, Romeo R	2479	613	16	0	1	8%
67	DIST RICT 8	Kierny, Carli L	2399	399	12	1	9	4%
68		Ganz, Adam	2399	399	12	1	9	4%

EXHIBIT 3

EXHIBIT 3



Alexander Falconi <admin@ournevadajudges.com>

NOTICE of DEMAND for RETRACTION/ CORRECTION

3 messages

TMatthewPhillips <tmatthewphillips@aol.com>
Reply-To: TMatthewPhillips <tmatthewphillips@aol.com>
To: "admin@ournevadajudges.com" <admin@ournevadajudges.com>

Fri, Mar 19, 2021 at 3:11 PM

NOTICE of DEMAND for RETRACTION/ CORRECTION (March 19, 2021)

To: Our Nevada Judges, Alexander Falconi, (aka "Matthew Butcher")

This letter demands retraction and/ or correction of your ONJ video: "T. Matthew Phillips v. Mark DiCiero" – which you published on YouTube today, March 19, 2021.

Point of clarification, the proper case title is: T. Matthew Phillips vs. Abrams, et.al.

FIRST

In your video, (at 1:50), you state that Plaintiff's lawsuit alleges multiple acts of defamation, citing public posts on Nevada Court Watchers: "*that criticize him for threatening to shoot-up his son's school ...*"

My good man, I do believe you meant to say: "... that criticize him for ALLEGEDLY threatening to shoot-up a school."

And, by the way, Plaintiff is not suing for "criticisms." Rather, Plaintiff sues for "falsehoods." Know the difference.

But, in any case, without the adverb ALLEGEDLY, your statement is false and defamatory per se.

If you pay attention to major networks, they are careful to report, for example, that: "Bill Cosby was arrested for ALLEGEDLY committing rape." Networks never report: "Bill Cosby was arrested for committing rape" – because it exposes them to liability for defamation and false light. And that's why they always, always, always, include the adverb, ALLEGEDLY. (Get it?)

Your inclusion of the adverb ALLEGEDLY makes all the difference in the world and, frankly, saves you from certain defeat in a defamation lawsuit.

SECOND

In your video, (at 3:00), you state that: "Vincent Ochoa ... made findings that Mr. Phillips' threats to shoot up a school were what triggered a campus lockdown." No! Ochoa never made any such findings! Your words are false and defamatory per se. (And Fair Report Privilege is here no defense because your statement is inaccurate.)

What triggered the campus lockdown? If you carefully read the decision, Ochoa writes: "The school 'campus initiated a lockdown to ensure safety for students and staff.'" Okay. All we know is that the lockdown was done for safety reasons.

Ochoa's decision continues: "This [lockdown] was taken in response to an allegation that [Phillips] may 'shoot-up' the school." Note: re-read Ochoa's words, which contain no language indicating that Phillips threatened anybody with anything.

Okay, so, what made the school believe that Phillips "MAY" shoot-up the school? Get this—according to the school's lawyer: "With the anniversary of October 1st looming, we had (and continue to have) reasonable, credible fears of Mr. Phillips." [First Amended Complaint, page. 26, line 25] But you omitted this passage this from your video! Read the lawsuit!!

Remarkably, the school feared Plaintiff because, (get this), October 1st would mark the one-year anniversary of the Mandalay Bay conspiracy.

The fact remains: there is no evidence that Phillips ever threatened anybody AND nobody alleges that Phillips threatened anybody.

THE POLICE REPORT

Most significantly, the police report, (FAC, Exhibit No. "1"), clearly proves Plaintiff's claims!

Exhibit No. "1" is the centerpiece of Plaintiff's case. Exhibit No. "1" totally proves that DiCiero and Schoen are liars. And yet, curiously, your video presentation conspicuously omits this public record (from LVMPD).

It would appear that, by omitting the police report, YOU are holding Phillips in a false light.

So, why does your ONJ video omit reference to the police report? Whatever happened to the "whole" truth and nothin' but? Tell me more about your "reckless disregard for the truth!" [See N.Y. Times vs. Sullivan (1964)]

Here, because you intentionally omit the police report, you hold Plaintiff in a false light. You expose yourself to a civil suit.

My good man, I must presume that you inadvertently forget to mention the police report. A reasonable reporter would have mentioned that LVMPD issued a written report that concludes: NEGATIVE THREATS MADE TO THE SCHOOL. Read the police report—which is attached to the FAC.

SPECIFIC DEMANDS

First, you must re-do your video to include the adverb, "ALLEGEDLY" (at 1:30).

Second, you must reference the police report in your video—in the same manner that you reference all the other public documents in your video.

Be advised, you and ONJ now accrue liability. You are wise to contact an experienced First Amendment attorney (this, of course, excludes Mel Grimes).

You know TMP's track record—I will not hesitate to sue you and ONJ.

Note: your good faith retraction will *not* be viewed as an admission of wrongdoing; (public policy rewards mitigation). You may rely on this writing.

Based on my experience, if you were to immediately make the above listed corrections, and I were to stubbornly file suit on Monday (even after retraction), you would likely prevail on a 12(b)(5) motion because you quickly satisfied the retraction demands.

And, as a practical matter, if you make the above listed corrections today, I would likely be disinclined to sue (even though I contend you now stand liable).

On the other hand, if I wake up tomorrow, and the video remains unchanged, then you will deffo be appearing in your own video broadcast as a named Defendant.

This is your opportunity to mitigate. This is your opportunity to "do the right thing."

Don't say I didn't warn ya. ~~TMP.

T. Matthew Phillips
Attorney-at-Law
323-314-6996

Alexander Falconi <admin@ournevadajudges.com>

Fri, Mar 19, 2021 at 3:54 PM

To: TMatthewPhillips <tmatthewphillips@aol.com>

Cc: JVAGroup@tamlf.com, Marc.Cwik@lewisbrisbois.com, Adam.Pernsteiner@lewisbrisbois.com, Mark DiCiero <mark.diciero@gmail.com>, David Schoen <schoeniv@mac.com>, Melvin Grimes <melg@grimes-law.com>, jgarin@lipsonneilson.com

Mr. Phillips: by default I treat ordinary communication as confidential source information but because this is in response to a legal instrument and involves our coverage policy I've included parties and attorneys involved in the case.

I understand the intent of your demand for retraction.

Sometimes the purpose of the Event video is misunderstood and it usually comes from the perspective that Event videos are themselves a report of the news. We don't actually do original reporting to summarize your case; what we do instead is publish comprehensively the proceedings that are to come. If you review other Event videos and other hearing videos, you'll see that Event videos discuss very briefly the background of the case and the hearings themselves are the actual "news". You'll be able to go into the details of your case yourself at the actual hearings that arise. This includes your ability to discuss the police report and the court orders that you disagree with. I realize that litigants sometimes prefer Event videos discuss every detail of their case but this stretches the video beyond its intended purpose and forgets that ultimately, the litigants themselves present the case. I urge you to take this opportunity to address the details you want addressed, yourself, through the legal process. Rest assured the entire hearing video(s) will be published.

I understand you may be frustrated with the claims being made against you by Defendants, but it is the role of the court to ultimately decide what is true and make a ruling on the facts and the law. Sometimes litigants have an urge to pull us into the conflict and have us display their details, counter-arguments, etc., but this also frustrates the purpose of our comprehensive coverage policy.

As to the caption of the case, I used the name DiCiero because that Defendant seemed most involved. I've used Abrams before (i.e. Abrams v Sanson) and also Schoen (i.e. Breeden v Schoen). I have to control the limit of characters that are used in certain places and it impacts details like this, so in some areas the title will have only DiCiero, but in descriptions and video tags all parties are named.

If you'd like to send an updated photo for use in production please send one.

[Quoted text hidden]

--

Alexander Falconi

Administrator

| *Scrutiny, Competence, Truth.*

<https://www.ournevadajudges.com>



TMatthewPhillips <tmatthewphillips@aol.com>

Fri, Mar 19, 2021 at 6:59 PM

Reply-To: TMatthewPhillips <tmatthewphillips@aol.com>

To: "admin@ournevadajudges.com" <admin@ournevadajudges.com>

Cc: "JVAGroup@tamlf.com" <JVAGroup@tamlf.com>, "Marc.Cwik@lewisbrisbois.com" <Marc.Cwik@lewisbrisbois.com>, "Adam.Pernsteiner@lewisbrisbois.com" <Adam.Pernsteiner@lewisbrisbois.com>, "mark.diciero@gmail.com" <mark.diciero@gmail.com>, "schoeniv@mac.com" <schoeniv@mac.com>, "melg@grimes-law.com" <melg@grimes-law.com>, "jgarin@lipsonneilson.com" <jgarin@lipsonneilson.com>

MY RESPONSE IS UNDERLINED BELOW:

Mr. Phillips: by default I treat ordinary communication as confidential source information but because this is in response to a legal instrument and involves our coverage policy [coverage policy? You have defamation insurance?] I've included parties and attorneys involved in the case [because you are all on the same team...].

I understand the intent of your demand for retraction. [I don't think you do. The intent is to get you to correct your falsehoods, but you refuse.]

Sometimes the purpose of the Event video is misunderstood and it usually comes from the perspective that Event videos are themselves a report of the news. [But your video *IS* a report of the news! Regardless of what you call it, you make public statements concerning litigation and your statements are actionable!] We don't actually do original reporting to summarize your case [okay, your statement shows insanity! Deny it all you want—your video contains original reporting!]; what we do instead is publish comprehensively the proceedings [along with your personal narratives!] that are to come.

If you review other Event videos and other hearing videos, you'll see that Event videos discuss very briefly the background of the case [hey, when you discuss the “background of the case,” your statements, if false, are subject to defamation lawsuits] and the hearings themselves are the actual "news" [It's all news!] You'll be able to go into the details of your case yourself at the actual hearings that arise, [yeah, and you'll be able to go into the details of your case when I sue you, pal! Can't wait to see you assert the Non-Original Reporting Defense ... whatever that is].

This includes your ability to discuss the police report and the court orders that you disagree with. I realize that litigants sometimes prefer Event videos discuss every detail of their case [every detail? Just one adverb, and just the police report—which you omit because it exonerates me and shows the liability of your buddies!] but this stretches the video beyond its intended purpose and forgets that ultimately, the litigants themselves present the case. I urge you to take this opportunity to address the details you want addressed, yourself, through the legal process [Yes, I will go through the legal process—when I sue Alexander M. Falconi for defamation and false light!]. Rest assured the entire hearing video(s) will be published. [Rest assured, you will be sued for defamation and false light!]

I understand you may be frustrated with the claims being made against you by Defendants, [what claims? Defendants have filed NO claims or counter claims against me; instead of “claims” you meant to say false allegations], but it is the role of the court to ultimately decide what is true and make a ruling on the facts and the law. Sometimes litigants have an urge to pull us into the conflict [I'm sure they do because you're a liar!] and have us display their details, counter-arguments, etc., but this also frustrates the purpose of our comprehensive coverage policy [Srsly? Comprehensive? Hey, if you coverage was “comprehensive,” you would include the police report...]

////

Your video proves only that you are part of Abrams defamation machine. YOU are the problem. All you had to do is: (1) add the word ALLEGEDLY, and (2) mention the existence of the police report. But you'd rather portray me in a false light. You want me to sue you! Well, sweetheart, guess what? Your wish has come true!

T. Matthew Phillips
Attorney-at-Law
323-314-6996

[Quoted text hidden]

EXHIBIT 4

EXHIBIT 4

Uniform Internal Operating Procedures and Policy

I. Judicial Scrutiny Organizations

A. Director

1. Alexander Falconi.

B. Administrators

1. Our Nevada Judges; Administrator Alexander Falconi.
2. Our Arizona Judges; Administrator Amy McCormick.
3. Our Oregon Judges; Administrator Sarah Bruce.
4. Our Indiana Judges; Administrator James Hlavaty.
5. Our Massachusetts Judges; Administrator Darlene Orvieto.
6. Our New Hampshire Judges; Administrator Joseph Paquet.
7. Our Washington Judges; acting Administrator Sarah Bruce.
8. Our Idaho Judges; Administrator Sabrina Gear.
9. Our Texas Judges; Administrator Dewayne Ward.
10. Our Tennessee Judges; acting Administrator Sabrina Gear.
11. Our Maryland Judges; Administrator Dean Crossman.
12. Our Oklahoma Judges; Administrator Bob Hagan.
13. Our Virginia Judges; Administrator Megan Wright.
14. Our Georgia Judges; vacant.
15. Our California Judges; vacant.
16. Our Alaska Judges; Administrator Donna Dutchess.
17. Our Florida Judges; vacant.

C. Mission

To educate the public on the legal system and provide an effective means of evaluating the judiciary.

II. Profiles

1. All judges shall have a judicial and candidate profile, including:
 - a) Justices; and,
 - b) Court of Appeals Judges; and,
 - c) District Judges; and,
 - d) Justices of the Peace; and,
 - e) Municipal Court Judges.
2. All candidates shall have a candidate profile.

III. Misconduct

1. The following types of misconduct shall be monitored:
 - a) Judicial discipline.
 - b) Attorney discipline.
 - c) Criminal convictions.

A. Generally

1. A judge or candidate convicted of a crime; or, a judge subjected to discipline by a disciplinary body, shall be flagged.
2. If a judge or candidate is convicted of a felony, a red flag will appear in areas referencing the judge or candidate and a red alert bar will appear on the judge or candidate's profile page.
3. If a judge or candidate is convicted of a gross misdemeanor or lesser offense, a yellow flag will appear in areas referencing the judge or candidate and a yellow status bar will appear on the judge or candidate's profile page.
4. If a judge or candidate is removed from the bench or suspended by a disciplinary body, a red flag will appear in areas referencing the judge or candidate and a red alert bar will appear on the judge or candidate's profile page.
5. If a judge or candidate is reprimanded, fined, or subjected to any other lesser form of discipline from a disciplinary body, a yellow flag will appear in areas referencing the judge or candidate and a yellow status bar will appear on the judge or candidate's profile page.
6. If a judge or candidate has been convicted of a crime or subjected to imposition of discipline from a disciplinary body and the decision is pending appeal, an info badge will appear within the bar on the judge or candidate's profile indicating same.
7. A judge currently active but retiring will be flagged as retiring with a date-by that appears on hover.
8. A judge currently active but ousted in an election will be flagged as ousted with a date-by that appears on hover.

B. Social Media Cards

1. A card showcasing misconduct shall contain an image of the judge or judicial candidate.
2. A post shall mention the authority and statutes, Rules of Professional Conduct, or Judicial Canons violated.
3. A post shall link to the profile of one of the mentioned judges or judicial candidates.
4. A card mentioning a Family Division judge contain a colored badge indicating as such.
5. The following criteria are considered in determining whether to showcase misconduct:
 - a) How interesting the particular issues covered may be to the public.

C. Challenges

1. Any person can challenge an Administrator's flagging of a candidate or judge.
2. All challenges shall be considered by the Administrator in a timely manner.

IV. Cases

1. All judicial profiles shall have a cases tab which emphasizes tracking their cases as well as their error rate on appeal.

A. Generally

1. Each appellate disposition is broken down into one of three types: correct (+1), erroneous (-1), or omitted (+0).
2. Each case is weighted a number of points equal to the vote of the participating appellate judges. *[Feature Delayed]*
 - a) **EXAMPLE** A unanimous decision by panel of 3 judges will weigh 3 points.
 - b) **EXAMPLE** A unanimous decision by full bench (i.e. *en banc*) of 7 judges will weigh 7 points.
 - c) **EXAMPLE** A decision with dissenters will result in varying weights, depending on the number of dissenters and their intended vote.
3. A judge's error rate is computed as follows: $\text{result} = \text{erroneous} / (\text{erroneous} + \text{correct})$.
 - a) **EXAMPLE** A judge has 21 correct, 4 erroneous, and 6 omitted. $4 / (21 + 4) = 0.16$, for an error rate of 16.00%.

B. Determination on the disposition of direct appeals is as follows:

1. If the trial court's decision is affirmed, apply +1 per vote.
2. If the appeal is dismissed, apply +0 per vote.
3. If the appeal is statistically closed, apply +0 per vote.
4. If the appeal is overturned on confession of error, apply +0 per vote.
5. If the trial court's decision is reversed, apply -1 per vote.
6. If the trial court's decision is vacated, appeal -1 per vote.
7. If the trial court's decision is remanded:
 - a) with instructions that mandate a correction that has no impact on the appellant's rights, apply +1 per vote.
 - b) without instructions, or with instructions that mandate a correction that substantially impacts the appellant's rights, apply -1 per vote.

C. Determination on the disposition of writ petitions is as follows:

1. If the writ petition is denied on the merits, apply +1 per vote.
2. If consideration of the writ petition is declined, apply +0 per vote.
3. If the writ petition is granted, apply -1 per vote.

D. No determination on certain dispositions:

1. If disposition is on attorney discipline, record under not applicable.
2. If disposition is on judicial discipline, record under not applicable.
3. If disposition is on attorney retirement, record under not applicable.
4. If disposition is on certification of question by a federal court, record under not applicable.

E. Determination on multi-part dispositions is applied in order of importance as follows:

1. If the appellant or petitioner is vindicated in part, apply -1 per vote.
 - a) **EXAMPLE** A direct appeal is reversed in part and affirmed in part.
 - b) **EXAMPLE** A direct appeal is reversed in part and dismissed in part.
 - c) **EXAMPLE** A writ petition is granted in part and denied in part.
2. If the trial court is vindicated in part, apply +1 per vote.
 - a) **EXAMPLE** A direct appeal is affirmed in part and dismissed in part.

F. Determination on consolidated cases requires analyzing the disposition of each case:

1. If a multi-part disposition is entered on consolidated cases, the Administrator shall determine whether or not a part of the disposition wholly applies to a subset of the consolidated cases.
 - a) **EXAMPLE** Case 1 and Case 2 are consolidated and affirmed in part and reversed in part. Case 1 was a judgment on jury verdict and affirmed, but Case 2 was a post-judgment attorney fee award and reversed. Each case would be input into the system separately, with a +1 per vote applied to Case 1 and a -1 per vote applied to Case 2.
 - b) **EXAMPLE** Case 1 is a writ petition and Case 2 a direct appeal. The writ petition was declined (no consideration on the merits) and the appeal was reversed in part and affirmed in part. Each case would be put into the system separately, with a +0 per vote applied to Case 1 and a -1 per vote applied to Case 2.

G. Statistical Analysis

1. A pie chart; for the aggregate of correct vs. erroneous dispositions.
2. A bar graph; for the total number of dispositions, broken down by each year.
3. A line graph; for the judge's error rate over time, broken down by year.
4. All statistics will be compiled into cards and indexed both generally and referenced in judicial profiles.

H. Social Media Cards

1. Expect as provided in subsection 2, a card showcasing an appellate dispositions shall contain an image of the judge, sum of correct dispositions, sum of erroneous dispositions, sum of total cases, case number, current error rate, and a pie chart visualizing the error rate.
2. A card showcasing a judge with less than 30 dispositions, excluding those that do not impact error rate computations, shall not contain any reference to the judge's error rate.
3. A card mentioning a Family Division judge contain a colored badge indicating as such.
4. A post describing a case shall link to the case list on the judges profile.
5. The following criteria are considered in determining whether to showcase a disposition:

- a) How interesting the particular issues covered may be to the public.
- b) Whether the decision was unanimous.
- c) Whether previous cards already covered similar or identical issues.
- d) Whether previous cards already covered the same judge.
- e) The interest the public has in the judge.

I. Recommendations for Orders

6. A master, commissioner, or other officer acting in a judicial capacity that can only enter recommendations for orders will not be considered as a judge for the purposes of this section.
7. A litigant's objection to a master's recommendation is ultimately reviewed by a presiding judge. An appellate disposition on any such order will be applied to the judge who ruled on the objection, not the judicial officer that entered the recommendation for order.

J. Senior Judges

1. A senior judge is considered a judge for the purposes of this section.

K. Judges *Pro Tempore*

1. A judge *pro tempore* is considered a judge for the purposes of this section if, and only if, one of his or her decisions has been challenged on appeal or by writ review.

L. Updated Dispositions

1. Appellate dispositions altered on rehearing will be updated.
2. Appellate dispositions altered on *en banc* reconsideration will be updated.
3. Appellate dispositions altered on review will be updated.

M. Challenges

1. Any person can challenge an Administrator's rating applied on consolidated case determinations.
2. Any person can challenge an Administrator's rating applied on a writ petition that was denied (typically, the challenge has to do whether it was denied on the merits or not.)
3. Any person can challenge an Administrator's assignment of error to a particular judge.
4. All challenges shall be considered by the Administrator in a timely manner.

V. Articles

1. All candidates and judges shall have an articles tab.

A. Generally

1. An article in which the author characterizes the judge or candidate in a positive manner is highlighted in green.
2. An article in which the author characterizes the judge or candidate in a negative manner is highlighted in red.
3. An article in which the author conveys information in neutral manner is not highlighted.
4. An Administrator's subjective opinion as to how an article reflects on a judge or candidate shall have no impact on how it is highlighted.
5. An article's headline will be preserved when added, to the extent possible, and will omit references to the site's State as visitors can draw the inference.
 - a) **EXAMPLE** *Governor Appoints Deputy District Attorney To Nevada Court Bench* is inputted as *Governor Appoints Deputy District Attorney To Court Bench*.
6. An article's headline subjective to the judge or candidate's profile shall include reference to the judge's last name; references to other judges or candidates will be preceded by title. The Administrator shall alter the headline to accurately show the context in which the judge or candidate is referenced.
 - a) **EXAMPLE** *Governor Appoints Smith To Vacancy Created By Judge Sandor's Retirement*.

B. Submissions

1. Any person can propose submission of an article to a judge or candidate's profile.
2. Any proposed article from an existing publisher shall be added.
3. An Administrator shall consider whether or not proposed articles from a new publisher are credible before adding the publisher and corresponding article.

C. Challenges

1. Any person can challenge the headline an Administrator used to characterize a judge or candidate.
2. Any person can challenge an Administrator's choice in highlighting or not highlighting a judge or candidate's article.
3. Any person can challenge the credibility of a publisher.
4. All challenges shall be considered by the Administrator in a timely manner.

D. Social Media Cards

6. A card showcasing an article shall contain an image of the person quoted.
7. A post shall, whenever possible, mention the reporter and publisher.
8. A post shall emphasize the named judge or judges or judicial candidate or candidates in the article.
9. A post shall describe the article keeping the role or perspective in mind of the named judge or judges or judicial candidate or candidates.
10. Whenever possible, a post shall link to the profile of one of the mentioned judges or judicial candidates.
11. A quote card mentioning a Family Division judge contain a colored badge indicating as such.

12. The following criteria are considered in determining whether to showcase an article:

- b) How interesting the particular issues covered may be to the public.
- c) Whether previous cards already covered similar or identical issues.
- d) Whether previous cards already covered the same judge.
- e) The interest the public has in the judge.

E. Credibility

1. *This entire section is deferred until a threshold of 250 registered users is achieved.*
2. All users may indicate which publishers' articles they want to show or hide.
3. If more than 50% of registered users choose to hide the articles of a publisher, that publisher's articles will be hidden from unregistered users.

VI. Endorsements

1. All candidates shall have an endorsements tab which lists the endorsements they receive in an election.

A. Generally

1. All endorsements shall be added to a candidate's profile.
2. All submitted endorsements must include verification in writing.
3. All endorsements shall have an effective and expiration date, which determines when the endorsement appears on the profile.
4. All endorsements provided without effective and expiration dates, shall be deemed effective immediately, and to expire by end of current or next election.

B. Submissions

1. Any person can provide a submission of an existing endorsement to the Administrator.

C. Challenges

1. Any person can challenge an endorsement listed on a candidate's profile.
2. All challenges shall be considered by the Administrator in a timely manner.

D. Endorsement by Judicial Scrutiny Organization Prohibited

1. Judicial Scrutiny organizations shall not endorse any candidates in elections.
2. Judicial Scrutiny organizations shall not provide referrals to the Commission on Judicial Selection.
3. Judicial Scrutiny organizations shall not provide letters for recommendations to the Commission on Judicial Selection.

E. Social Media Cards

1. A card showcasing endorsements shall contain 1 image and 4 mini-images of the group of candidates endorsed.

2. A post shall mention the endorser and as many of the endorsees as possible. In determining the candidates to name, the following criteria shall be considered:
 - a) Whether the candidate has a formal name (i.e. Mark Smith) that can be tagged.
 - b) Whether the candidate has a campaign page (i.e. Mark Smith for Department B of Clark County) that can be tagged in the photo.
 - c) How interesting the particular endorsing organization may be to the public.
 - d) Whether previous cards already covered the same candidates.

F. Clout

1. *This entire section is deferred until a threshold of 500 registered users is achieved.*
2. All users may indicate which organizations' endorsements they want to show or hide.
3. If more than 35% of registered users choose to hide the endorsements of an organization, their endorsements will be hidden from unregistered users.

VII. Achievements

1. All candidates shall have an achievements tab which lists scholarly articles they have published, awards, degrees conferred, etc.

A. Generally

1. All submitted achievements shall be added to a candidate's profile.
2. All submitted achievements can reflect information included in the candidate's description. Descriptions provided by candidates that include information contemplating awards, degrees, etc., that does not have a corresponding achievement will be stricken.

B. Submissions

1. Any person can provide an achievement to the Administrator.
2. Candidates may provide verification of achievements and request confidentiality; upon request, the Administrator will verify the achievement and post the achievement without linking to document. *Deferred until further interest.*

C. Challenges

1. Any person can challenge an achievement listed on a candidate's profile.
2. All challenges shall be considered by the Administrator in a timely manner.

VIII. Real Names Policy

1. A judge or candidates full legal name shall be used.
2. A judge's middle initial shall be used if the full middle name is not known.
3. A judge's nickname or preferred name may only be added to the display name.
4. The first mention of a judge or judges in posts and cards shall include their formal position.

5. If a judge or candidate has given a preferred name, that name shall be used in social media posts.

A. Aliases

1. A judicial or candidate profile may include a list of aliases consisting of:
 - a) a name; and,
 - b) a type (e.g. ‘also known as’, ‘formerly known as’).
2. An Administrator shall exercise their discretion in determining a judge or candidate’s preferred name for the purposes of referencing the individual on social media.
3. A judge or candidate may indicate a preference as to which alias is to be used in social media.

IX. Social Media Generally

1. Administrators shall maintain a Facebook page.
2. Administrators shall maintain a Twitter profile.
3. Sealed filings, hearing videos, and other information shall not be displayed.
4. Filings and hearing videos in domestic relations matters shall not be displayed unless available to the public.
5. Posts shall be prioritized as follows:
 - a) Courtroom coverage.
 - b) Perspectives interviews.
 - c) Appellate dispositions.
 - d) Misconduct.
 - e) Articles.
 - f) Endorsements.
6. Posts impugning a judge or candidate that is later vindicated must be followed up with a post vindicating the judge or candidate.
 - g) **EXAMPLE** A judge is convicted of a crime, later appeals, and the conviction is reversed.
 - h) **EXAMPLE** A judge is subjected to discipline by a disciplinary body, appeals, and the imposition of discipline is later reversed.
 - i) **EXAMPLE** An article attacks a judge or candidate, and the article is later retracted.

X. Broadcasting and Production

A. Generally

1. Administrators shall comply with court rules before broadcasting or recording in-courtroom; typically, a “media request” must be filed and approved by a judicial department.
2. Cameras shall not zoom in on jurors faces.
3. Upon request of court marshals, faces may be blurred out.
4. Coverage shall provide information to the public, and not denigrate or devalue the participants, nor make light or fun of the seriousness of the issues before the court.

5. Witnesses that are not public figures shall not be subjected to video recording unless permission has been given.
6. Witnesses that are public figures shall be subjected to video and audio recording unless it has been prohibited by the court.
7. If broadcasting live, audio shall be muted when the court is in recess, and the broadcast should ensure overlays run over the video feed.
8. If recording only, cameras should be turned off when the court is in recess.
9. Coverage of a case means coverage of the entire case; every effort should be taken to cover every subsequent hearing in a case, including post-judgment proceedings.
10. Recordings shall be published in their entirety, with the exception of long gaps or pauses.
11. In determining which cases to cover, the following criteria shall be considered:
 - a) The interest of the public in the particular persons or issues involved.
 - b) The educational potential of the particular issues involved.
 - c) Whether the same issues have been covered in previous cases.
 - d) Whether the same judge has been covered in previous cases.
 - e) The resources available.
 - f) The resources potentially expended by providing coverage of the case.
 - g) Whether the case has sponsorship.

B. Domestic Relations Matters

1. Child custody matters, divorce actions, paternity actions, guardianship proceedings, should be restricted to educational and limited informational purposes.
2. Cameras may provide visual direct¹ and focused coverage of judicial officers and attorneys only.
3. Inadvertent¹ visual coverage of parties or children must be blurred out.
4. Sensitive information, both visual and audio, must be redacted. Sensitive information includes specific financial details, specific locations of employment and residence, specific contact information, dates of birth, social security numbers, medical and disability information, and the names of children.
5. Upon request, attorneys or parents involved in a case may make specific requests for redaction.
6. Upon request, attorneys or parents involved in a case may request an already published video have portions redacted.
7. Administrators must comply with any order of the court to blur or otherwise redact any information even if that information has already been published.

XI. Confidentiality of Sources

¹ Cameras should not be directed or focused on court staff, though consistent with Supreme Court Rule 238(2) they may occasionally pass over court staff to bring into focus a coverable participant.

1. Administrators shall presume communications and documentation provided by sources is confidential, unless the source expressly unequivocally in writing that they may be cited.
2. Any requests for information that would expose a confidential source must be redacted.
3. Any non-legal requests for a source's identity must be refused.
4. Any legal request demanding identification of a source must be resisted using any and all legal means, including but not limited to:
 - a) Notifying the source of the filing of a legal instrument to allow them an opportunity to object or collaterally attack it.
 - b) Filing legal objections resisting disclosure.
 - c) Filing appeals seeking review of a court order to disclose a source where allowed by law.
 - d) Filing a writ petition seeking review of a court order to disclose where no adequate legal remedy exists.
5. Administrators shall refrain from disclosing a source to any other person, including other Administrators and the Director.
6. An administrator publishing content supported by a confidential source shall verify redactions are relevant and certify them prior to redaction.

XII. Communicating with Judges and Candidates

1. A judge who has retired and is not serving in any judicial capacity (e.g. senior judge) is not considered a judge for the purposes of this section.
2. An Administrator shall not communicate to a judge about cases they have presided over. This includes closed cases, as they may later be subjected to post-judgment or appellate proceedings.
3. An Administrator shall not contact a judge unless necessary.
4. An Administrator should keep in mind that establishing relationships with too many judges in their judicial district could create complications if the Administrator is subjected to proceedings in the courts of that district.
5. An Administrator shall not communicate with a judge who is currently presiding over any cases in which they were a party.
6. During elections, an Administrator may reach out to judges or candidates offering to accept submissions, but if the Administrator receives no response, no further communications should be extended to that judge or candidate.
7. A judge or candidate's communications to the administrator shall not be posted publicly or disclosed to any other persons without the judge's permission.
8. A judge or candidate may designate a political operative to communicate on their behalf during elections.

XIII. Elections

A. Generally

1. Candidate information on all elections held throughout the history of the Administrator's State shall be archived.
2. Elections shall consist of an array of Terms.
3. Terms shall consist of an array of Party-Primary Terms; which for many States includes a Non-Partisan and General election.
4. Party Terms shall consist of an array of Candidates.
5. Candidate data will include number of votes, result percentage, and whether the candidate is an incumbent or political appointee. A candidate holding a Term by election shall be considered an incumbent upon running for re-election; a candidate holding a Term by appointment shall be considered a political-appointee upon running to retain.
6. Candidate profiles shall contain a history of elections the candidate participated in.
7. Judicial profiles shall contain a history of terms they held, including terms awarded by appointment.

B. Interaction with Campaigns by Judicial Scrutiny Organization

1. Subject to the restrictions imposed by section E(D)(1), an endorsed candidate is entitled to a \$99 campaign contribution.
2. An Administrator appearing at a campaign event may contribute what is estimated to cover any expense incurred (e.g. food and drink) or \$99, whichever is lesser.
3. An Administrator shall not appear at campaign events requiring a contribution, even if expressly invited.
4. An Administrator may take photos with candidates at appearances.
5. An Administrator may provide in-kind contributions to a campaign in the form of a discount to direct ad placement or broadcast sponsorship not to exceed \$99 if the candidate has taken actions to improve the public's understanding of the judiciary.

XIV. Ads

1. An ad in image format may be published to the website.
2. An ad schedule shall be published and maintained by the Administrator. The schedule shall contain the prices available for direct ad placement to the website.
3. An ad catalog shall be published and maintained by the Administrator. The catalog shall contain visual reference with specific locations as to where an ad will place on a page.
4. Ads purchased for direct placement will appear in the designated location at all times throughout the purchased term.
5. Ad spots will not be added to a page if the page contains any direct ads that are in active term.
6. Ad spots will not be removed or reduced in size if the page contains any ads that are in active term.
7. Ads by a candidate deployed to judicial or candidate profiles will appear on all judicial and candidate profiles except the profile specific to that candidate's opponent.
[In development]

8. A video ad of no more than 60 seconds in duration may be provided to be run during live broadcast.
9. Ad prices for video ads shall be set at the discretion of the Administrator and based on the public engagement and interest in the particular proceeding.
10. Ad spots without a direct placement will fallback to display an ad from the Google AdSense program.

XV. Community

1. All registered users shall have a profile.
2. All registered users may participate in community forums. *Deferred until a threshold of 3000 registers users is achieved.*
3. All registered users may participate in community chat. *Deferred until a threshold of 15000 registered users is achieved.*
4. All registered users may link a voter profile.
5. All registered users licensed as an attorney may link an attorney profile.
6. All registered users presiding over a judicial department may link a judicial profile.

A. User Profiles

1. All users must provide:
 - a) A username; and,
 - b) An email address; and,
 - c) A security question; and,
 - d) A security answer; and,
 - e) A password.
2. All users may vote on the clout of an endorsement organization. *Deferred until 500 registered users is achieved.*
3. All users may vote on the credibility of a publisher. *Deferred until 250 registered users is achieved.*

B. Voter Profiles

1. *Deferred: This entire section is deferred until a threshold of 1000 registered users is achieved.*
2. All voters must provide:
 - a) An assembly district number; and,
 - b) A senate district number; and,
 - c) A county of residence; and,
 - d) A city of residence.
3. All voters may build a ballot and print it out in pdf format. *Deferred until a threshold of 2000 registered users is achieved.*
4. All voters may provide real names and addresses to use a tool to determine their assembly and senate district, but the information shall not be recorded in any databases.

C. Attorney Profiles

1. *Deferred: This entire section is deferred until a threshold of 4000 registered users is achieved.*
2. All attorneys must provide:
 - a) A list of jurisdictions they are licensed in; and,
 - b) A corresponding list of bar numbers.
3. All attorneys may participate in attorney-restricted forums and chat.
4. All attorney profiles will be subject to verification.

D. Judicial Profiles

1. *Deferred: This entire section is deferred until a threshold of 10,000 registered users is achieved.*
2. All judges must provide:
 - a) A judicial district; and,
 - b) A judicial department.
3. All judges may participate in judge-restricted forums and chat.
4. All judges will have limited control over their judicial profiles.
5. All judicial profiles will be subject to verification.

September 12, 2020.



Alexander M. Falconi

EXHIBIT 5

EXHIBIT 5



July 21, 2020

**Our Nevada Judges
White Paper
Draft 1.6**

What We Do *“and ... what’s the point?”*

Our Nevada Judges (ONvJ) conducts statistical analysis on all judicial districts and their corresponding judicial departments within the State of Nevada. ONvJ also provides electronic coverage of judicial proceedings with an informational and educational approach, providing comprehensive coverage of entire proceedings until their conclusion.

As interest in ONvJ grows, many are beginning to ask themselves (and staff) what the objective of the organization is. Initially, depending on the purpose, it is assumed to be about an angry litigant, a judge, a lawyer, a court case, a city, a courthouse, an election year; diving deep leads some to the realization that it is more than any of that. But at the end of the road remains a question, how far and just where can and should ONvJ go?

The Goal *“Be different.”*

The objective is to bridge the gap between the public and the judiciary. By serving both sides, ONvJ hopes to transform the interaction between them from a transactional one to that of engagement. Understanding that most of the legal community operates as a business, its also in the position of governing and imposing control over peoples’ lives. To engage the public is to inform and open up to the public. Providing as much information as possible, both by compilation of statistics and providing electronic coverage, appears to be the key. ONvJ should act as a facilitator, not a manipulator.

Bridging this gap would increase the public’s desire to more meaningfully support the judiciary, which could lead to an increase funding for both the courts and the Commission on Judicial Discipline, as well as more confidence in government.

Credibility *“We can improve the judiciary by supporting good judges as much as attacking bad judges.”*

To be credible in our specific mission requires us to put personalities beneath ideas and facts. Both the positive and the negative should be shown, not only because of the concern of appearance of bias but moreso the perception of truth. The idea of a “good” or “bad” judge should be dispensed with; judges are people and people do both “good” and “bad” things. What ONvJ should concern itself is with information and providing that information to the public to allow them to form their own opinion. Don’t tell the judiciary what to do. Don’t tell the public what to think.

Ultimately, objective scrutiny of a judge’s decisions and conduct is in the hands of the Supreme Court and Commission on Judicial Discipline; respectively. It is not the role of ONvJ to define or interfere, only report.

Trust Over Guarantees *“It’s not about us, it’s about them. Give them a voice.”*

People don’t have time for guarantees and back up plans; not the public nor the legal community. ONvJ must act decisively and communicate clearly and directly to build a reputation that is trusted. Maximum transparency is required, including a detailed publication of policy¹ so that those interested can closely observe that dispensed news is not intended to support or oppose specific targets but distribute important information. ONvJ should keep lines of communication open with all contributors and avoid forging alliances or taking sides in elections or cases.

These principles extend to electronic coverage of judicial proceedings. Judges, litigators, and other case participants should be confident in the fact that they tell the story. It is not the role of ONvJ to push agendas and twist case participants into some story

¹ Our Nevada Judges has published its Internal Operating Policy & Procedures.



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they never intended. ONvJ should operate in court rooms as a fly on the wall and interact with others as little as possible. Interference in court operations should never occur and contact with the judge is ideally confined to the submission of the media request and order.

Generally, ONvJ media should be community-driven, distributing articles, cases, and considering challenges to any submissions. Connecting with the public and legal community fosters trust and lets them know we care.

The Problem of the Dual Audience *“Listen to everyone, be consistent, foster relationships.”*

It became apparent as ONvJ grew that there were two audiences who often wanted and expected very different things from the organization. The first audience consisting of *legal professionals* includes lawyers, judges, paralegals, and court clerks; the second audience of *the general public* includes avid court watchers, business owners, social media groups, interested parties and litigants, and pretty much everyone else.

Legal Professionals are sometimes annoyed with the bells and whistles added to increase engagement necessary to attract the public. They also emphasize an information-only approach, express suspicion at the expansion of an organization with leadership outside of the legal community, and distaste at reporting that portrays the legal community in negative light.

The General Public struggles to understand complex legal terms, has a short attention span requiring constant innovation and improvement in presentation and production quality; but this should be seen as an opportunity and embraced by ONvJ, not resented. Existing media outlets emphasize entertainment and sensational coverage over educational and informational coverage, so it is reasonable to understand how this troubling situation was fostered. We’re trying to change this; it’s going to take work.

ONvJ should not throw fuel on the fire and further alienate legal professionals from the general public; but, this doesn’t mean there isn’t going to be some pain in the beginning. ONvJ’s must set out on its purpose on a foundation of truth, which will unfortunately require as much attention to negative reporting as to positive. Paramount is distributing the truth to the public; it should merely be a side-effect and not the focus that a judge or attorney may be embarrassed in the process.

ONvJ should also avoid short-sighted, easy solutions; a focus on click-bait or sensationalism might drive fast growth at first, but cause serious damage to credibility and erode trust in ONvJ’s sincerity in its stated objectives.

Give Them What They Want *“Mostly.”*

ONvJ must satisfy both information skimmers and information divers. While skimmers are in the vast majority and require the most attention, divers are the first to seek reasons to call you out and will undertake efforts undermine ONvJ’s credibility. As much of the internal operations and computation metrics as possible must be exposed for their review; divers want us to be fair and unbiased, and they want us to *prove it*. Divers should be treated with respect, even if ONvJ disagrees with their perspectives. Their dissents should be treated with appreciation, not erased.

Skimmers expect a one-stop-shop. They are willing to do the research but only if it is at their fingertips. This requires an extensive amount of engineering as current internet infrastructures emphasize a view-driven² approach to compiling data which is inefficient and cumbersome to navigate. A data-driven³ approach has to be engineered to customize the user experience and attract skimmers. They don’t have time to dive deep and if you tell them they have to they’ll simply leave. Skimmers expect a professional product and would rather trust you than hear guarantees and double-check ONvJ’s research.

² Compare Facebook, Twitter, WordPress blogs; these are ineffective (data is ad hoc, cherry-picked) and often include misinformation.

³ Compare <https://www.ournevadajudges.com>



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Transparency *"Stay the course."*

ONvJ's Administrator and supporting staff are to be clearly identified on the website and credentialed when operating in court rooms. The first or second thought most in the legal community have is *"Who is behind this group?"* That is a question that they should find an adequate answer to with the click of a mouse. While there are strategic advantages to concealing internal operations, this displeases the information divers and is hypocritical to the expectations ONvJ has placed on judicial transparency.

Transparency also helps the public and legal community gauge the strength and resilience of ONvJ. As manipulators try to infiltrate and weaponize the organization, it is crucial ONvJ maintain the confidence of the public and legal community that leadership is strong enough to overpower and resist influence from these malefactors.

Fly on the Wall *"The law is cool."*

The public can see for itself. Nothing needs to be changed about the way the law operates for people to see that the law is cool, it only takes them making the connection between how it works and how it affects virtually aspect of their lives. ONvJ coverage is, usually, overwhelmingly positive for a judge. The public isn't just seeing occasional snippets from a hearing as a sidebar to the story in an article or newspaper. The public is seeing it beginning to end, from case-in-chiefs, through the jury instructions, all the way to the verdict. Coverage is also, usually, positive for the attorneys as well. There is a difference between seeing a name and reading a story and actually seeing an attorney in action. Many of the public have on multiple occasions expressed positive opinions at both attorneys in a case; this is something that people cannot just be told about, they have to see it for themselves. The pieces of the puzzle were always out there, all that was needed was a way for viewers to put them together. ONvJ strives to cover cases through to their conclusion, including the seemingly routine and procedural hearings that occur prior to trials.

Appeals Matter *"The costs and delays caused by unnecessary appeals are substantial."* -Prosecuting Officer Thomas Bradley⁴.

Judges view appellate scrutiny of their decisions in a variety of different ways. It appears the most prominent perspective is that it is merely a continuation of the ordinary litigation process. ONvJ strives to alter this perspective. Appellate intervention should be seen as an abnormal, disruptive occurrence in a case. While some appellate input is unavoidable⁵, there should be nothing routine⁶ about reversal, especially considering the damage it does to the public's confidence in the competence of the judiciary as well as the expense associated with prosecuting an appeal.

Much of the public also perceive the appellate process to be a "do over" by "a sore loser". ONvJ strives to alter this perspective and assist the public in understanding that the appellate process is actually a review for error. Many viewers who accept this shift from seeing the appellate process as pointless to both important and interesting.

Resources *"Make it work."*

ONvJ can come up with any ideal purpose and mission, but policy must be constrained by the limits of its resources. The costs of maintaining servers and mining data can be managed, but ONvJ's main weakness is its inability to financially support a competent software engineer⁷ and its reliance on volunteering. The organization's entry into electronic coverage of judicial

⁴ *In the Matter of the Discipline of the Hon Rena Hughes*, Nev. Supreme Court Docket No. 76117.

⁵ The Supreme Court publishes these "tough calls" to offer guidance for similar cases that arise afterwards.

⁶ See Justice James Hardesty's concurring opinion in *Sitton v. State*, Nev. Supreme Court docket no. 73014 at footnote 2.

⁷ It is estimated an engineer salaried between \$140,000-\$250,000 would be required to support and develop existing software.



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proceedings shows promise of raising sufficient funding, but at the price of a new array of costs associated with recording and broadcasting. Direct support is less reliable as these supporters usually want allies, not fair and unbiased reporting.

To survive, ONvJ has to continue to rely heavily on automation, volunteers, donations, and distributed teams⁸.

Draft One *"Go! Go! Go!"*

ONvJ plans to continually evolve and update this document as necessary.

Thanks for reading, I may include some visual aids, graphs, and charts next draft.

A handwritten signature in blue ink that reads 'Alexander Falconi'. The signature is fluid and cursive.

Alexander Falconi
Administrator

⁸ Our District 3 and 9 Coordinators are the only reason it is possible for us to extend case coverage to rural and Northern Nevada.