

July 3, 2022

State Bar of Nevada
3100 W. Charleston Blvd.
Las Vegas, NV 89102
702-382-0504

Re: Electronic Coverage
Mr. Gilbert, 9033; and, Mr. Nicholson, 3654

I am submitting this letter in response to a request in writing on the issue of electronic coverage, including points and authorities. I am requesting permission to provide electronic coverage of each and every public proceeding in the matter of Joey Gilbert¹; and, each and every public proceeding in the matter of Douglas Nicholson². SCR 230(1).

The Our Nevada Judges organization has provided electronic coverage of Districts 1, 2, 5, 6, 8, 9, and 10; and, the Reno, Sparks, Beatty, Pahrump, Virginia City, Las Vegas, and Boulder City Justice Courts; and, the Reno and Henderson Municipal Courts; and, the Commission on Judicial Discipline; and, the Court of Appeals and the Supreme Court of Nevada. With rare exceptions, a standardized form is provided to unrepresented news reporters, who generally submit and obtain camera access to proceedings without the assistance of counsel. These entities have recognized Our Nevada Judges as a “news reporter”. SCR 229(c). Our Nevada Judges has garnered an excess of 20-million watch-time minutes, and well over 1 million views, on its social media networks. Our Nevada Judges also interviews lawyers and judges, appearances which include Chief Judge Michael Gibbons and Court of Appeals Judge Bonnie Bulla, as well as several District Court Judges.

SCR 121(1), generally, draws the line in the sand as to when disciplinary proceedings before the State Bar become public. These proceedings, upon becoming public, are presumptively appropriate for electronic coverage pursuant to SCR 230(2). The process is *ex parte* and does not contemplate opportunity to object initially. SCR 230(1) (requiring only 24 hours notice). See also *Solid v. Eighth Judicial District Court*, 133 Nev. 118, 393 P.3d 666 (2017) (recognizing the use of the motion for reconsideration as a due process mechanism in these specific instances.)

The consent of participants is not required. SCR 240(1). Discretion may be exercised in prohibiting coverage of certain participants, but it is my position that the prohibition of coverage of public figures, lawyers, expert witnesses, judges, and government employees is not appropriate and constitutes manifest abuse of discretion. See also *Abrams v Sanson*, 136 Nev. ___, 458 P.3d 1062 (2020) (on the public interest in attorney courtroom conduct). See also *Del Papa v Steffen*, 112 Nev. 369, 915 P.2d 245 (on the public interest in the conduct of judges and the misunderstanding, distrust, and disrespect public ignorance brings to the judiciary). Typically, this discretion is exercised to protect children, and non-public individuals summoned to testify as a witness who would otherwise be disinclined to testify upon fear of being on camera.

¹ Bar no. 9033.

² Bar no. 3654.

At this juncture, I would request, preliminarily, the right to provide electronic coverage of the aforementioned proceedings, allowing parties and counsel the opportunity to present objections in writing, which I can then review and respond to. I may be inclined to elaborate on these points and authorities or request assistance by counsel depending specifically upon the issues raised and the arguments made in opposition to electronic coverage.

I appreciate your attention on this important matter. The Commission on Judicial Discipline has already allowed Our Nevada Judges to cover three (3) disciplinary proceedings. I would urge the Commission's counterpart, the State Bar, to allow electronic coverage so that the public can be more comprehensively introduced to the operations of this disciplinary tribunal as well.

Sincerely,

A handwritten signature in blue ink that reads "Alexander Falconi". The signature is written in a cursive, flowing style.

Alexander Falconi
Our Nevada Judges
Administrator