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8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**
10 **FAMILY DIVISION**

<p>11 [REDACTED]</p> <p>12 Plaintiff,</p> <p>13 vs.</p> <p>14 [REDACTED]</p> <p>15 Defendant.</p> <p>16 _____/</p>	<p>17 CASE NO: D-20-[REDACTED]-C</p> <p>18 DEPT NO: J</p> <p>19 <u>RESPONSE TO OBJECTION TO</u> <u>MEDIA REQUEST AND ORDER</u> <u>FOR CAMERA ACCESS TO</u> <u>COURT PROCEEDINGS</u></p> <p>20 NO HEARING REQUESTED</p>
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21 COMES NOW, Our Nevada Judges, Inc., a Nevada non-profit corporation, by
22 and through the undersigned counsel, and hereby files the following response to the
23 *Objection to the Media Request and Order for Camera Access to Court Proceedings*
24 filed June 20, 2024 by Defendant [REDACTED].

25 This response is based upon the following memorandum of points and
26 authorities, and the exhibits attached hereto.

27 **MEMORANDUM OF POINTS AND AUTHORITIES**

28 Alexander Falconi is an SCR 229(1)(c) news reporter who directs Our Nevada
Judges, Inc. ('ONJ'), a Nevada non-profit corporation recognized by the IRS as a
Section 501(c)(3) organization. The Court granted comprehensive electronic
coverage of these proceedings on February 20, 2024. *Media Request and Order for
Camera Access to Court Proceedings* (hereinafter MROR).

1 Defendant appears to argue that a single media request should not be
2 sufficient to allow electronic coverage of all hearings. Media request forms are
3 generated by the Eighth Judicial District Court and are routinely signed by judges
4 throughout the district. Indeed, the MROR itself states: “each and every hearing on
5 the above-entitled case, at the discretion of the judge.” Even if, *in arguendo*,
6 Defendant’s point raised an issue as to the validity of the forms, the Court should
7 not punish the news reporter for a flaw in the district’s forms and SCR 230(1)
8 provides in pertinent that, “the judge may [] waive the requirement for a written
9 request,” which can be used to rectify any perceived procedural flaw and
10 nonetheless allow electronic coverage to occur.
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13 Defendant’s argument that an evidentiary hearing involving a minor child
14 sufficiently constitutes a “compelling interest” to close a court to the press is equally
15 unsubstantiated. If this were a valid reason to close a court, it would serve to
16 categorically block access to any evidentiary hearing in any court involving any
17 children, with implications far beyond even family court, and would effectively strike
18 down the access statutes and rules articulated in *Falconi v. Eighth Judicial District*
19 *Court*, 140 Nev. Adv. Op. 8 (2024) (“there is no reason to distinguish family law
20 proceedings from civil proceedings[.]”) The Falconi Court specifically considered:
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23 We acknowledge that there is an interest in protecting litigants'
24 privacy rights in family law proceedings, as those proceedings
25 apply wholly to their private lives. See, e.g., *In re Marriage of*
26 *Burkle*, 37 Cal. Rptr. 3d 805, 807-18 (Ct. App. 2006). However, a
27 litigant's privacy interests do not automatically overcome the
28 press's and the public's right to access court proceedings. In fact, the majority of jurisdictions to have considered this issue have concluded that when there are no extraordinary circumstances present, the public's right to access family law proceedings outweighs the litigants' privacy interests.

1 The *Falconi* Court also relied upon *Del Papa v. Steffen*, 112 Nev. 369, 374, 915 P.2d
2 245, 249 (1996), in pointing out not only the positive benefits of “open court
3 proceedings” but, conversely, “the threat that secret judicial proceedings pose to
4 public confidence in this court and the judiciary;” namely, that “secrecy encourages
5 misunderstanding, distrust, and disrespect for the courts.” *Id.*
6

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8 "It is not unrealistic even in this day to believe that public inclusion affords
9 citizens a form of legal education and hopefully promotes confidence in the fair
10 administration of justice." *State v. Schmit*, 273 Minn. 78, 87-88, 139 N. W. 2d 800,
11 807 (1966). "Instead of acquiring information about trials by firsthand observation or
12 by word of mouth from those who attended, people now acquire it chiefly through
13 the print and electronic media. In a sense, this validates the media claim of
14 functioning as surrogates for the public." *Richmond Newspapers*, 448 U. S. 525, 573
15 (1980).
16

17 As an SCR 229(1)(c) news reporter with camera access, ONJ exercises its
18 editorial discretion to protect the identities of certain litigants and especially
19 children. ONJ has a policy and reputation for protecting the visual identity of
20 children in domestic relations matters. ONJ can also refrain from pointing the
21 camera at presentation screens that display visual diagrams or reports the Court
22 deems sensitive. These rules are built into ONJ's internal operating procedures and
23 policies¹ to protect parents and children and an order by this court imposing these
24 restrictions would readily be complied with.
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28 ¹<https://ournevadajudges.com/assets/docs/documents/1-uniform-internal-operating-procedures-and-policy.pdf>

1 Forbidding camera access of these proceedings does not actually thwart
2 media coverage but weakens the accuracy of the public's perception of the
3 operation of the court. The Supreme Court does not allow a denial to occur without
4 the evidentiary support and the proper exercise of discretion, as contemplated in
5 *Solid v Eighth Judicial District Court*, 133 Nev. 118, 393 P.3d 666 (2017).
6

7 Defendant's objection should be overruled.

8 "People in an open society do not demand infallibility from their institutions,
9 but it is difficult for them to accept what they are prohibited from observing."
10 *Richmond Newspapers*, 448 U. S., at 572.
11

12 **NRS 239B.030(4) AFFIRMATION**

13 Pursuant to NRS 239B.030 the undersigned hereby affirms that this document
14 does not contain the social security number of any person.

15 **DATED** this Jun 20, 2024

16
17 By: /s/ Luke Busby _____
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DECLARATION OF ALEXANDER FALCONI

I, Alexander M. Falconi, declare that I have read the forgoing *Response* and that the contents are true and correct of my own personal knowledge, except for those matters I have stated that are not of my own personal knowledge, but that I only believe them to be true, and as for those matters, I do believe they are true.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this Mar 20, 2024



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