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11 [REDACTED]

12 **DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 In the matter of the parental rights
16 of [REDACTED] and [REDACTED]
17 [REDACTED] minor children.

18 Case No. D-23-[REDACTED]-R
19 Dept No. C

20 **DECLARATION IN OBJECTION TO MEDIA REQUEST AND REQUEST**
21 **TO VACATE ORDER FOR CAMERA ACCESS TO COURT**
22 **PROCEEDINGS**

23 Petitioner [REDACTED] by and through her attorney **Jack W. Fleeman,**
24 **Esq.,** of PECOS LAW GROUP, respectfully submits this Declaration in Objection to
25 Media Request and Request Reconsider and Vacate order for Camera Access to
26 Court Proceedings.

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DECLARATION OF JACK W. FLEEMAN, ESQ.

1. I am an attorney duly licensed to practice law in the State of Nevada, and I am the attorney of record retained by [REDACTED] (“Ms. Ruiz”) to represent her in the above-entitled action.

2. On February 19, 2023, [REDACTED] filed a Petition to Terminate the Parental Rights of Respondent, Michael McDonald.

3. Mr. McDonald was served with the Petition on February 21, 2023.

4. On March 3, 2023, Mr. Alex Falconi of Our Nevada Judges submitted an ex parte Media Request and order for Camera Access to Court Proceedings.

5. Undersigned counsel was not aware of the submitted request until the Court granted the request on March 6, 2023, the day before the first calendared hearing in this matter.

6. The court order granting media access to the proceedings states that it is in “compliance with the court’s policy” that it “would not distract participants, impair the dignity of the court or otherwise materially interfere with the achievement of a fair trial or hearing” With all respect to the court, these findings, and the resulting order, are not in compliance with Nevada law, and the order should be vacated.

7. The order purports to be in compliance with SCR 229-249. This too is not the case.

1 8. Part IV of the SCR is entitled “Rules on Electronic Coverage of
2 Court Proceedings,” and contains Rules 229 - 246.

3 9. SCR 230 provides, in relevant part, that “news reporters desiring
4 permission to provide electronic coverage of a *proceeding* in the courtroom shall
5 file a written request with the judge at least 24 hours before the proceeding
6 commences” (Emphasis added).

7 10. SCR 229 defines a “proceeding” within the rules as “any trial,
8 hearing, motion, hearing on an order to show cause or petition, or any other matter
9 held *in open court which the public is entitled to attend.*” (Emphasis added).
10

11 11. Termination of Parental Rights proceedings are specifically not open
12 court proceedings to which the public is entitled to attend. *See* NRS 128.090(5).
13

14 12. NRS 128.090(5) states, “Any hearing held pursuant to this section
15 *must be held in closed court without admittance of any person other than those*
16 *necessary to the action or proceeding, unless the court determines that holding*
17 *such a hearing in open court will not be detrimental to the child.*” (Emphasis
18 added).
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20 13. In addition to the fact that termination proceedings are not proceeding
21 that the public is “entitled” to attend, SCR 230(2) requires that even in a case
22 where the public has a right to attend the hearing, the court must make
23 “particularized findings on the record” before allowing electronic coverage.
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1 14. In addition to the NRS 128.090(5) language that the admittance of
2 even a singular member of the public must “not be detrimental to the child,” SCR
3 230(2) – which again does not apply – would require specific findings with
4 respect to the following factors:
5

6 (a) The impact of coverage upon the right of any party to a fair
7 trial;

8 (b) The impact of coverage upon the right of privacy of any
9 party or witness;

10 (c) The impact of coverage upon the safety and well-being of
11 any party, witness or juror;

12 (d) The likelihood that coverage would distract participants or
13 would detract from the dignity of the proceedings;

14 (e) The adequacy of the physical facilities of the court for
15 coverage; and

16 (f) Any other factor affecting the fair administration of justice.

17 15. This proceeding involves extremely sensitive facts that are directly
18 related to two minor children. There is no need for the public or media to have
19 any information related to these allegations, nor is there any good cause to
20 disregard the legislative mandate that the public has no right or entitlement to
21 access the proceedings.

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16. The court has taken no evidence, nor even heard argument from Petitioner’s side, related to the factors that it would need to consider under SCR 230(5).

17. Counsel respectfully submits that the order granting electronic coverage is clearly erroneous and should be reconsidered and vacated.

DATED this 6th day of March, 2023.

PECOS LAW GROUP

/s/ Jack Fleeman

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