

## **What we do**

Our Nevada Judges (ONvJ) conducts statistical analysis on all judicial districts and their corresponding judicial departments, provides electronic coverage of judicial proceedings, and conducts interviews with judges, lawyers, and others who've interacted meaningfully with the legal community.

As interest in ONvJ grows, many are beginning to ask 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**

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. Most of the legal community operates as a business, but is also in the position of governing and imposing control over people. 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**

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, both because of the concern of appearance of bias as well as 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.

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**

People don't have time for guarantees. 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 policy<sup>1</sup> so that those interested can closely observe that dispensed news is not intended to support or oppose specific targets but distribute important information.

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<sup>1</sup> Our Nevada Judges has published its Internal Operating Policy & Procedures.

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.

ONvJ should operate in court rooms as a fly on the wall; 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 audiences**

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 and requires publication of high-quality content to maintain a meaningful level of attention. This takes work, understanding, and patience.

ONvJ's must give 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 platforms emphasize a view-driven<sup>2</sup> approach to compiling data which is inefficient and cumbersome to navigate. A data-driven<sup>3</sup> approach has to be engineered to customize the user experience and attract skimmers. They don't have

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

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

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.

## **Transparency**

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.

**The camera is mightier than the pen** *"If I allow cameras in my courtroom, perhaps that will open up the family courts so that people will be able to see what kind of justice is being delivered by this very expensive court system."* -Manhattan Family Court Judge Judith Scheindlin<sup>4</sup>

The public can see for itself. 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. There is a difference between seeing a name and reading a story and actually seeing the legal machine. Telling is not enough, people have to see it and hear it for themselves. The pieces of the puzzle were always out there, all that was needed was a way for viewers to put those pieces together.

The positive impact electronic coverage of judicial proceedings has on the public's perception and confidence in government cannot be overstated. Confrontation of judges, lawyers, legislators, and others who interfere with camera access is appropriate when existing government mechanisms are unavailable or inadequate. While it would be inappropriate for ONvJ to take sides in specific cases, pressuring the legislature and the judiciary to, in a general sense, expand the public's right to electronically view judicial proceedings is necessary. A judge's refusal to allow electronic coverage without justification pays lip service to the notion of "open courts" and "public hearings" in the information age. Most of the public does not have the time to physically make their way to a courtroom and observe the proceedings, especially given stacked<sup>5</sup> calendars and the volatility<sup>6</sup> of when hearings and trials will actually occur.

**Appeals matter** *"The costs and delays caused by unnecessary appeals are substantial."* -Prosecuting Officer Thomas Bradley<sup>7</sup>

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

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<sup>4</sup> *Norm Macdonald Has a Show*, Season 1, Episode 3.

<sup>5</sup> The courts frequently schedule cases at the same time, often resulting in waiting periods of 1 to 2 hours.

<sup>6</sup> The courts frequently partially resolve or even entirely continue matters.

<sup>7</sup> *In the Matter of the Discipline of the Hon Rena Hughes*, Nev. Supreme Court Docket No. 76117.

a case. While some appellate input is unavoidable<sup>8</sup>, there should be nothing routine<sup>9</sup> 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 perceives 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**

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. ONvJ can only survive on volunteering for so long before the organization needs to stand on its own legs. The organization's entry into electronic coverage of judicial 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 needs additional revenue and heavier reliance on automation.

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<sup>8</sup> The Supreme Court publishes these "tough calls" to offer guidance for similar cases that arise afterwards.

<sup>9</sup> See Justice James Hardesty's concurring opinion in *Sitton v. State*, Nev. Supreme Court docket no. 73014 at footnote 2.