

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER OF  
PHOTOGRAPHING, FILMING, AND  
RECORDING NON-PROCEEDINGS WITHIN  
THE EIGHTH JUDICIAL DISTRICT COURT  
COURTHOUSES

Administrative Order: 23-04

**Introduction**

Administrative Order 07-11 is rescinded and replaced by this Administrative Order. This Administrative Order sets forth the points and authorities, policies and procedures for photographing, recording, and filming non-proceedings within the Eighth Judicial District Court courthouses.

The Nevada Supreme Court has promulgated “Rules on Cameras and Electronic Media Coverage in the Courts,”<sup>1</sup> which apply to court “proceedings.” Court “proceedings” are defined as “any trial, hearing, motion, hearing on an order to show cause or petition, or any other matter held in open court which the public is entitled to attend.” This Administrative Order does not interfere with those Supreme Court Rules.

**Points and Authorities**

*A. Introduction and Background*

Recent complaints by jurors and court personnel have precipitated a review of the uses of electronic devices that photograph, record, and film jurors, the public visiting the courthouse, and courthouse employees performing their duties.

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<sup>1</sup> Nevada Supreme Court Rules, Part IV.

1 Nevada Revised Statute 3.025(2)(d) provides that the Chief Judge shall adopt rules  
2 that are necessary for the orderly conduct of court business. Rule 1.30(b) of the Rules of  
3 Practice for the Eighth Judicial District Court of the State of Nevada charges the Chief  
4 Judge of the Eighth Judicial District Court with various responsibilities, such as  
5 supervising the administrative business of the district court and ensuring the quality and  
6 continuity of court services. The Chief Judge has determined that this Administrative  
7 Order is necessary to provide for the orderly conduct of court business, and to ensure the  
8 quality and continuity of court services.  
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10 *B. The courthouses are nonpublic forums.*

11 The First Amendment to the United States Constitution, as applied to state  
12 governments through the Fourteenth Amendment, prohibits states from “abridging the  
13 freedom of speech.”<sup>2</sup> Article 1, Section 9 of the Nevada Constitution provides that no  
14 law shall be passed to restrain or abridge the liberty of speech or of the press.<sup>3</sup>  
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16 In analyzing the constitutionality of restrictions placed on protected speech  
17 activities that take place on government property, the United States Supreme Court has  
18 differentiated between public and nonpublic forums.<sup>4</sup>

19 The Ninth Circuit Court of Appeals has held that buildings used for the purpose of  
20 conducting the business of the county and the courts, are deemed a “nonpublic forum.”<sup>5</sup>  
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22 <sup>2</sup> U.S. Const. amend I.

23 <sup>3</sup> Nev. Const. art. I, § 9.

24 <sup>4</sup> See Int’l Soc. For Krishna Consciousness, Inc. v. Lee, 505 U.S. 672, 678-79 (1992); see generally Perry  
Educ. Ass’n v. Perry Local Educators’ Ass’n., 460 U.S. 37 (1983).

25 <sup>5</sup> Public places are forums “historically associated with the free exercise of expressive activities, such as  
streets, sidewalks, and parks.” Jacobsen v. Bonine, 123 F.3d 1272, 1273 (9th Cir. 1997). Not all publicly owned  
property, however, “becomes a public forum simply because the public is permitted to come and go at the site.” *Id.*;  
see also United States v. Grace, 461 U.S. 171, 177 (1983) (holding that “the government...has the power to preserve  
the property under its control for which the use to which it is lawfully dedicated”); see also United States v.  
Kokinda, 497 U.S. 720, 728-30 (1990) (finding that “it is the ‘location and purpose’ of the property and the  
government’s subjective intent in having the property built and maintained, that is crucial to determining the nature  
of the property for forum analysis”).  
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1 Other jurisdictions have plainly decided that state courthouses were nonpublic for  
2 First Amendment purposes, as the primary purpose of the courthouse is the impartial and  
3 efficient administration of justice under the law.<sup>6</sup>

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5 Eighth Judicial District Court courthouses include the Regional Justice Center,  
6 which houses civil, criminal, and family courtrooms, judges' chambers, the Marriage  
7 Bureau, Office of the Clark County Clerk, and the District Attorney's Offices; the Family  
8 Court and Services Center houses the family court courtrooms, judges' chambers, Family  
9 Mediation Center, Self-Help Center, and clerks' offices; assigned areas of the Phoenix  
10 Building, Clark Place, and the Greystone Building include courtrooms and court  
11 employees. Similar to the complex discussed in *Sammartano*, these structures are used  
12 for many purposes of conducting business of Clark County and the Eighth Judicial  
13 District Court. As such, they are nonpublic governmental buildings.

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15 *C. The courthouses may have reasonable and viewpoint neutral restrictions on*  
16 *photographing, recording, and filming.*

17 As nonpublic forums, the common areas of the Eighth Judicial District Court  
18 courthouses require reasonable restrictions regarding photographing, recording, and  
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20 In *Sammartano v. First Judicial Dist. Court, in & for County of Carson City*, 303 F.3d 959 (9th Cir. 2002),  
21 the United States Court of Appeals, Ninth Circuit, was presented a case that involved two individuals who were  
22 denied access to the Carson City Public Safety Complex (Complex) in Carson City, Nevada. The Complex at issue  
23 was a three story building which housed various governmental offices including two courtrooms for the Justice  
24 Court of Carson City Township, the clerk's office for that court, and chambers for the two justices of the peace. The  
25 Ninth Circuit ultimately held that the municipal complex, being that it was used for the purpose of conducting  
26 business of the county and of the municipal and state courts, is deemed as a nonpublic forum. *Id.* at 966; *see also*,  
27 *Claudio v. United States*, 836 F.Supp. 1219, 1224-25 (E.D.N.C. 1993) (holding that, for First Amendment purposes,  
28 the main entrance lobby of a federal building was a nonpublic forum, considering the nature of the building  
containing judges' chambers, courtrooms and federal agencies, the lobby's minimal compatibility with expressive  
activity, and the need for security); *see also* *Sefick v. Gardner*, 990 F.Supp. 587, 593 (N.D.Ill. 1998) (accepting trial  
court's finding that a federal building was a nonpublic forum).

26 Additionally, the Nevada Supreme Court similarly deemed the Regional Transportation CitiCenter, a place  
27 where passengers transfer between buses, to be a limited public forum, considering that "[i]f unrestricted expressive  
28 activity were allowed, the principal operations of the transportation system could be severely disrupted." *Univ. &*  
*Cmty. Coll. Sys. of Nevada v. Nevadans for Sound Gov't*, 120 Nev. 712, 725 (2004).

<sup>6</sup> *See* *Comfort v. MacLaughlin*, 473 F.Supp.2d 1026 (2006); *see also* *Mead v. Gordon*, 583 F.Supp.2d 1231 (2008).

1 filming in those areas, in order to preserve the safety, decorum, and order of the courts.  
2 Photographing, filming, and recording courthouse patrons, jurors, or employees may  
3 interfere with both the public's intended purpose for being inside the courthouse, as well  
4 as the work the court employees are there to complete, and may be disruptive to the  
5 orderly conducting of court business.<sup>7</sup>  
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7 Based on the foregoing, the Court hereby orders that the following Rule Regarding  
8 Photography, Filming, or Recording in Courthouses shall be implemented:  
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25 <sup>7</sup> Restrictions must be "reasonable" and are "not an effort to suppress expression merely because the public  
26 officials oppose the speaker's view." *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 800  
27 (1985). For example, the Nevada Supreme Court found restrictions on petition circulators at the University of  
28 Nevada Las Vegas, a limited public forum, to be "permissible" because of the "time, place, and manner regulations  
[were] related to legitimate government safety and functional operational purposes." *See Univ. & Cmty. Coll. Sys.*  
*of Nevada*, 120 Nev. at 728.

1                   **Rule Regarding Photography, Filming, or Recording in Courthouses.**

2                   Photography, filming, or recording in the common areas of the Eighth Judicial  
3 District Court courthouses is strictly prohibited except as authorized by the Chief Judge,  
4 Court Executive Officer, or Court Public Information Officer.  
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6                   1.       Definitions:

7                   a.       “Photography, filming, or recording,” shall include, but is not  
8 limited to, capturing photographs, audio, videos, and/or any electronic  
9 recordings via device, which includes but is not limited to cell phones,  
10 cameras, and audio recorders.

11                  b.       “Common areas” is defined as all areas of the Eighth Judicial  
12 District Court courthouses, except for the courtrooms. For the purposes of  
13 this Rule, the courtroom ante rooms are part of the courtrooms.  
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15                  c.       The “Eighth Judicial District Court courthouses” shall include  
16 the following properties in Las Vegas, Nevada:

- 17                   1.   The Regional Justice Center at 200 Lewis Avenue;  
18                   2.   The Family Courts and Services Center at 601 North Pecos  
19                   Road;  
20                   3.   Assigned areas of the Greystone Building at 1900 E.  
21                   Flamingo Road;  
22                   4.   Assigned areas of the Phoenix Building at 330 S. 3<sup>rd</sup> Street;  
23                   and  
24                   5.   Assigned areas of Clark Place at 301 E. Clark Avenue.  
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26                  2.       To request approval to photograph, film, or record in the common  
27 areas of the Eighth Judicial District Court courthouses, a requester may submit a  
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1 written request, stating a legitimate purpose for photographing, filming, or  
2 recording, with the Court Public Information Officer, Chief Judge, or the Court  
3 Executive Officer no later than 24 hours prior to the date requested for  
4 photographing, filming, or recording of common areas. Requests made on shorter  
5 notice must show exceptional circumstances.  
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7 3. The Eighth Judicial District Court may require that a non-news  
8 gathering production provide a Film Permit from the Clark County Business  
9 License Division.

10 4. Requests may be denied, and approvals authorizing photographing,  
11 filming, or recording may be revoked if:

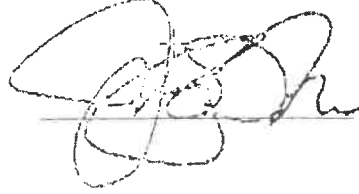
- 12 a. The requestor fails to state a legitimate purpose for the  
13 request;
- 14 b. The photography, filming, or recording creates a disturbance  
15 or otherwise disrupts the effective functioning of court business;
- 16 c. The photography, filming, or recording causes damage to the  
17 courthouses or injury to a person present at the courthouses;
- 18 d. The content of the filming is found to be “obscene” as defined  
19 by NRS 201.235;
- 20 e. The requestor otherwise fails to comply with the provisions of  
21 this Rule, or with subsequent conditions imposed by the Court; and
- 22 f. For any other reasons the Court deems proper.

23 5. Anyone found to be photographing, filming, or recording in  
24 violation of this Rule may be removed from the courthouse.  
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1 This Administrative Order and Rule shall be effective immediately.

2 It is so ORDERED.

3 Dated this 21st day of July, 2023

4 A handwritten signature in black ink, appearing to read 'J. Wiese', is written over a horizontal line.

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7 **6B2 298 CAD4 F942**  
8 **Jerry A. Wiese**  
9 **District Court Judge**