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STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

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OPINION: JE07-011

PROPRIETY OF ALLOWING A LOCAL TELEVISION STATION TO VIDEOTAPE A TRIAL FOR LATER POSTING ON THE TELEVISION STATION'S WEBSITE FOR VIEWING BY THE GENERAL PUBLIC.

DISCUSSION

Until May 30, 1988, Canon 3A(7)¹ of the Nevada Code of Judicial Conduct provided:

Proceedings in court should be conducted with fitting dignity and decorum. As provided by law, a court during any and all court proceedings under the jurisdiction of such court, on its own motion or on the motion of an attorney representing any interested party, or at the request of the witness testifying under subpoena, shall prohibit by minute order any person, firm, association or corporation from broadcasting, televising, or taking motion pictures, or arranging for the broadcasting, televising, or taking of motion pictures of, such proceedings. The taking of still photographs in the courtroom, during sessions of the court or recesses between sessions,

ISSUE

May a judge allow a television station to videotape an entire trial with the videotape to be posted to the television station's website for viewing by the general public?

ANSWER

Yes, to the extent consistent with applicable Nevada Supreme Court Rules.

FACTS

A judge asks whether the judge may allow a television station to videotape a trial. The videotaping may involve pretrial proceedings, as well as the trial itself and post-trial proceedings. The videotape will be posted by the television station to its website, where it may be viewed by the general public.

¹ This provision is not included in the present Nevada Code of Judicial Conduct. As described below, the relevant provision here is Nevada Supreme Court Rule 247.

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should be regulated by local rule or practice.

Effective May 30, 1988, the Nevada Supreme Court adopted Part IV of the Supreme Court Rules entitled "Rules on Cameras and Electronic Media Coverage in the Courts." Supreme Court Rules 229 through 247 set forth the standards which control electronic media and still photography coverage of public judicial proceedings in the courts of this State.

Supreme Court Rule 247 provides as follows:

Special rule of judicial conduct. While these Rules are in effect, the provisions of Canon 3A(7) of the Nevada Code of Judicial Conduct are suspended, and the following language substituted therefore:

Subject at all times to the authority of the judge to: (i) control the conduct of the proceedings before the courts; (ii) ensure decorum and prevent distraction; and (iii) ensure the fair administration of justice and the pending cause, electronic media and still photography coverage of public

j u d i c i a l
proceedings in the
courts of this state
shall be allowed in
accordance with the
s t a n d a r d s o f
c o n d u c t a n d
t e c h n o l o g y
promulgated by the
Supreme Court of
Nevada.

Therefore, a judge considering a request like the request which is the subject of this Advisory Opinion, must consider and comply with the provisions of Nevada Supreme Court Rules 229 through 247, and in so doing, will be in compliance with the Nevada Code of Judicial Conduct.

CONCLUSION

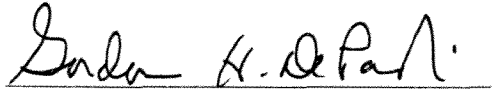
It is the opinion of the Committee that a judge may allow a "proceeding" as defined in Supreme Court Rule 229(2) to be videotaped provided that the videotaping is in full compliance with the provisions of Nevada Supreme Court Rules 229 through 247.

REFERENCES

Nevada Code of Judicial Conduct, Former Canon 3A(7); Supreme Court Rules 229 through 247.

This opinion is issued by the Standing Committee on Judicial Ethics and Election Practices. It is advisory only. It is not binding upon the courts, the State Bar of Nevada, the Nevada Commission on Judicial Discipline, any person or tribunal charged with

regulatory responsibilities, any member of the Nevada judiciary, or any person or entity which requested the opinion.

A handwritten signature in black ink, reading "Gordon H. DePaoli". The signature is written in a cursive style with a horizontal line underneath it.

Gordon H. DePaoli, Esq.
Committee Chairman