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Solid v. Eighth Judicial Dist. Court, 133 Nev. Adv. Op. 17 (Apr. 27, 2017)

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NEVADA SUPREME COURT RULES: ELECTRONIC COVERAGE OF COURT
PROCEEDINGS

Summary

The Court interpreted Nevada Supreme Court Rules (“SCR” or the “Rules”) on Electronic Coverage of Court Proceedings: (1) My Entertainment TV (MET) is a “news reporter” under SCR 229(1)(c) because it collects, edits, and publishes footage concerning local events for public dissemination; (2) Clark County court proceedings footage has the educational or informational purpose required by SCR 241; (3) camera presence in the court room alone does not overcome the presumption permitting electronic recording of court proceedings under SCR 230; and (4) contract provisions must be read together, and the result should comport with the SCR on electronic coverage of court proceedings.

Background

MET and Clark County entered a television series agreement allowing MET to film and produce *Las Vegas Law*—a television “docudrama” about the Clark County District Attorney’s Office. Prior to jury selection, MET filed a media request to film Michael Solid’s (“Solid”) first-degree murder trial for the television series. The district court granted the request, and shortly thereafter, Solid filed a motion to reconsider.

After reviewing the Supreme Court Rules on Electronic Coverage of Court Proceedings, the district court issued an order denying Solid’s motion to reconsider. Following the district court’s denial, Solid filed a writ petition challenging the district court’s order that permitted MET to film Solid’s murder trial. In the writ, Solid argued: (1) MET is not a “news reporter” as defined by the Rules; (2) MET’s footage will be used for unrelated advertising purposes, rather than solely educational or informational purposes; (3) the district court erred by allowing MET to film Solid’s murder trial; and (4) MET’s television series agreement with Clark County requires Solid’s Special Public Defender’s written consent to allow filming.

Discussion

MET is a News Reporter Under SCR 229

Under SCR 229(1)(c) a “news reporter” is defined as “any person who gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.”² Here, MET is a “news reporter” because the footage necessary to produce *Las Vegas Law* is collected, edited, and published by MET and concerns local events for public dissemination. That MET has editorial control and pays royalties to Clark County does not detract from MET’s classification as a news reporter under SCR 229(1)(c).

¹ By Hunter Davidson.

² NEV. SUP. CT. R. 229(1)(c).

MET's Footage of the Trial is Being Used for Educational or Informational Purposes Under SCR 241(1)

SCR 241(1) requires that such video footage only be used for “educational or informational purposes” and not “unrelated advertising purposes.”³ *Las Vegas Law* satisfies both requirements. First, *Las Vegas Law*'s footage is used for educational or informational purposes because it focuses on criminal justice in Clark County. Second, *Las Vegas Law*'s footage is not used for unrelated advertising purposes because any footage relating to the creation of the show is used for the central educational or informational purpose. Therefore, *Las Vegas Law* complies with SCR 241(1).

The District Court Did Not Err by Allowing MET to Film Solid's Trial Under SCR 230(2)

Under SCR 230(2), “there is a presumption that all courtroom proceedings that are open to the public are subject to electronic coverage.”⁴ When determining whether electronic coverage should be allowed at a proceeding, SCR 230(2) requires the judge consider the following six factors:

- (a) The impact of coverage upon the right of any party to a fair trial;
- (b) The impact of coverage upon the right of privacy of any party or witness;
- (c) The impact of coverage upon the safety and well-being of any party, witness or juror;
- (d) The likelihood that coverage would distract participants or would detract from the dignity of the proceedings;
- (e) The adequacy of the physical facilities of the court for coverage; and
- (f) Any other factor affecting the fair administration of justice.⁵

Here, Solid failed to overcome the presumption allowing electronic recordings in the courtroom because he failed to present any evidence demonstrating how MET's cameras affected the fairness of the trial, the dignity of the proceedings, or the ability of counsel to effectively advocate. Therefore, the district court did not err in allowing MET to film Solid's trial.

The Television Series Agreement Does Not Require the Consent of Solid's Trial Counsel

The television agreement between MET and Clark County, in relevant part, states:

[Clark] County agrees to allow [MET] to enter the [Clark County District Attorney's Office] with personnel and equipment . . . for the purpose of . . . [conducting] ('Filming Activity') in connection with [*Las Vegas Law*]

Furthermore,

[i]n regards to Filming Activity directly involving County personnel, County facilities and County Property, [MET] agrees that:

³ NEV. SUP. CT. R. 241(1).

⁴ NEV. SUP. CT. R. 230(2).

⁵ *Id.*

(i) Whether a County employee is to be recorded, filmed, taped or photographed is a personal decision of each individual County employee. All Filming Activity of County employees will be undertaken only with each individual employee's written consent

Here, the television series agreement does not require consent from Solid's trial counsel because all provisions of the agreement should be read together and read to comport with the SRC on Electronic Coverage of Court Proceedings. When read together, the agreement shows that Section 1(a) and 1(a)(i)'s consent requirements only apply to filming activity that takes place in the District Attorney's Office. Thus, the agreement did not require the consent of Solid's trial counsel prior to filming.

Conclusion

The Court denied Solid's writ petition and held: (1) MET satisfies SCR 229(1)(c)'s definition of "news reporter"; (2) MET is using the video footage for education or informational purposes as required by SCR 241; (3) the district court did not err in permitting MET to film Solid's trial pursuant to SCR 230; and (4) the television series agreement does not require Solid's trial counsel's consent.