Criminal Law; Tevelising, Broadcasting, Filming of Judicial Proceedings

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24. Id. §12 ¶ 3.
25. Id. §12 ¶ 4. Chapter 422 does not specify how the contributory nature of the victim's conduct is to be determined.
26. Id. §13.
27. Id. §14 ¶ 1.
28. Id. §14 ¶ 2.
29. Id. §14 ¶ 3.

CRIMINAL LAW; TELEVISING, BROADCASTING, FILMING OF JUDICIAL PROCEEDINGS

Repeals NRS 1.220, 178.604
AB 571 (coulter); STATS 1979, Ch 213

Chapter 213 repeals the statutory prohibitions against television in the courtroom. Prior law prohibited the taking of photographs in the courtroom¹ and the broadcasting or filming of court proceedings.² Chapter 213, by repealing these restrictions, appears to leave the matter to the court's discretion and the desire of the participants.³

Comment

Two major interests must be balanced in the controversy surrounding television in the courtroom: the public's right to know as protected by the first Amendment versus the defendant's right to a fair trial as protected by the Fifth and Fourteenth Amendment. In protecting the defendant's right to a fair trial, it must be determined if 1) the mere presence of the cameras will endanger due process of law, and 2) the publicity engendered by television broadcasts will deprive the defendant due process of law.

When the television cameras enter the courtroom, there may be a psychological effect upon the participant's in the trial.⁴ Attorneys may speak to the camera,
witnesses may become nervous and forget or embellish their testimony, jurors may pay more attention to the camera than to the proceedings, the judge's responsibilities may be increased.\(^5\) A study conducted by Short & Assoc., Inc., and McGeorge School of Law has shown that there is no perceptible effect upon any of these participants,\(^6\) but the debate continues.\(^7\)

Furthermore, when television is allowed to broadcast post-arrest and pre-trial proceedings, it may so affect the population from which a jury would be selected as to impair the defendant's right to a fair trial.\(^8\) Television tends to dramatize and emphasize sensational trials, as well as spectacular aspects of trials.\(^9\) Publicity may induce the jury to decide the case as it thinks the public would decide.\(^10\) What is the full impact of this publicity upon the jurors? These questions also remain unresolved.

On the other hand, television has a unique opportunity to educate the general public regarding the workings of our judiciary—for many people television is the major, if not sole, source of information.\(^11\) Television can promote a better judicial system by ensuring that trial participants live up to our standards of justice.\(^12\)

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**FOOTNOTES**

2. 1953 Nev. Stats. ch. 223 §1, at 307 (NRS 1.220).
3. See NRS 1.210 and Canon 3A(7) of NEVADA CODE OF JUDICIAL CONDUCT.
   See also, Graves, Camaras in the Courts: The Situation Today, 63 JUDICATURE (vol. 1) 24, 26 (June–July 1979).
5. Id.
6. E.H. Short & Assoc., Inc. and McGeorge School of Law, Videotape Recording in the California Criminal Justice System, March 1975. See also, Short & Assoc.,

7. Faltzer, Cameras in the Courtroom: The Kansas Opposition, supra note 4, at 232.


12. Id., at 228.

SEE GENERALLY:

1) Kielbowicz, The Story Behind the Adoption of the Ban on Courtroom Cameras, 63 JUDICATURE (vol. 1) 14 (June-July 1979).


3) Symposium, The Use of Videotape in the Courtroom, 1975 BRIGHAM YOUNG UNIV. L.R. (2) 3 27.


6) For a discussion of Florida's one year experiment with cameras in the courtroom; see Petition of Post-Newsweek Station, 370 So.2d 764 (Fla. Sup. Ct. 1979); Aspen, Cameras in the Courtroom: The Florida Experiment, 67 Illinois B.J. 82 (1978); Kreeger, Cameras in the Courtroom, 52 FLA. B.J. 450 (1978); Whisenad, Florida's Experience with Cameras in the Courtroom, 64 ABA J. 1860 (1978).
DOMESTIC RELATIONS; PARENT AND CHILD RELATIONSHIP

Adds to NRS Chapters 41, 126, 127, 128
Repeals NRS 41.530, 56.010, 126.010, 126.020, 126.090 to 126.110,
inclusive, 126.130 to 126.180, inclusive, 126.220, 126.230,
126.270 to 126.320, inclusive, 126.340, 126.350, 126.370, 126.380,
134.170, 134.180
SB 294 (Committee on Judiciary); STATS 1979, Ch 599

Chapter 599 (hereinafter "the parentage act") is similar to the Uniform Parentage Act, but with additional provisions regarding parentage, support obligations, and adoptions.

THE PARENT AND CHILD RELATIONSHIP

NRS Chapter 126 is amended by the addition of provisions relating to parentage. The act provides that the parent and child relationship extends equally to every parent and child, regardless of the parent's marital status and regardless when born. A "parent and child relationship" is defined as that which exists between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties and obligations (including both the mother and child relationship and the father and child relationship).

Extending the parent and child relationship equally to all parents and children is an apparent effort to stop discrimination against children born out of wedlock. In areas such as wrongful death and inheritance, courts have already held discrimination against illegitimate children unconstitutional under the Equal Protection clause of the Fourteenth Amendment, and the Nevada Supreme Court has recognized that all children deserve proper care and protection.

The parent and child relationship may be established under NRS 201.025, by