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JUSTICE COURT, LAS VEGAS TOWNSHIP CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER OF PUBLIC ACCESS TO LAS VEGAS JUSTICE COURT ADMINISTRATIVE RECORDS AND COURT RECORDS

ADMINISTRATIVE ORDER # 22-08

JUSTICE COURT
LAS VEGAS NEVADA

WHEREAS, JCRLV Rule 6.5 charges the Chief Judge with various responsibilities, such as supervising the administrative business of the court, ensuring the quality and continuity of its services, and otherwise facilitating the business of the court; and,

WHEREAS, NRS 4.157(2)(c) further states that the Chief Judge shall "[a]dopt such other rules or regulations as are necessary for the orderly conduct of court business;" and,

WHEREAS, the Las Vegas Justice Court, as part of the state constitutional judicial system, "has the inherent power to protect itself and to administer its affairs" *City of N. Las Vegas ex rel. Arndt v. Daines*, 92 Nev. 292, 294, 550 P.2d 399, 400 (1976); and,

WHEREAS, consistent with the principles of open administration of justice, a presumption of access should apply to the justice court's administrative and court records. This presumption, however, must be balanced with exemptions to protect personal privacy, to comply with court rules and statutes, to prevent undue burden on the business of court, and to preserve the integrity of judicial decision making; and,

WHEREAS, the Las Vegas Justice Court has historically relied upon the Nevada Administrative Office of the Courts (AOC) Policy on Public Access to Administrative Records when reviewing administrative records requests; and

WHEREAS, to improve the process for members of the public seeking administrative and court records in the Las Vegas Justice Court, the AOC policy has been modified to address the particular considerations of the Las Vegas Justice Court; therefore,

IT IS HEREBY ORDERED that effective October 31, 2022, Las Vegas Justice Court shall implement the Policy on Public Access to Administrative Records and the Policy on Public Access to Court Records and rescinds Administrative Order #2004-PR-1 and Administrative Order #2007-1.

Dated this <u>Jo</u> day of October 2022.

Melissa Saragosa

Chief Justice of the Peace

MELISSA SARAGOSA Chief Judge, Las Vegas Justice Court JUSTICE COURT POLICY NUMBER: 22-02

JESSICA GURLEY
Justice Court Administrator/Deputy Clerk

EFFECTIVE DATE: October 31, 2022

I. SCOPE.

This policy governs public access to Administrative Records retained by the Las Vegas Justice Court (LVJC) in accordance with the Supreme Court's Record Retention Schedule. As the LVJC is an arm of the Judicial Department of the State of Nevada and subject to Supreme Court oversight, the Nevada Public Records Act (NRS 239.010 *et seq.*) is inapplicable to the provision of public access to Court Administrative Records.

This policy does not apply to Court Records of the LVJC which are covered under separate policy.

Nothing in this policy shall be construed to require the LVJC to index, compile, re-format, program or otherwise reorganize existing information to create new records not maintained in the ordinary course of business. Reduction of information, as may be required herein, is not deemed to be creating a new record. The LVJC has no obligation to an individual requestor to complete checklists or answer questions contained in a request for Administrative Records.

II. DEFINITIONS

A. Administrative Record. "Administrative Record" means any document, information, data, or other item created, collected, received, stored, or maintained in the custody or exclusive control of the LVJC pertaining to the administration of the LVJC and that is not contained within a file or record of a court case. Court records are not administrative records. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Administrative records do not include documents, information, data, or items that may otherwise be publicly available from other sources. Unless otherwise provided in this policy, this definition applies equally to administrative records maintained in paper and electronic formats.

B. Court Record. "Court Record" means any document, information, exhibit, or other thing that is maintained, created, collected, or prepared by a court and is in the court's custody or control in connection with judicial proceedings such as, but not limited to, indexes, calendars, dockets, registers of actions, court files, official records of proceedings, orders, decrees, judgments, minutes, and any information in a case management system. Administrative records are not court records. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to court records maintained in paper and electronic formats.

- C. *Information*. "Information" means any alpha, numeric, audio, or image reproduction data that constitutes a record or any part thereof, regardless of the form or format (i.e., electronic, hardcopy, etc.).
- D. *Personal Identifying Information (PII)*. For purposes of this policy, "personal identifying information" has the meaning ascribed to in NRS 205.4617.
- E. *Public*. "Public" is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.
- F. *Public Access*. "Public Access" means that the public may inspect and obtain records, as provided by law or as set forth in this policy.
- G. Records Official. "Records Official" is the official charged with the responsibility of the care, keeping, and supervision of the records. All references to Records Official include the Records Official and/or the Records Official's designee.
- H. Redact, Redaction. "Redact" means to protect from examination by the public and unauthorized personnel a portion or portions of a specific court or administrative record. Redaction may be required by the terms of this policy, law, court rule, decision or order, or federal statute or regulation.
- I. Security Records. "Security Records" means documents or information that would be likely to jeopardize or diminish the security of individuals, information, possessions, or property, in the employment, possession, or custody of the LVJC against theft, tampering, improper use, illegal disclosure, trespass, or physical injury; such as security plans or codes or individual records of telephone or cell phone calls. Examples of security records include, but are not limited to, employee key card holder information and building access data, vehicle license numbers, private emergency contact information, video surveillance recordings, and cellular telephone numbers. Security records include any calendar information (other than court dockets), such as records of appointments or engagements whose release may reasonably be judged to pose a risk to any individual or constitute an unwarranted invasion of privacy.

III. GENERAL ACCESS TO ADMINISTRATIVE RECORDS OF THE LVJC

A. Accessibility of Administrative Records. Administrative records of the LVJC are open to the public to the extent provided herein. All records made available for inspection or copying are subject to the redaction of personal identifying information before any inspection or copying may take place.

- B. *Records Available to the Public*. For certain categories of information otherwise confidential, the following information is open to public access:
 - 1. Personnel, Employment Applicant, Unpaid Volunteer, Senior Justice/Judge, Pro Tempore Judge, Interns/Externs, or Independent Contractor Records.
 - (a) Name of individual;
 - (b) Dates of employment or service;
 - (c) Name of office or position to which the individual has been appointed or is employed;
 - (d) Position classification, pay grade, and gross salary or pay;
 - (e) Basis for and amount of any added remuneration;
 - (f) Travel expenses as provided pursuant to existing LVJC Travel Policy;
 - (g) Other expense reimbursements;
 - (h) Type of work performed by individual; and
 - (i) Reports on judicial assignments regularly run from the LVJC database after assignments have been completed.
 - 2. Contracts, Agreements. Terms and contents are public unless confidential by law or contract provision. If a contract provision restricts disclosure, disclosure will be made according to the terms, clauses, and restrictions of the respective contracts, agreements, proprietary restrictions or licenses. The document clause providing for confidentiality may be disclosed unless such disclosure is restricted by law.
 - 3. LVJC Correspondence, Policy, or Procedures.
 - (a) All formal records of a transaction or a receipt or final declaration of policy or procedures.
 - (b) Committee reports and final administrative documents and reports, after approval and release.
- D. *Records Not Available to the Public*. Certain categories of information are confidential or otherwise not in the control or custody of the LVJC, and exempt from public disclosure, including but not limited to:
 - 1. Personnel, Employment Applicant, Unpaid Volunteer, Senior Justice/Judge, Pro Tempore Judge, Interns/Externs, or Independent Contractor Records.
 - (a) Personnel and payroll records and records of employment investigations, background checks, and disciplinary hearings;
 - (b) Records on individuals collected because the individual is or was an applicant for employment;
 - (c) Information about unpaid volunteers or externs other than that listed in C(1)(a) (h) above;
 - (d) Information about independent contractors other than that listed in C(1)(a) (h) above;

- (e) Information about judicial officers and assignments other than that listed in C(1)(a) (i) above; and
- (f) Information about medical enrollment, changes, Family Medical Leave Act, Workers' Compensation, and other medical related documentation and correspondence.
- 2. *Personal Identifying Information (PII)*. PII collected by automated means over the Internet or other digital network, e.g. case management programs, is confidential if the LVJC determines disclosure could potentially create negative consequences for the person(s) to whom the information pertains.
- 3. *Testing Records*. Test questions, scoring keys, other examination data, including testing results (unless the person tested has consented to the release) used in the administration of an examination given for employment, certification, or for inclusion on any roster.
- 4. *Proprietary, Licensed, or Copyrighted Materials*. Contents of proprietary or licensed documents or materials received by the LVJC. Copyrighted or patented materials in the possession and control of the LVJC which the LVJC did not create or produce, or for which the LVJC does not hold the copyright or patent.
- 5. Computer Programs, Software, Code. Computer programs are intellectual property owned or licensed by the LVJC and are not public records. This includes proprietary software or software developed or purchased by or for the LVJC's use including developed software code, even if such software or code is used to generate public records. Documentation and other records that describe the technical location, design, function, operation, or access control features of any LVJC computer network, automated data processing or telecommunications systems. The records produced by said software may be public.
- 6. *Competitive Bidding Records*. Terms and content of sealed bids, proprietary information within bids, including the number of bids received prior to the opening of the bids at the time specified in the LVJC's bid solicitation offer.
- 7. *Trade Secrets*. Trade secrets and commercial or financial information obtained from a person that is of a privileged or confidential nature.
- 8. Any Draft Internal Correspondence Transmitted. Internal correspondence related to LVJC work product, policy, or programs, evaluations, investigations, informal or preliminary audits or scenarios, internal budget deliberations/estimates/hypotheticals or fiscal notes that are not part of the final or publicly released budget or legislative process, or compliance reviews including materials prepared by a consultant.

- 9. Legal Work Product. Legal and other work product and records of any judicial or quasi-judicial officer, attorney, paralegal, law clerk, intern, or extern employed by or representing the LVJC produced in the regular course of business or representation of the LVJC are exempt from disclosure, as well as all notes, memoranda or drafts prepared by a justice of the peace, pro tempore justice of the peace, hearing master, or other LVJC personnel at the direction of any of the judicial officers listed and used in the course of deliberations on rule, policy or other administrative matters.
- 10. *Records Relating to Litigation*. Records pertaining to settled cases, including confidential settlement briefs presented to a judicial officer for the limited purpose of conducting a settlement conference and records related to litigation in which the LVJC is a party to the action.
- 11. Security Records. See definition in section II.I.
- 12. Records Otherwise Made Inaccessible.
 - (a) Records that are made inaccessible to the public pursuant to state or federal statutes, state or federal case law, rule, directive, or order of the Nevada Supreme Court, or item specific LVJC policies or court orders.
 - (b) Information presenting a risk to personal privacy and/or safety, or the fair, impartial, and orderly administration of justice as determined by the Court Administrator or Chief Judge.

IV. PROCEDURES FOR REQUESTING ACCESS

- A. Requests to Inspect or Copy Administrative Records
 - A request to inspect or obtain copies of Administrative Records must be made to the LVJC in writing, utilizing a form approved by the Court Administrator. The form is available on the LVJC's website at https://lasvegasjusticecourt.us or may be retrieved in person at the Las Vegas Justice Court Customer Service Office, 200 Lewis Ave., First Floor, Las Vegas, Nevada 89155.
 - 2. All requests must include sufficient detail to reasonably identify what public record is being sought. If the request does not provide sufficient information to identify or locate the record, the request will be returned.
 - 3. Requests submitted by mail or email as follows:

Las Vegas Justice Court Attn: Administrative Records Official 200 Lewis Ave., Second Floor Las Vegas, NV 89155

E-mail: LVJCAdministration@clarkcountynv.gov

B. Response.

- The Records Official shall respond to a request for Administrative Records in accordance
 with the procedures set forth below as promptly as possible under the circumstances
 existing at the time of the request. The LVJC response time may be influenced by several
 factors such as the availability of court staff, the number of pending records requests, the
 quantity of records requested, and the extent to which the requested records must be
 redacted pursuant to this policy.
- 2. Upon receipt of the records request, the Records Official shall, within five (5) business days of the receipt of the request, notify the requestor, in writing:
 - a. The earliest date and time after which the records will be made available for inspection or copying without unreasonable disruption to the operations of the LVJC, and an estimate of any costs to be charged in accordance with Section IV(D) of this policy; or,
 - b. That the requested records are confidential, and the case, statute, rule, order, or policy that is the basis of the denial of the request; or,
 - c. That the records do not exist.
- 3. If the Records Official determines that there will be a delay of more than five (5) business days from the date of receipt of the request before the Records Official can provide a response to the requestor, the Records Official will notify the requestor of the reasons for the delay and when a response will be provided.
- 4. If the Records Official determines that compliance with the request would create an undue burden on LVJC or court operations, or if the number of records requested is so great that inspection or reproduction would create an unreasonable disruption to the work of the court, the Records Official may require that the request be limited by the requester, or the Records Official may limit the request.

C. Provision of Administrative Records.

1. Upon approval by the Records Official of a request to inspect Administrative Records, the requestor will be allowed to inspect the records at the location where such records are kept at a date and time prescribed by the Records Official. If the requested record is solely maintained in an electronic format, the Records Official will make an electronic version available for inspection. If access to original Administrative Records would result in disclosure of information which is confidential, jeopardizes the security of the records, or is otherwise impractical, copies, redacted copies, or other appropriate formats may be

produced for inspection. Unless expressly authorized by the Records Official or judicial order, records must not be removed from the location where they are normally kept.

- 2. Upon approval by the Records Official of a request for copies of Administrative Records, the Records Official will make such copies available at the location where such records are kept during business hours. If the Administrative Record is solely maintained in an electronic format, the Records Official may, at his or her discretion, provide electronic copies of the record by electronic mail.
- 3. Nothing in this policy requires the LVJC to provide for inspection or copying of a public record in an electronic format or by means of an electronic medium if the record was not created or prepared in an electronic format. Even if available in an electronic format, the Records Official may restrict access if providing the public records would require the production of information that is confidential and that cannot be reasonably redacted, deleted, concealed or separated from information that is not otherwise confidential.
- 4. If the requestor does not inspect or retrieve copies of the requested record during the period prescribed by the Records Official, the request will be deemed withdrawn, but may be renewed by resubmission of the requests.
- D. *Fees*. The requestor must pay the fee for preparing any copy, whether paper or electronic, as set forth in NRS 4.060.
 - 1. The Records Official will provide the requestor with an estimate of necessary fees and shall require prepayment. The Records Official may also waive any charge if the requestor can demonstrate that he or she is indigent and unable to pay such costs.
 - 2. Administrative Records will only be provided after the requestor has paid all fees related to the request.
- E. *Reconsideration of Denial of Access to Records*. A request for reconsideration of a decision denying or limiting access to information must be made to the Chief Judge of the Las Vegas Justice Court in the form of a detailed letter, within 30 calendar days from the date of the decision.

MELISSA SARAGOSA Chief Judge, Las Vegas Justice Court JUSTICE COURT POLICY NUMBER: 22-02

JESSICA GURLEY
Justice Court Administrator/Deputy Clerk

EFFECTIVE DATE: October 31, 2022

I. SCOPE

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This policy does not apply to Administrative Records of the LVJC which are covered under separate policy.

Nothing in this policy shall be construed to require the LVJC to index, compile, re-format, program or otherwise reorganize existing information to create new records not maintained in the ordinary course of business. Redaction of information, as may be required herein, is not deemed to be creating a new record. The LVJC has no obligation to an individual requestor to complete checklists or answer questions contained in a request for Court Records.

II. DEFINITIONS

- A. Administrative Record. "Administrative Record" means any document, information, data, or other item created, collected, received, stored, or maintained in the custody or exclusive control of the LVJC pertaining to the administration of the LVJC and that is not contained within a file or record of a court case. Court Records are not administrative records. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Administrative records do not include documents, information, data, or items that may otherwise be publicly available from other sources. Unless otherwise provided in this policy, this definition applies equally to administrative records maintained in paper and electronic formats.
- B. Court Record. "Court Record" means any document, information, exhibit, or other thing that is maintained, created, collected, or prepared by a court and is in the court's custody or control in connection with open or closed judicial proceedings such as, but not limited to, indexes, calendars, dockets, registers of actions, court files, official records of proceedings, orders, decrees, judgments, minutes, and any information in a case management system. Administrative records are not Court Records. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Unless

- otherwise provided in this policy, this definition applies equally to Court Records maintained in paper and electronic formats.
- C. *Information*. "Information" means any alpha, numeric, audio, or image reproduction data that constitutes a record or any part thereof, regardless of the form or format (i.e., electronic, hardcopy, etc.).
- D. *Personal Identifying Information (PII)*. For purposes of this policy, "personal identifying information" has the meaning ascribed to in NRS 205.4617.
- E. *Public*. "Public" is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.
- F. *Public Access*. "Public Access" means that the public may inspect and obtain Court Records, as provided by law or as set forth in this policy.
- G. Records Official. "Records Official" is the official charged with the responsibility of the care, keeping, and supervision of the records. All references to Records Official include the Records Official and/or the Records Official's designee.
- H. *Redact, Redaction.* "Redact" means to protect from examination by the public and unauthorized personnel a portion or portions of a specific court or administrative record. Redaction may be required by the terms of this policy, law, court rule, decision or order, or federal statute or regulation.

III. GENERAL ACCESS TO COURT RECORDS OF THE (LVJC)

- A. Accessibility of Court Records. Court Records of the LVJC are open to the public to the extent provided herein. All records made available for inspection or copying are subject to the redaction of personal identifying information before any inspection or copying may take place.
- B. *Records Not Available to the Public*. Certain categories of information or documents maintained in a Court Record are confidential and exempt from public disclosure, including but not limited to:
 - 1. *Personal Identifying Information (PII)*. PII that is maintained in Court Records is confidential and will be redacted prior to any public disclosure of the record.
 - 2. *Sealed Court Documents*. Sealed documents are protected from examination by the public and not available to the public or unauthorized court personnel.

- 3. Legal Work Product. Legal and other work product and records of any judicial or quasijudicial officer, attorney, paralegal, law clerk, intern, or extern employed by or representing
 the LVJC produced in the regular course of business or representation of the LVJC are
 exempt from disclosure, as well as all notes, memoranda or drafts prepared by a justice of
 the peace, pro tempore justice of the peace, hearing master, or other LVJC personnel at the
 direction of any of the judicial officers listed and used in the course of deliberations on
 rule, policy or other administrative matters.
- 4. Any other information or documents deemed confidential by law.

IV. PROCEDURES FOR REQUESTING ACCESS TO COURT RECORDS

- A. Requests to Inspect or Copy Court Records
 - A request to inspect or obtain copies of Court Records must be made to the LVJC in writing, utilizing a form approved by the Court Administrator. The form is available on the LVJC's website at https://lasvegasjusticecourt.us or may be retrieved in person at the Las Vegas Justice Court Customer Service Office, 200 Lewis Ave., First Floor, Las Vegas, Nevada 89155.
 - 2. All requests must include sufficient detail to reasonably identify what Court Record is being sought, including the name, case caption, case number, or type of information contained in a specific identifiable document. If the request does not provide sufficient information to identify or locate the record, the request will be returned.
 - 3. Research requests to locate specific Court Records may be submitted and will be accomplished as time permits without interruption of court operations.
 - 4. Requests submitted by mail must be addressed as follows:

Las Vegas Justice Court Clerk's Office Attention: Court Record Request 200 Lewis Ave., Second Floor Las Vegas, Nevada 89155

5. Requests may be submitted electronically as follows:

Criminal Case Requests:

Civil Case Requests:

Media Requests:

Records.Criminal@clarkcountynv.gov

Records.Civil@clarkcountynv.gov

LVJCMedia@clarkcountynv.gov

B. Response.

- The Records Official shall respond to a request for Court Records in accordance with the
 procedures set forth below as promptly as possible under the circumstances existing at the
 time of the request. The LVJC response time may be influenced by several factors such as
 the availability of court staff, the number of pending records requests, the quantity of
 records requested, and the extent to which the requested records must be redacted pursuant
 to this policy.
- 2. Upon receipt of the records request, the Records Official shall, within five (5) business days of the receipt of the request, notify the requestor, in writing:
 - a. The earliest date and time after which the records will be made available for inspection or copying without unreasonable disruption to the operations of the LVJC, and an estimate of any costs to be charged in accordance with Section IV(D) of this policy; or,
 - b. That the requested records are confidential, and the case, statute, rule, order, or policy that is the basis of the denial of the request; or,
 - c. That the records do not exist.
- 3. If the Records Official determines that there will be a delay of more than five (5) business days from the date of receipt of the request before the Records Official can provide a response to the requestor, the Records Official will notify the requestor of the reasons for the delay and when a response will be provided.
- 4. If the Records Official determines that compliance with the request would create an undue burden on LVJC or court operations, or if the number of records requested is so great that inspection or reproduction would create an unreasonable disruption to the work of the court, the Records Official may require that the request be limited by the requester, or the Records Official may limit the request.

C. Provision of Court Records.

1. Upon approval by the Records Official of a request to inspect Court Records, the requestor will be allowed to inspect the Court Records at the location where such records are kept at a date and time prescribed by the Records Official. If the requested record is solely maintained in an electronic format, the Records Official will make an electronic version available for inspection. If access to original Court Records would result in disclosure of information which is confidential, jeopardizes the security of the records, or is otherwise impractical, copies, redacted copies, or other appropriate formats may be produced for

- inspection. Unless expressly authorized by the Records Official or judicial order, records must not be removed from the location where they are normally kept.
- 2. Upon approval by the Records Official of a request for copies of Court Records, the Records Official will make such copies available at the location where such records are kept during business hours. If the Court Record is solely maintained in an electronic format, the Records Official may, at his or her discretion, provide electronic copies of the record by electronic mail.
- 3. Nothing in this policy requires the LVJC to provide for inspection or copying of a public record in an electronic format or by means of an electronic medium if the record was not created or prepared in an electronic format. Even if available in an electronic format, the Records Official may restrict access if providing the public records would require the production of information that is confidential and that cannot be reasonably redacted, deleted, concealed or separated from information that is not otherwise confidential.
- 4. If the requestor does not inspect or retrieve copies of the requested record during the period prescribed by the Records Official, the request will be deemed withdrawn, but may be renewed by resubmission of the requests.
- D. *Fees*. The requestor must pay the fee for preparing any copy, whether paper or electronic, as set forth in NRS 4.060.
 - 1. The Records Official will provide the requestor with an estimate of necessary fees and shall require prepayment. The Records Official may also waive any charge if the requestor can demonstrate that he or she is indigent and unable to pay such costs.
 - 2. Media entities who submit multiple records requests over the course of time may establish a drawdown account with the LVJC Finance Division to cover the required fees without delay in the production of Court Records.
 - 3. Court Records will only be provided after the requestor has paid all fees related to the request.
- E. Reconsideration of Denial of Access to Records. A request for reconsideration of a decision denying or limiting access to information must be made to the Chief Judge of the Las Vegas Justice Court in the form of a detailed letter, within thirty (30) business days from the date of the decision.