

Nevada may expand audio-visual use in courtroom

By Sean Whaley, Nevada News Bureau

CARSON CITY – The Nevada Supreme Court could soon open the doors of Nevada courtrooms wider by allowing witnesses and others to appear at civil and criminal trials through audio-visual links rather than in person.

The court already allows attorneys, litigants, and witnesses to appear in certain routine court hearings by telephonic link, but the proposal to allow trial testimony through a video link would be a major step beyond that.

“With the technology available today, it is very feasible for witnesses and litigants to appear in trials and other court hearings through video links,” Chief Justice Michael Douglas said. “Use of such technology would greatly expand access to justice, particularly for residents in rural Nevada, where a limited number of attorneys practice law and access to expert witnesses is difficult.

“Through the use of audiovisual technology, judges, juries, defendants, and litigants would have the ability to interact with the person at the other end of the video link just as if they were in the courtroom,” he said. “The Supreme Court and many other governmental entities already use video links to take comments in administrative matters or hold meetings. Using today’s technology for courtroom trials and hearings is simply the next logical step.”

Under the proposed rules, adequate video equipment would have to be available in both the courtroom and the location where the witness or other individual would be appearing. If a video appearance was deemed to be inappropriate or not feasible, a judge could order a personal appearance.

A public hearing on the proposed rules contained in ADKT 424 is scheduled for Sept. 8 at 3:30pm in the Supreme Court's Carson City courtroom. The hearing will be videoconferenced to the Supreme Court courtroom at the Regional Justice Center in Las Vegas. Individuals wishing to comment may do so from either location.

The new rules, proposed by Justice Mark Gibbons, are intended "to improve access to the courts and reduce litigation costs."

The proposed rules would establish a policy favoring audiovisual appearances and direct the trial courts to "permit parties, to the extent feasible, to appear by simultaneous audiovisual transmission equipment at appropriate proceedings."

Appearances by video would not be allowed at juvenile or appellate proceedings.

The decision by the Supreme Court to explore the possibility of remote appearances was prompted, in part, because of the vast distances between communities and the additional costs rural residents must incur for attorneys and expert witnesses.

Lawyers who practice in courthouses throughout the state have frequently complained about the costs and time demands of traveling to other counties for court hearings. Many times lawyers have not taken cases because clients cannot pay for all the travel and time involved for the numerous court appearances that many cases require.

The complaints come most frequently from attorneys who work in Reno or Las Vegas and wish to practice at the other end of the state. The result is that in some cases clients do not get the attorneys they want.

In rural counties, where few attorneys practice, litigants are often left to fend for themselves because they cannot afford the travel costs for an out-of-county lawyer.

On March 1, 2009, a Nevada Supreme Court rule resolved much of the problem by allowing attorneys and others to appear for routine matters in civil cases via conference telephone or other electronic device, such as a videoconference link.

That rule also opened the door for attorneys in urban areas to fulfill their pro bono duty by assisting financially strapped rural residents at no cost through telephonic links.

But the telephonic appearance rule did not allow attorneys to appear in court for trials or other lengthy matters. Douglas said the proposed audiovisual rule would make such long distance pro bono work possible.