

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 93-~~0059~~

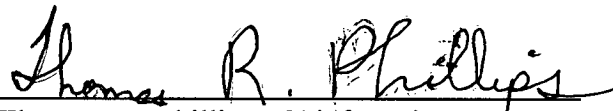
ADOPTION OF RULES FOR RECORDING AND BROADCASTING CIVIL COURT PROCEEDINGS IN THE COURTS OF EL PASO COUNTY

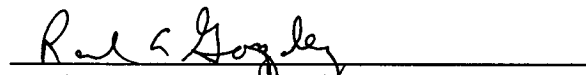
ORDERED:

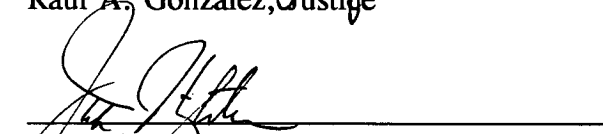
At the request of the District Courts and County Courts of El Paso County, the attached rules are adopted governing the recording and broadcasting of civil proceedings in those courts. TEX. R. CIV. P. 18c; TEX. R. APP. P. 21.


This Order shall be effective for each such court when it has recorded the Order in its minutes and complied with Texas Rule of Civil Procedure 3a(4).

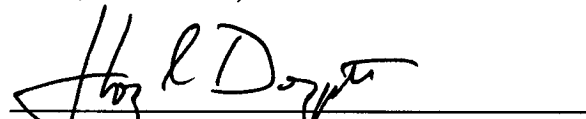
SIGNED AND ENTERED this 26th day of February, 1993

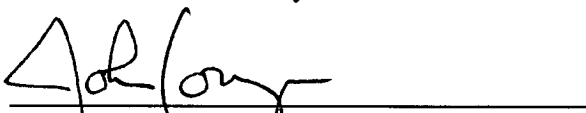

Thomas R. Phillips, Chief Justice

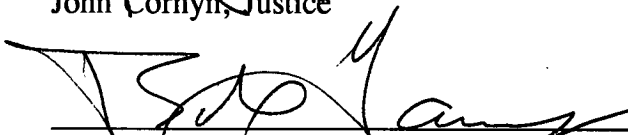

Raul A. Gonzalez, Justice

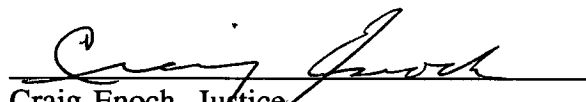

Jack Hightower, Justice

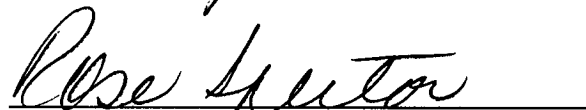

Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

**RULES GOVERNING THE RECORDING AND
BROADCASTING OF CIVIL COURT PROCEEDINGS
IN THE CIVIL COURTS OF EL PASO COUNTY**

Pursuant to Rule 18c(a) of the Texas Rules of Civil Procedure, the following rules govern the recording and broadcasting of civil proceedings in the district courts and county courts of El Paso County.

1. Policy. The policy of these rules is to allow electronic media coverage of public civil court proceedings to facilitate the free flow of information to the public concerning the judicial system and to foster better public understanding about the administration of justice. These rules are to be construed to provide the greatest access possible while at the same time maintaining the dignity, decorum and impartiality of the court proceeding.

2. Definitions. Certain terms are defined for purposes of these rules as follows.

2.1. "Court" means the particular judge or associate judge who is presiding over the proceeding.

2.2. "Media coverage" means any reporting, recording or broadcasting of court proceedings by the media using television, radio, photographic or recording equipment.

2.3. "Media" or "media agency" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news reporting or news gathering agency.

2.4. "Proceeding" means any court hearing, including pretrial motions as well as trials.

3. Electronic media coverage permitted.

3.1. Media coverage is allowed in the courtroom only as permitted by Rule 18c of the Texas Rules of Civil Procedure and these rules.

3.2 If media coverage is of investiture or ceremonial proceedings as allowed by Rule 18c(c) of the Texas Rules of Civil Procedure, permission for, and the manner of such coverage, are determined solely by the court, with or without guidance from these rules. If media coverage is for other than investiture or ceremonial proceedings, that is, under Rule 18c(a) or (b) of the Texas Rules of Civil Procedure, the provisions of these rules shall govern.

3.3 Media coverage under Rule 18c(a) or (b) of the Texas Rules of Civil Procedure is permitted only after written notice filed with the district clerk or county clerk, as

applicable, and served on the parties to the proceeding no later than the day prior to the scheduled proceeding unless the proceeding is set on less than a day's notice in which case the notice shall be filed as soon as practicable. The court may lengthen or shorten the time for notice for good cause. Such notice shall be signed by an authorized media representative and acknowledge that such media has received a copy of these guidelines and that these guidelines are binding upon it. Upon the filing of such notice and prior to the commencement of the proceeding, any party may request a hearing on objections to such coverage. Objections to media coverage should not be conclusory but should state the specific and demonstrable injury alleged to result from media coverage. The hearing shall be held at such a time so as not to substantially delay the proceedings. The court shall, by written order, either allow, deny or limit coverage. If the court denies coverage, it shall set forth in its order the findings upon which such denial is based. The court has the discretion to allow, deny, limit or terminate media coverage of a proceeding when it is in the interests of justice to protect the rights of the parties, witnesses, or the dignity of the court, or to assure the orderly conduct of the proceedings, or for any other reason considered necessary or appropriate by the court.

4. Media coverage prohibited.

4.1. Media coverage of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited. Conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the court at the bench shall not be recorded or received by sound equipment.

4.2. Filming, photographing or recording jurors or alternate jurors in or near the courtroom or in the jury deliberation room is prohibited.

4.3. Because of the routine occurrence of sensitive matters occurring in the courts, juvenile and family courts may establish and publish additional policies regarding electronic media coverage of certain types of proceedings in their courts. Under Title 3 of the Family Code, juvenile respondents are afforded confidentiality in delinquency cases. These rules recognize that there may likely be no proper circumstance for allowing media coverage in delinquency cases under the current state of the law.

5. Equipment and personnel. The court may require media personnel to demonstrate that proposed equipment complies with these rules. The court may specify the placement of media personnel and equipment to permit reasonable coverage without disruption to the proceedings. Unless the court in its discretion, and for good cause orders otherwise, the following standards apply to media coverage.

5.1. One television camera and one still camera, with a combined crew of no more than two persons, are allowed; in the event the media makes known to the court its intent to cover any entire or lengthy proceeding, or in other appropriate circumstances, the court in its discretion may allow an unmanned second camera into the courtroom. Tape recorders may be used.

5.2. Equipment shall not produce distracting sound or light. Signal lights or devices which show when equipment is operating shall not be visible. Moving lights, flash attachments, or sudden lighting changes shall not be used.

5.3. Existing courtroom sound and lighting systems shall be used without modification unless approved by the trial court. Not more than two audio systems may be used. Microphones and wiring shall be unobtrusively located in places approved by the court and shall be secured for safety.

5.4. Equipment shall be operated from a position designated by the court. Operators shall not move equipment while the court is in session, or otherwise cause a distraction. All equipment shall be in place in advance of the commencement of the proceeding or session that is the subject of the coverage.

6. Delay of proceedings. No proceeding or session will be delayed or continued for the sole purpose of allowing media coverage unless allowed by the court.

7. Pooling. If more than one media agency of one type wish to cover a proceeding or session, they shall make pool arrangements and designate a pool coordinator to interact with the court. If they are unable to agree, the court may deny all media coverage by that type of media agency.

8. Official record. Films, videotapes, photographs or audio reproductions made in court proceedings shall not be considered as part of the official court record.

9. Enforcement. In any proceeding to which they apply, these rules shall have the force and effect of a judicial order and may be enforced by the court as allowed by law. A violation by the media may be sanctioned by appropriate measures, including, without limitation, barring the particular media from access to future media coverage of proceedings in that courtroom for a defined period of time.



THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

March 1, 1993

Mr. Hector Enriquez
County Clerk
500 East San Antonio
El Paso, Texas 79901

Dear Mr. Enriquez,

Please find enclosed, a copy of the order of the Supreme Court that approved local for recording and broadcasting civil court proceedings in the courts of El Paso County. Please pass copies to the affected courts.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. William E. Moody
6th Admin Judicial Rgn

Hon. Kitty Schild

District Clerk

Supreme Court Adv Committee

Mr. Raymond Judice
Office of Court Admin

State Law Library