

Rules Governing the Recording and Broadcasting of Court Proceedings in the District Courts of Tarrant County Trying Criminal Cases

Pursuant to the agreement of the undersigned judges of the District Courts of Tarrant County trying criminal cases, the following rules govern the recording and broadcasting of court proceedings in those courts.

1. Policy. The policy of these rules is to allow electronic media coverage of public criminal 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 not to be construed to vest any right in any media agency to enforce any alleged right to record or to broadcast court proceedings, but to provide the greatest access possible while at the same time maintaining the dignity, decorum and impartiality of the court proceeding. Further, nothing in these rules shall be construed as limiting any court from entering orders regarding media coverage specific to the particular circumstances of any individual case.

2. Public Access to the Courts. Nothing in these rules shall be construed to limit or deny access by the public the courts. However, the Sixth Amendment right to a public trial is not absolute and may be outweighed by other competing rights or interests, such as interests in security, preventing disclosure of non-public information, or ensuring that a defendant receives a fair trial. *See Lilly v. State*, ---SW3d---, 2012 WL 1314088, 5 (Tex. Crim. App. 2012); *Steadman v. State*, 360 S.W.3d 499 (Tex. Crim. App. 2012) (the court must consider every reasonable alternative to closure of proceedings to the public); *Presley v. Georgia*, —U.S. —, —, 130 S.Ct. 721, 723, 175 L.Ed.2d 675 (2010) (Sixth Amendment right to a public trial extends to jury selection proceedings).

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

3.1. “Court” means the particular judge or magistrate who is presiding over the proceeding.

3.2. “Electronic media coverage” means any recording or broadcasting of court proceedings by the media using television, radio, photographic or recording equipment.

3.3. “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.

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4. Electronic media coverage permitted.

4.1. Electronic media coverage is allowed in the courtroom only as permitted by law and these rules. See *Chandler v. Florida*, 449 U.S. 560, 101 S.Ct. 802 (1981); *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 100 S.Ct. 2814 (1980); *Gannett Co., Inc. v. DePasquale*, 443 U.S. 368, 99 S.Ct. 2898 (1979); *Sheppard v. Maxwell*, 384 U.S. 333, 86 S.Ct. 1507 (1966); *Estes v. Texas*, 381 U.S. 352, 85 S.Ct. 1628 (1965).

4.2. If electronic media coverage is of investiture or ceremonial proceedings, permission for, and the manner of such coverage, are determined solely by the court, with or without guidance from these rules. Cf. TEX. R. CIV. P. 18c(c). If electronic media coverage is for other than investiture or ceremonial proceedings, the provisions of these rules shall govern.

5. Electronic media coverage prohibited.

5.1. Electronic media coverage of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited.

5.2. Conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the court at the bench and conferences between counsel and the court outside the presence of the jury, shall not be recorded or received by sound equipment.

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

6. 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 electronic media coverage.

6.1. One television camera and one still camera, with a combined crew of no more than two persons, are allowed. Such equipment must be setup prior to trial at the start of each day of trial; otherwise, such equipment will not be allowed.

6.2. 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.

- 6.3.** Existing courtroom sound and lighting systems shall be used without modification unless approved by the trial court. Microphones and wiring shall be unobtrusively located in places approved by the court.
- 6.4.** 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.
- 7. 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.
- 8. Pooling.** If more than one media agency of one type wishes 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 electronic media coverage by that type of media agency.
- 9. Official record.** Films, videotapes, photographs or audio reproductions made in court proceedings shall not be considered as part of the official court record.
- 10. 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 electronic media may be sanctioned by appropriate measures, including, without limitation, barring the particular media from access to future electronic media coverage of proceedings in that courtroom for a defined period of time.

We the undersigned judges, adopt the following LOCAL MEDIA RULES for Tarrant County, this June 5th day of June 2012.



Judge Sharen Wilson
Criminal District Court No. 1



Judge Wayne Salvant
Criminal District Court No. 2



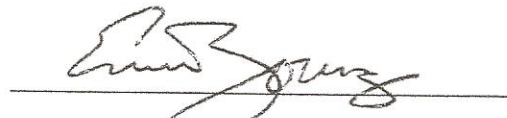
Judge Robb Catalano
Criminal District Court No. 3



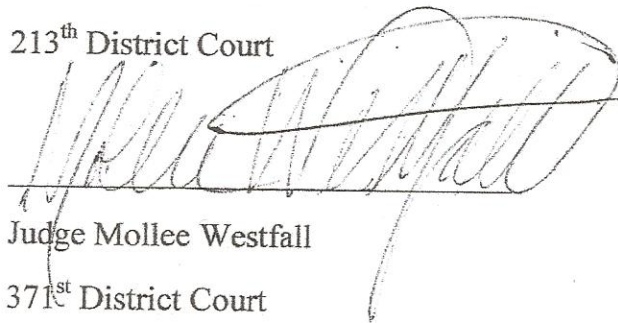
Judge Mike Thomas
Criminal District Court No. 4



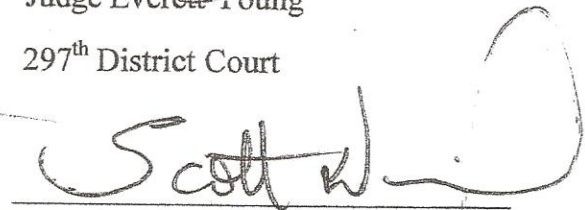
Judge Louis Sturns
213th District Court



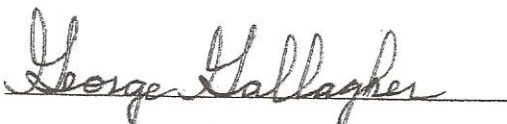
Judge Everett Young
297th District Court



Judge Mollee Westfall
371st District Court



Judge Scott Wisch
372nd District Court

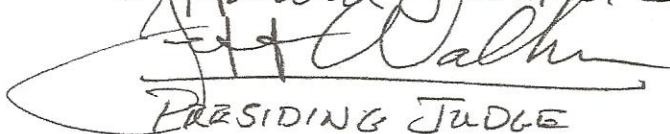


Judge George Gallagher
396th District Court



Judge Ruben Gonzalez, Jr.
432nd District Court

Approved June 5, 2012



PRESIDING JUDGE
8th Adm. Jud. Region