

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 92-0096

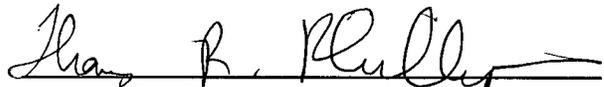
ADOPTION OF RULES FOR RECORDING AND BROADCASTING COURT PROCEEDINGS IN THE CIVIL COURTS OF WICHITA COUNTY

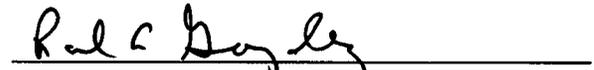
ORDERED:

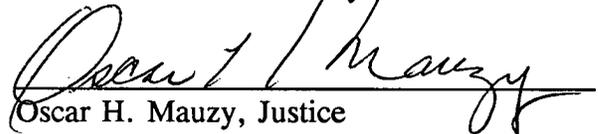
At the request of the civil courts of Wichita County, the attached rules are adopted governing the recording and broadcasting of civil proceedings in those courts. TEX. R. CIV. P. 18c; TEX. R. APP. P. 21.

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 2nd day of December, 1992.


Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

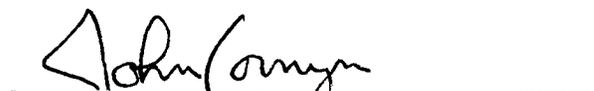

Oscar H. Mauzy, Justice

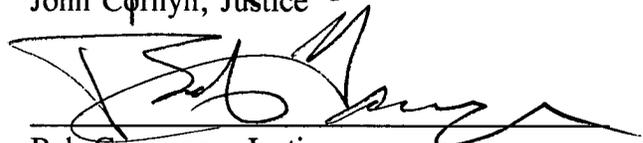

Eugene A. Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice

**RULES GOVERNING THE RECORDING AND
BROADCASTING OF COURT PROCEEDINGS IN
THE CIVIL COURTS OF WICHITA 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 at law of Wichita County. These rules do not apply to the recording and broadcasting of criminal proceedings.

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 who is presiding over the proceeding.

2.2. "Electronic media coverage" means any 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.

3. Electronic media coverage permitted.

3.1. Electronic 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 electronic 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 electronic 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 Electronic media coverage under Rule 18c(a) or (b) of the Texas Rules of Civil Procedure is permitted only after a written request to cover a proceeding is presented to the court, with copies to all parties. Upon the filing of such request 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 electronic 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. Electronic media coverage prohibited.

4.1. Electronic 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 the courtroom or in the jury deliberation room is prohibited.

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 electronic media coverage.

5.1. The court shall, in its discretion, determine the number of cameras to be allowed into the courtroom.

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.

5.4. 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.

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, the court may, in its discretion, require the use of a pool camera. In such instances, the court may require the media representatives involved in the coverage of the particular proceeding to designate a pool coordinator to direct the pooled coverage of the proceedings.

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 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.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

P.O. BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

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WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

JUSTICES
RAUL A. GONZALEZ
OSCAR H. MAUZY
EUGENE A. COOK
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE

December 3, 1992

Mr. Vernon Cannon
County Clerk
Post Office Box 1679
Wichita Falls, Texas 76307

Dear Mr. Cannon,

Please find a copy of the order of this Court of December 2, 1992, that approves local rules for recording and broadcasting court proceedings in the civil courts in your county. Kindly distribute the order to appropriate courts in your county.

Please note that the Supreme Court has been approving local rules provisionally. The Court believes that the Uniform Local Rules Committee is nearing completion of its task. Local courts may therefore be asked to further amend local rules in the not too distant future.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc:
Hon. Jeff Walker
8th Admin Judicial Rgn

District Clerk

Mr. Ray Judice
Office of Court Admin

State Law Library

Chmn Supreme Ct Adv Committee



THIRTIETH JUDICIAL DISTRICT COURT
WICHITA COUNTY COURTHOUSE, ROOM 360
900 SEVENTH STREET
Wichita Falls, Texas 76301-2483

ROBERT P. BROTHERTON
JUDGE

CECIL R. LANGFORD
REPORTER

JOANN BALDWIN
SECRETARY / BAILIFF

PHONE 766-8180
AREA CODE 817

May 21, 1992

Mr. John T. Adams
Clerk, Supreme Court
Supreme Court Building
P.O. Box 12248
Capitol Station
Austin, Texas 78711

Re: Local Rule Governing the Recording and Broadcasting
of Court Proceedings in Civil Matters in Wichita County

Dear Mr. Adams:

I am enclosing the original copy of the rules we have adopted in Wichita County regarding recording and televising civil proceedings in the trial courts in Wichita County. Please note that these rules have been approved by the Honorable R. Jeff Walker, our Regional Administrative Judge in Fort Worth. We would appreciate your presenting these rules to the court for its approval. If you have any questions, please call me.

Sincerely,

A handwritten signature in cursive script that reads "Robert P. Brotherton".

Robert P. Brotherton
Local Administrative Judge

RPB:jb
Enclosure
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RULES GOVERNING THE RECORDING
AND BROADCASTING OF COURT PROCEEDINGS
IN CIVIL MATTERS IN WICHITA 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 at law of Wichita County. These rules do not apply to the recording and broadcasting of criminal proceedings.

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 items are defined for purposes of these rules as follows.

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

2.2. "Electronic media coverage" means any 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.

3. Electronic media coverage permitted.

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3.2. If electronic 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 electronic 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.

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DISTRICT COURT

3.3. Electronic media coverage is permitted only after a written request to cover a proceeding is presented to the court, with copies to all parties and, thereafter, only if each party consents in writing, and consent, in writing, to being depicted or recorded is obtained from each witness whose testimony will be broadcast or televised. The court has the discretion to allow, deny, limit or terminate electronic 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. Electronic media coverage prohibited.

4.1. Electronic 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 the courtroom or in the jury deliberation room is prohibited.

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 electronic media coverage.

5.1. The court shall, in its discretion, determine the number of cameras to be allowed into the courtroom. The court may, in its discretion, require the use of a pool camera. In such instances, the court may require the media representatives involved in the coverage of the particular proceeding to designate a pool coordinator to direct the pooled coverage of the proceedings.

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.

5.4. 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.

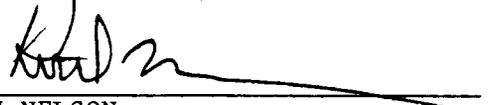
6. **Delay of proceedings.** No proceeding or session will be delayed or continued for the sole purpose of allowing media coverage unless allowed by the court.

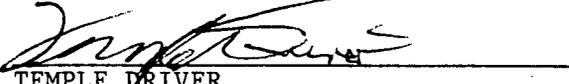
7. **Official record.** Films, videotapes, photographs or audio reproductions made in court proceedings shall not be considered as part of the official court record.

8. **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.

APPROVED AND ADOPTED May 1, 1992.


ROBERT P. BROTHERTON
30th District Court

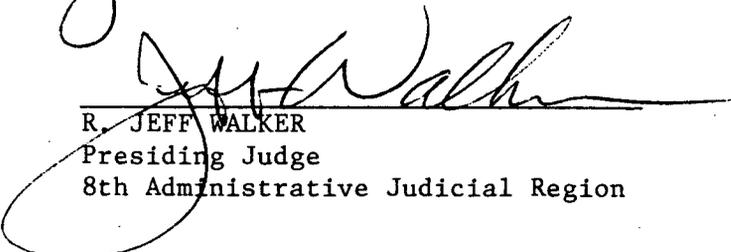

KEITH NELSON
78th District Court


TEMPLE DRIVER
89th District Court


JIM HOGAN
County Court at Law No. 1


TOM BACUS
County Court at Law No. 2

APPROVED the 7th day of May, 1992.


R. JEFF WALKER
Presiding Judge
8th Administrative Judicial Region