

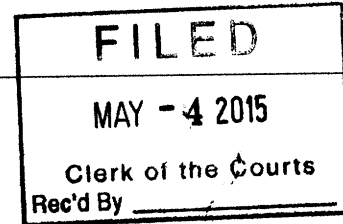
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ADM2015-00451



April 29, 2015

Tennessee Supreme Court
Regarding: Proposed Rule 30 changes

Dear Justices:

I am the editor of the Knoxville News Sentinel, and in that role I interact almost daily with reporters and photographers covering the judicial process in Knox County.

I want to begin by expressing my appreciation of the Court's ongoing willingness to work with Tennessee's news media to find ways to make courtrooms as accessible to the public as possible without sacrificing order and decorum or the quality of justice. I believe that Rule 30 has worked well in providing a framework for allowing cameras in courtrooms, and I recognize that the changes to Rule 30 are being proposed in the same spirit of transparency and openness.

I am concerned, however, that the proposed changes, though well-intended, actually will result in a substantial step backward in public access to court proceedings.

Right now, the judges in Knox County allow reporters virtually unrestricted use of digital phones and tablets as reporting tools, provided, of course, that they are not used as cameras and are handled discreetly and silently so that there is no disruption to court proceedings. This has allowed reporters to greatly broaden their delivery of courtroom news to the citizenry. As you are aware, the City-County Building in Knoxville is the home of General Sessions, Circuit, Chancery and Criminal courtrooms. On a routine day, our reporters are in and out of several courtrooms covering multiple proceedings. Their coverage plans can change abruptly based on news developments. In some cases, the proceedings being covered have not even been published on the day's dockets as judges and attorneys juggle schedules. In each instance, the reporters use their digital devices to deliver news updates to our newsroom or to the public directly via social networks or other digital platforms.

Rule 30 requests are not being required in this work environment because the digital devices are not being employed as cameras or recording devices. Under the proposed rule change, however, requests would have to be submitted. This would seriously hamper the flexibility of reporters to cover a variety of proceedings, even if the 48-hour deadline routinely were waived. Attorneys who simply wanted to limit publicity would object to Rule 30 requests, especially last minute ones, and judges might be hesitant to delay proceedings to schedule Rule 30 hearings.

Because Rule 30 was developed with cameras and photographic images in mind, the proposed changes result in some illogical anomalies. For instance, definition of "coverage" would be expanded to include posting on a website or on a social media platform using an electronic device.

But the rule would continue to prohibit “coverage” of jury selection. This would mean that a reporter using a traditional pen and notebook could take notes on voir dire then leave the courtroom and post that information on a website or social media site. But that same reporter would be prohibited from posting the same information from an electronic device in the courtroom even when the device was allowed under a Rule 30 request.

When Rule 30 originally was being debated, a major concern was order and decorum in courtrooms. All agreed that cameras, by the nature of their use, injected some level of distraction into proceedings, so much of the focus was on how these distractions could be mitigated. Quiet cameras and limited positioning were responses to this concern. The proposed changes to Rule 30 continue to impose restrictions on a journalistic tool, now the “electronic device.” But unlike cameras, electronic devices have an array of uses. Some uses would create distractions in a courtroom. Others – including posting and messaging from within the courtroom -- are no more distracting than using a pen and notebook.

Another concern of the original Rule 30 was the content produced. At times, attorneys have argued that photos or video might prejudice a jury pool, invade the privacy of a witness or otherwise harm the judicial process because of the very nature of the content produced. Such cases have involved a balancing of First and Fourth Amendments rights and ideally have warranted full-blown hearings. But an electronic device, when not used as a camera or recorder, produces no special content. The words that a reporter places in a smartphone or digital tablet are indistinguishable from the words he or she places on paper in a notebook.

For these reasons, the proposed changes to Rule 30 represent a fundamental shift in the regulation of courtroom journalism. Now the delivery and dissemination of information is at issue. Reporters would be able to deliver the same content outside the courtroom using tools and methods that would be banned inside the courtroom. There would be no effect on courtroom decorum nor difference in the content viewed by the public. The only effect would be to slow down the work of the journalists. Sadly, this is being proposed at a time when the number of professional reporters covering the routine, day-to-day proceedings in local courtrooms is shrinking because of the diminished resources of traditional media.

Modern digital tools have allowed reporters to leverage their efforts to provide as much coverage as possible to citizens who increasingly are getting their news and information through non-traditional channels. Making that harder, without any offsetting gain in courtroom decorum or the judicial process, does not serve the interest of the justice system nor of the citizenry.

Again, I thank the Court for its attention to this issue and its consideration of the concerns expressed above.

Sincerely,



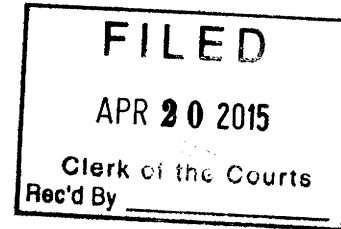
Jack McElroy
Editor

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April 15, 2015

James Hivner, Clerk
RE: Rule 30
100 Supreme Court Building
401 7th Avenue North
Nashville, Tennessee 37219-1407



RE: No. ADMIN2015-00451

Dear Mr. Hivner:

As a public citizen and investigative author, I submit the following comments on the proposed change to Rule 30.

The present definition of “coverage” is rationally based in that it includes the various types of equipment that can be distractive to court participants, or may even appear to interfere with a neutral setting.

There is no rational basis to change this definition to include posting messages to social media, text messaging, etc., with a smart phone (“electronic device”) or similar product. Typing a message on a smart phone, Blackberry, iPad or similar device is no more or less discrete than writing notes on a paper tablet. The real reason for change is to isolate court proceedings from real-time reporting to the outside world. Before the Court adopts this change it should explain to the public why it believes this is important, and to provide examples of how such reporting has damaged the cause of justice in the past. I don’t believe it has, and I don’t believe the Court has any basis other than convenience and the desire to operate in as much anonymity as possible. Furthermore, I do not believe the proposed change comports to the constitutional mandate of openness in Article I, Sec. 17.

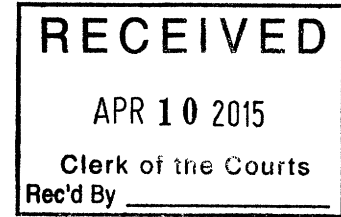
I urge the Court not to adopt the proposed changes to Rule 30, and if you do you should submit Rule 30 to the General Assembly for ratification.

Kindest regards,

John Avery Emison

From: "Ben Cunningham"
To: <lisa.marsh@tncourts.gov>
Date: 4/10/2015 1:26 PM
Subject: TN Courts: Submit Comment on Proposed Rules

ADM2015-00451



Submitted on Friday, April 10, 2015 - 1:25pm
Submitted by anonymous user:
Submitted values are:

Your Name:
Your Address
Your email address
Your Position or Organization: President, The Nashville Tea Party, Inc. a TN Non-profit
Rule Change: Supreme Court Rule 21, Sections 1.01 and 10 and Supreme Court Rule 8, RPC 7.4(d)
Docket number: unknown
Your public comments:
Commenting on Rule 30, Media Guidelines (there was no option in the drop down menu for rule 30)

The rules are far too restrictive on reporters. Reporters should not be required to get permission from a judge for cell phones and computers. These are the modern day pen and pad and they should only be excluded when the press is excluded. Ben Cunningham

The results of this submission may be viewed at:
<http://www.tncourts.gov/node/602760/submission/11551>

