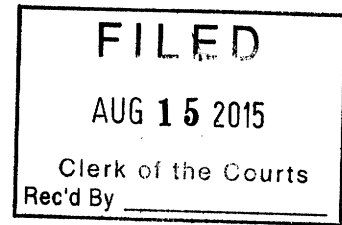


From: "Grover Murrell" <Gmurrell@sbgvtv.com>
To: <lisa.marsh@tncourts.gov>
Date: 8/15/2015 9:46 AM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Saturday, August 15, 2015 - 9:46am
Submitted by anonymous user: [68.52.49.105]
Submitted values are:



Your Name: Grover Murrell
Your Address: 631 Mainstream Drive Nashville Tennessee
Your email address: Gmurrell@sbgvtv.com
Your Position or Organization: Assignment Manager /WZTV Fox 17
Rule Change: Supreme Court Rule 30
Docket number: ADMIN2015-00451
Your public comments:
To Whom it may concern,

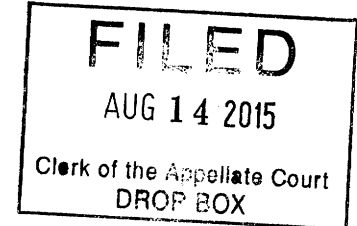
With all due respect- while I appreciate the courts decision to update the Rule 30. I find it very restrictive, not only for our reporters in the courtroom but for our news organization. We are in the business of getting information out to the public as soon as it's happening but with the recent changes that's not going to be the case. Reporters take their phones into the courtroom for several reasons, to send back updates to the newsroom, to send and update social platforms and contact the photographer. That open communication is key for our reporters because as the day goes on we may have to switch their assignments and need to pull the out of court. The rule 30 system has worked for our station in the past so I'm a little sadden to see that it's being changed to something more restrictive. The new rules hurt our ability to keep the public informed in real time about court cases they are interested or that may impact them.

The results of this submission may be viewed at:
<http://www.tsc.state.tn.us/node/602760/submission/12588>

August 14, 2015

VIA HAND DELIVERY

Mr. James Hivner, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, Tennessee 37219-1407



RE: In re amendment of Tennessee Supreme Court Rule 30, No. ADMIN2015-00451


Dear Mr. Hivner:

As you and the honorable Justices of the Tennessee Supreme Court are well aware, *The Tennessean* has been committed to transparency in government and educating the public for generations. Covering Tennessee courts is one of our most important missions.

In our view, the proposed changes to Supreme Court 30 impose impediments to reporting about lawsuits and participants in the judicial system. Although we are confident that result was not intended, nevertheless the adoption of those changes would have an immediate and negative impact on fact-gathering and publication of news stories.

We have carefully studied the comments submitted by the Tennessee Bar Association and the Tennessee Coalition for Open Government, and wholeheartedly endorse them. The TBA's recommended changes to the proposed amendments to Rule 30 provide balance and do not place significant restrictions upon the work of reporters.

We urge the Supreme Court to adopt the amendments to Rule 30 that have been proposed by the TBA. Thank you for your attention.

Sincerely,

Maria De Varenne
News Director
The Tennessean

From: "Nancy Phillips" <news@fairviewobserver.com>
To: <lisa.marsh@tncourts.gov>
Date: 8/14/2015 3:58 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Friday, August 14, 2015 - 3:57pm
Submitted by anonymous user: [75.149.97.196]
Submitted values are:

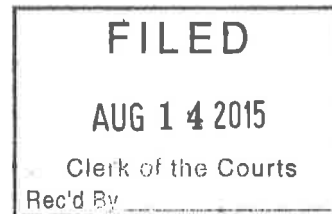
Your Name: Nancy Phillips
Your Address: P. O. Box 506, Fairview, TN 37062
Your email address: news@fairviewobserver.com
Your Position or Organization: editor
Rule Change: Supreme Court Rule 30
Docket number: Admin2015-00451

Your public comments:

Having worked as our community's only full-time reporter for over 20 years, I would respectfully ask that you not restrict the use of smartphones by journalists in the court room.

The device serves as a valuable tool in my reporting duties and allows me to maintain a quiet form of communication during long proceedings via texting in the event urgent matters arise within the community.

The results of this submission may be viewed at:
<http://www.tsc.state.tn.us/node/602760/submission/12585>



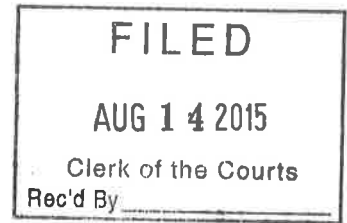
From: "Jimmy Hart" <jimmy.hart@mtsu.edu>
To: <lisa.marsh@tncourts.gov>
Date: 8/14/2015 2:38 PM
Subject: TN Courts: Submit Comment on Proposed Rules

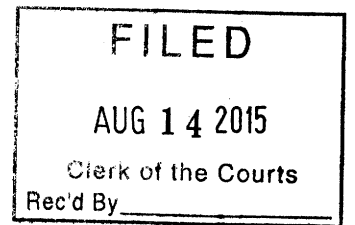
Submitted on Friday, August 14, 2015 - 2:37pm
Submitted by anonymous user: [161.45.188.240]
Submitted values are:

Your Name: Jimmy Hart
Your Address: 428 Creek Oak Drive Murfreesboro, TN 37128
Your email address: jimmy.hart@mtsu.edu
Your Position or Organization: Former newspaper journalist of 17 years
Rule Change: Supreme Court Rule 30
Docket number: Admin2015-00451

Your public comments: The use of electronic devices is absolutely essential for today's working journalist. It is as important as paper and pen. Openness and transparency are the cornerstones of our democracy and that holds true for our courts as well. I struggle to see a valid reason to prohibit working journalists from using electronic devices to properly and more accurately perform the important duties of a free press.

The results of this submission may be viewed at:
<http://www.tsc.state.tn.us/node/602760/submission/12583>





Fed Ex 8-13-15

Aug. 12, 2015

The Honorable James Hivner
Clerk, Tennessee Supreme Court
Supreme Court Building, Room 100
401 7th Avenue North
Nashville, Tenn. 37219

RE: Proposed Rule 30 Changes, Docket No. ADM2015-00451

Dear Mr. Hivner:

We, the board members of the East Tennessee Chapter of the Society of Professional Journalists (ETSPJ), strongly oppose the proposed changes to Rule 30 of the Rules of the Tennessee Supreme Court. ETSPJ is a local chapter of the 7,500-member strong Society of Professional Journalists, the nation's oldest and largest journalism organization. We are dedicated to "the free flow of information vital to a well-informed citizenry; work to inspire and educate the next generation of journalists; and protect First Amendment guarantees of freedom of speech and press."

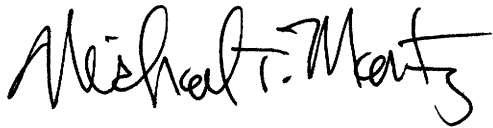
First, I want to recognize that Tennessee has a well-established history of transparency and openness of its judicial system. And, that Rule 30 has worked well in the past providing a framework for allowing cameras in the courtroom without sacrificing order and decorum or a threat to the fair administration of justice.

I also appreciate the Court's desire to update Rule 30, but am concerned that the proposed changes would actually become a hindrance to access and transparency, because it would broaden the scope to restrict how reporters disseminate information.

Reporters using electronic devices to deliver information to their newsrooms or remain in contact with their editors are not inherently disruptive to the decorum or judicial fairness of the proceedings. While these electronic devices may be used as cameras or video recording devices, I would suggest that such use would be subject to the existing Rule 30. However, the use of an electronic device to take notes, share information with an editor or post stories online are not comparable to the use of cameras or video recording and should not be hindered.

In that vein, we urge the Court to adopt the amendments to Rule 30 that have been proposed by the Tennessee Bar Association. On behalf of the East Tennessee Society of Professional Journalists, I wish to thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael T. Martinez". The signature is written in a cursive style with a large, sweeping initial "M".

Michael T. Martinez
President /East Tennessee SPJ
On behalf of the ETSPJ Board of Directors

From: "Sonya Thompson" <editor@portlandleader.net>
To: <lisa.marsh@tncourts.gov>
Date: 8/14/2015 11:10 AM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Friday, August 14, 2015 - 11:10am
Submitted by anonymous user: [107.192.85.222]
Submitted values are:

Your Name: Sonya Thompson
Your Address: 109 S. Broadway, Portland, TN 37148
Your email address: editor@portlandleader.net
Your Position or Organization: Editor, The Portland Leader
Rule Change: Supreme Court Rule 30
Docket number: ADMIN2015-00451

Your public comments:

We at The Portland Leader are requesting media exclusion from Rule 30, banning electronic devices such as cell phones, laptop computers, tablets/iPads, and cameras from public courtrooms.

As of Aug. 11, 2015, Sumner County judges have already implemented a "Dress Code" that prohibits cell phones, audio and video recording devices in the courtroom. To this reporting agency, it means we cannot use our cell phones to record audio of testimony, we cannot utilize our tablets/iPads because they provide both audio and video recording technology, nor can we use cameras, because they also provide video recording technology.

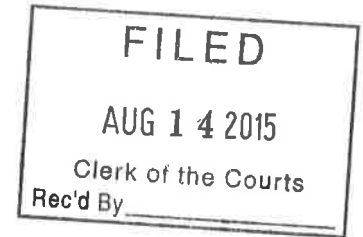
Today's public requires instant consumption of news, which has made it necessary for reporters to utilize cell phones and tablets to report on courtroom activities -- especially in key court cases. Having technology available allows reporters to do a better job of recording, reporting, and photographing news for the general public who can't be there to see news as it happens.

The Portland Leader is an active member of the Sumner County courtrooms and I personally utilize a cell phone (for audio recordings and as a mobile hotspot for internet), an iPad, and a camera with a zoom lens when I am covering a case. I do not video record proceedings. Also, because of the drain on my phone's resources for days when I'm in the courtroom for hours, I also bring a powerstick to re-charge my phone as it drains.

The "dress code" implemented by Sumner County courts does not specifically exclude media from the rules listed, so we have to assume we are required to submit a request to utilize these electronic devices. However, there is no clarification if requests have to be submitted each time we are in court, or once a year. Please keep in mind that it's not uncommon for court dates to be bumped unexpectedly and if the reporter hears about the change in date by happenstance, there may not be enough time to submit a formal request.

Please keep our public courtrooms PUBLIC by allowing media access to include electronic devices that allow us to do the best job possible by reporting accurately to the public.

The results of this submission may be viewed at:



From: "Jane Pope" <jcp1945@comcast.net>
To: <lisa.marsh@tncourts.gov>
Date: 8/14/2015 3:59 PM
Subject: TN Courts: Submit Comment on Proposed Rules

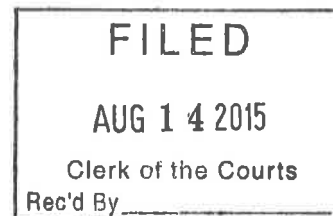
Submitted on Friday, August 14, 2015 - 3:59pm
Submitted by anonymous user: [50.147.66.54]
Submitted values are:

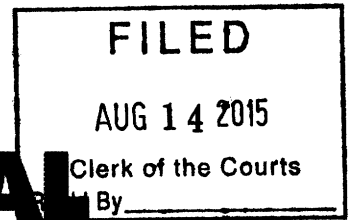
Your Name: Jane Pope
Your Address: 108 Baypath Drive
Your email address: jcp1945@comcast.net
Your Position or Organization: Retired from University of Tennessee
Rule Change: Supreme Court Rule 30
Docket number: ADMIN2015-00451

Your public comments:

Please assure continuing timely and accurate media coverage of court proceedings in Tennessee by allowing certified media representatives their normal use of electronic devices in courtrooms.
The Tennessee Bar Association has proposed an alternate version of Rule 30 which open government advocates support, and I urge you to adopt the TBA's revised version.

The results of this submission may be viewed at:
<http://www.tsc.state.tn.us/node/602760/submission/12586>





FedEx 8-13-15

Via hand delivery:
James Hivner, Clerk
Re: Rule 30
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

August 14, 2015

RE: Amendment of Rule 30, Docket No. ADMIN2015-00451

The Society of Professional Journalists has roughly 60 dues-paying members in the Middle Tennessee Pro chapter. This 501(c)3 non-profit organization representing the people who will be directly affected by this proposed change to Rule 30 respectfully ask for reconsideration.

Technology is a blessing and a curse to modern reporters. Please don't create one more hoop to jump through before reporting on courtroom activity. Doesn't the court want more coverage, not less? Making a hearing harder to cover effectively reduces the ability to report on it. It's that simple.

The need for decorum is clearly understood. SPJ's TV and radio journalist members are well accustomed to the requirements to seek permission 48-hours in advance. But to apply this same standard to something as essential to reporting as a smartphone seems to misunderstand the job of a 21st century journalist. This is like taking up someone's pen and notebook.

Court officials have shared in public forums that many judges will be happy to waive the 48-hour notice. So why have a rule knowing it won't be fully enforced?

Fortunately, conversations with administrative officials reveal there is some second-guessing going on within the judicial branch. The extraordinary effort to seek comment on the rule change is appreciated.

The SPJ Middle Tennessee Pro Chapter offers its full-throated support of the Tennessee Bar Association's detailed revisions.

Sincerely,

Blake Farmer, president of SPJ Middle TN Pro chapter

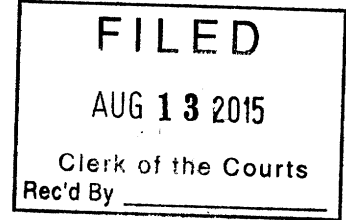
From: "Larry Rice" <larry@ricelaw.com>
To: <lisa.marsh@tncourts.gov>
Date: 8/13/2015 3:16 PM
Subject: TN Courts: Submit Comment on Proposed Rules

ADM2015-00451

Submitted on Thursday, August 13, 2015 - 3:16pm
Submitted by anonymous user: [75.145.110.244]
Submitted values are:

Your Name: Larry Rice
Your Address: 275 Jefferson Ave
Your email address: larry@ricelaw.com
Your Position or Organization: Rice Amundsen
Rule Change: Supreme Court Rule 30
Docket number: Rule 46

Your public comments: Excellent proposed rule. I wish we had it before my last appeal. Thanks for getting the ball moving again. These are the thing we need to do to bring the courts into the 21st century.



The results of this submission may be viewed at:
<http://www.tncourts.gov/node/602760/submission/12565>

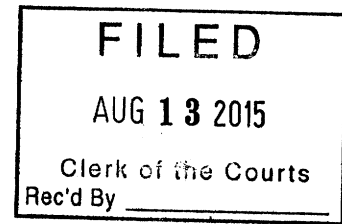
From: "Larry Rice" <larry@ricelaw.com>
To: <lisa.marsh@tncourts.gov>
Date: 8/13/2015 2:35 PM
Subject: TN Courts: Submit Comment on Proposed Rules

ADM 2015-00451

Submitted on Thursday, August 13, 2015 - 2:34pm
Submitted by anonymous user: [75.145.110.244]
Submitted values are:

Your Name: Larry Rice
Your Address: 275 Jefferson Ave
Your email address: larry@ricelaw.com
Your Position or Organization: Rice Amundsen
Rule Change: Supreme Court Rule 30
Docket number: N/A

Your public comments: I thought we had open courts in Tennessee. If we do "open" should include open to photographs and recording. If we are doing a good job we should not be afraid of the public seeing what we are doing. If we are not then we need the public pressure to help push reform.



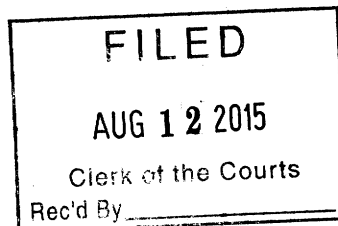
The results of this submission may be viewed at:
<http://www.tncourts.gov/node/602760/submission/12563>

WORKING

WSMV-TV WSMV-DT NASHVILLE



August 11, 2015



VIA U.S. MAIL

Mr. James Hivner, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, Tennessee 37219-1407

RE: In re Amendment of Tennessee Supreme Court Rule 30, No. ADMIN2015-00451

Dear Mr. Hivner:

We appreciate the opportunity to submit these comments on behalf of WSMV-TV regarding the proposed amendments to Tennessee Supreme Court Rule 30. As you may know, WSMV is a federally licensed broadcast station located in Nashville, Tennessee. WSMV is a network affiliate of the NBC network, and a leader in newsgathering and reporting in this region. For decades, WSMV has covered the activities of Tennessee courts, state judicial proceedings, and participants in the judicial process. The station is legally obligated to serve the public interest, and we strive to our utmost to do just that.

We appreciate the interest of the Tennessee Supreme Court and the Administrative Office of the Courts to continue to promote transparency, and to encourage state judges and court personnel to do the same. We also appreciate the Supreme Court's ongoing willingness to work with the news media to make the court system as accessible to the public as possible, without sacrificing judicial decorum.

The current Rule 30 has worked well over the past two decades to provide a framework for allowing cameras and recording devices into Tennessee courtrooms. Only on rare occasions have trial courts failed to adhere to the letter or spirit of Rule 30. On one such occasion, WSMV challenged the exclusion of cameras from a criminal court proceeding, and that case resulted in an appellate decision. The Tennessee Court of Criminal Appeals discussed the rule at length, and concluded that the trial court had abused its discretion in excluding television cameras from the trial. *State v. Morrow and Meredith Corporation (WSMV), Landmark Television of Tennessee (WTVF) and Young Broadcasting of Nashville (WKRN)*, C.C.A. No. 02C01-9601-CC-00022 (Tenn. Ct. Crim. App. April 12, 1996).

Over the following nearly two decades, journalists have covered literally thousands of court proceedings. In scores of those, permission has been granted to permit cameras and recording devices.

We have carefully reviewed the proposed Rule 30. We understand from the session conducted at the First Amendment Center by Debi Tate and Michele Wojciechowski of the Administrative Office of the Courts that it was proposed with the best of intentions to promote transparency. We have serious concerns, however, that the rule as currently proposed would result in a significant step backward from where we are today.

The current Rule 30 focuses on how cameras and recording devices are to be used. If they are to be used to record court proceedings, then they fall under Rule 30 and require permission. Technology has rapidly advanced in recent years. Today, cellphones and laptop computers are used as notepads by journalists. Although capable of recording, often they are not so used. The proposed Rule 30 focuses, unfortunately, on the device rather than how the device is intended to be used. As a result, the proposed rule impedes rather than advances transparency and the delivery of information to our citizens.

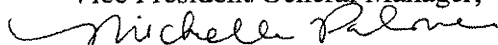
The Tennessee Bar Association has submitted extensive comments on the proposed rule, and a set of proposed edits. We believe the TBA's proposal provides a reasonable balance of potentially competing interests. The Tennessee Coalition for Open Government has submitted its own substantive comments on the proposed rule. WSMV adopts the rationale and reasoning in the comments provided by the TBA's and the TCOG.

We urge the Supreme Court to adopt the amendments to Rule 30 that have been proposed by the Tennessee Bar Association, and thank the Court for its attention.

Sincerely,



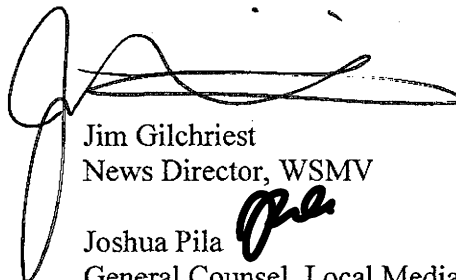
Doreen Wade
Vice President/General Manager, WSMV




Michelle Palmer
Assistant News Director, WSMV



Robb Harvey, Waller
Outside counsel for WSMV

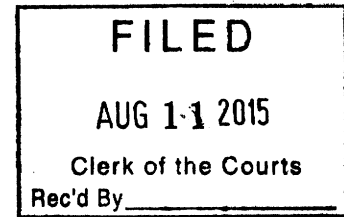


Jim Gilchrist
News Director, WSMV



Joshua Pila
General Counsel, Local Media Group
Meredith Corporation, owner of WSMV

From: "Joe Stagner" <editor@yourcommunityshopper.com>
To: <lisa.marsh@tncourts.gov>
Date: 8/11/2015 2:11 PM
Subject: TN Courts: Submit Comment on Proposed Rules



Submitted on Tuesday, August 11, 2015 - 2:10pm
Submitted by anonymous user: [76.164.161.2]
Submitted values are:

Your Name: Joe Stagner
Your Address: P.O. Box 249
Your email address: editor@yourcommunityshopper.com
Your Position or Organization: Publisher/owner
Rule Change: Supreme Court Rule 30
Docket number: ADMIIN2015-00451

Your public comments: In considering changes to Rule 30 please remember that increasing requirements on working journalists would also increase the amount of work for the court by requiring the processing of the requests before the court proceeds. Electronic devices have replaced the pen and pad once used by journalist.

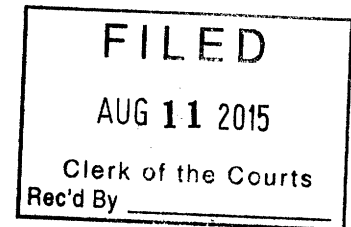
The results of this submission may be viewed at:
<http://www.tncourts.gov/node/602760/submission/12536>

From: "Vivian Underwood Shipe" <Doctorshipe@yahoo.com>
To: <lisa.marsh@tncourts.gov>
Date: 8/11/2015 1:25 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Tuesday, August 11, 2015 - 1:25pm
Submitted by anonymous user: [70.193.57.160]
Submitted values are:

Your Name: Vivian Underwood Shipe
Your Address: Box 1973
Your email address: Doctorshipe@yahoo.com
Your Position or Organization: I AM The Voice of the Voiceless
Rule Change: Supreme Court Rule 30
Docket number: Admin2015-00451
Your public comments: There should not be a change in media courtrooms coverage. The unrest and distrust in the country calls for openness and transparency. Knoxville courts provide a flagship example for the rest of the country to follow.

The results of this submission may be viewed at:
<http://www.tncourts.gov/node/602760/submission/12533>



**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

FILED

AUG 10 2015

Clerk of the Courts
Rec'd By _____

IN RE:

**AMENDMENT OF RULE 30,
RULES OF THE
TENNESSEE SUPREME COURT**

No. ADMIN20015-00451

COMMENT OF TENNESSEE PRESS ASSOCIATION

The Tennessee Press Association ("TPA") respectfully submits the following comment concerning the proposed amendments to Tennessee Supreme Court Rule 30 and requests that the Court adopt the proposed revisions to proposed new Rule 30 as submitted previously by the Tennessee Bar Association. Further in support of this position, TPA asserts as follows:

TPA is a duly incorporated association existing under the laws of the State of Tennessee. It was founded in 1870 for the purpose of creating a unified voice for the newspaper industry. Presently, TPA's membership exceeds 160 organizations and entities. This number includes 122 daily and nondaily newspapers, 15 collegiate journalism programs located in the State of Tennessee and 24 additional associate members. Among the associate members are AT&T, TVA and the Tennessee Military Department.

During almost one and one-half centuries of continuous existence, TPA has drafted, participated in drafting, sponsored and secured the passage of significant legislation having as its purpose the assuring of access by the citizens

of Tennessee to information concerning their government and its activities. TPA has always been and remains committed to the fullest possible access to government information by the citizens of this state. In 1995, TPA welcomed and fully supported the adoption of Rule 30 because it saw the new rule as a significant enhancement of public access to judicial proceedings which would have, among its other benefits, an increased understanding and appreciation by the public of the judicial process.

There have been tremendous changes in technology since the adoption of Rule 30 twenty years ago. Handheld devices now offer more capabilities for recording video or audio material than the cumbersome shoulder-carried cameras of the 1980s. TPA's members have experienced the positive benefits of Rule 30. They have a deep respect for Tennessee's courts and their tradition of openness. TPA's members believe that Tennesseans know more about their courts and what goes on in them because of this tradition of openness. They feel that the public debate and discussions concerning the recent judicial retention elections would have been far less informed and far less productive had not this tradition of openness existed.

Many of our members who have studied the Court's proposed revisions to Rule 30 are concerned that its adoption as submitted would create an extreme hardship for ordinary working journalists. If the interpretation of the new provisions of Rule 30 would require a request two days before a journalist wished to employ any electronic device in the courtroom, and required court approval, a totally impractical situation could be created. It is virtually an

impossibility for a journalist to provide two days' advance notice of the employment of a hand-held electronic recorder or smartphone given the reality and real world requirements of present day news coverage. If the interpretation of the proposed changes compelled the two day advance request presently in Rule 30 for cameras in the courtroom, no journalist could bring any smartphone, tablet, laptop or any other similar device into a courtroom without the required notice. This substantially inhibits journalistic efforts to fairly and accurately report legal proceedings. Journalists are not automatically privy to notice of proceedings, not all proceedings are even noticed two days in advance, and reporting assignments frequently are not made 48 hours ahead of events.

The technological changes of these past 20 years have altered the landscape for journalists dramatically. Doubtless there will be new devices with even greater enhanced capability, more flexibility and miniaturization available in the immediate future. In order to avoid Rule 30 becoming stagnant or outdated, it is necessary for definitions and descriptions to be sufficiently broad to encompass changes in technology without requiring the Court to revisit the Rule and its provisions on an almost annual basis. TPA, therefore, believes that the function of the device and the use to which it is put is an appropriate matter to be addressed by the Rule and not the technical name or identity of the device itself. Therefore, as previously stated, TPA endorses and supports the proposed revision of Rule 30 submitted by the Tennessee Bar Association in its recent Comment filed with the Court. TPA believes that the TBA proposal appropriately balances the journalist's need to employ the latest technology to remain viable

and competitive while still providing courts the opportunity and discretion to regulate the proceedings before them. The TBA proposal, which contains more focused definitions of "electronic devices" and "coverage", defines a better standard for court review of media requests and, by employing language codified in T.C.A. §24-1-208 which was authored, supported and passed by TPA in 1973, provides a more focused description of a "journalist".

In arriving at its decision to file this Comment, TPA has consulted with editors of its member newspapers, journalists employed by its member newspapers and independently employed across the State of Tennessee and has drawn on its own experience as an advocate for open government. We believe the record is clear that newspapers and their personnel have performed responsibly and in accordance with Rule 30 and will continue to do so under the revisions supported by TBA. For those reasons, TPA's support of the proposed revisions submitted by TBA is restated and reiterated.

Respectfully submitted, this 5TH day of August, 2015.

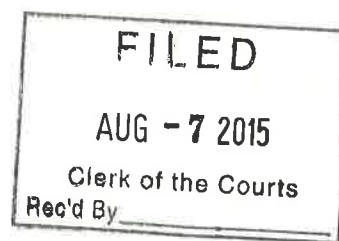


Richard L. Hollow
HOLLOW & HOLLOW, LLC
P. O. Box 11166
Knoxville, TN 37939-1166
Ph. 865-769-1715

Attorney for Tennessee Press Association

Via First Class Mail:

Mr. James Hivener, Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407



July 31, 2015

RE: Amendment of Rule 30, Docket No. ADMIN2015-00451

Pursuant to this Court's Order of March 13, 2015 concerning proposed amendments to Rule 30, I am submitting the following comments on behalf of the Tennessee Association of Broadcasters ("TAB").

TAB is a voluntary association of radio and television broadcast stations located in Tennessee. TAB is organized and exists as a not for profit Tennessee corporation. Its purpose includes promoting a high standard of public service among Tennessee broadcast stations, fostering cooperation with governmental agencies in all matters pertaining to national defense and public welfare, and encouraging customs and practices in the best interest of the broadcasting industry and the public it serves. Pursuant to the federal license under which each broadcast station operates, broadcasters are legally obligated to serve the public interest.

TAB appreciates the Court's desire to update Rule 30, but believes the proposed amended rule would greatly restrict public access and public information about judicial proceedings in ways this Court may not have considered when it suggested its proposed amendment. TAB strongly encourages the Court to adopt the proposed rule submitted by the Tennessee Bar Association. TAB also adopts the reasoning and rationale for the Bar Association's proposed rule. The Bar Association has correctly noted that the focus of Rule 30 should be not on the technology or devices used to cover courtrooms, but rather on how those devices are utilized.

Current technology includes devices with many capabilities, some of which might be use for electronic coverage of courtroom proceedings. These same devices can also be used for little more than note taking in the courtroom, or in other words, electronic replacements for a pen and paper notebook. Rule 30 should not be amended in a way that restricts use of devices used for writing notes of what happens in the courtroom. Yet, such a restrictive limitation seems to necessarily follow from the Court's proposed amendment to Rule 30. TAB suspects that a restriction on note taking in courtrooms is not intended, which is why the Bar Association's focus on the use of the technology, and not the technology itself, is important.

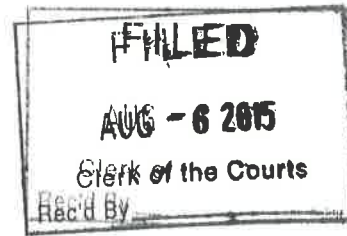
Therefore, TAB urges the Court to adopt the amendments to Rule 30 that have been proposed by the Tennessee Bar Association.

Sincerely,

Whit Adamson, TAB President



July 31, 2015



Via First Class Mail

Mr. James Hivener, Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

RE: Amendment of Rule 30, Docket No. ADMIN2015-00451

Dear Mr. Hivener,

Pursuant to this Court's Order of March 13, 2015 concerning proposed amendments to Rule 30, I am submitting the following comments on behalf of Young Broadcasting of Nashville, LLC ("WKRN")

WKRN is a federally licensed broadcast station located in Nashville, Tennessee. The station's purpose includes promoting a high standard of local content, including news and public service to our community of license. Pursuant to the federal license under which each broadcast station operates, this station is legally obligated to serve the public interest.

WKRN appreciates the Court's desire to update Rule 30, but believes the proposed amended rule would greatly restrict public access and public information about judicial proceedings in ways this Court may not have considered when it suggested its proposed amendment. WKRN strongly encourages the Court to adopt the proposed rule submitted by the Tennessee Bar Association. WKRN also adopts the reasoning and rationale for the Bar Association's proposed rule. The Bar Association has correctly noted that the focus of Rule 30 should be not on the technology or devices used to cover courtrooms, but rather on how those devices are utilized.

Current technology includes devices with many capabilities, some of which might be used for electronic coverage of courtroom proceedings. These same devices can also be used for little more than note taking in the courtroom, or in other words, electronic replacements for a pen and paper notebook. Rule 30 should not be amended in a way that restricts use of devices used for writing notes of what happens in the courtroom. Yet, such a restrictive limitation seems to necessarily follow from the Court's proposed amendment to Rule 30. WKRN suspects that a restriction on note taking in courtrooms is not intended, which is why the Bar Association's focus on the use of the technology, and not the technology itself, is important.

Therefore, WKRN urges the Court to adopt the amendments to Rule 30 that have been proposed by the Tennessee Bar Association.

Sincerely,

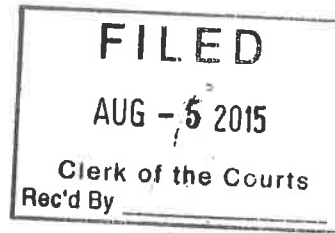
A handwritten signature in black ink, appearing to read "S. A. Watt", written in a cursive style.

Stephen A. Watt, General Manager



Via First Class Mail:

Mr. James Hivener, Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407



July 31, 2015

RE: Amendment of Rule 30, Docket No. ADMIN2015-00451

Pursuant to this Court's Order of March 13, 2015 concerning proposed amendments to Rule 30, I am submitting the following comments on behalf of WMC-TV.

WMC-TV is a federally licensed broadcast station located in Memphis, Tennessee. The stations purpose includes promoting a high standard of local content, including news and public service to our community of license. Pursuant to the federal license under which each broadcast station operates, this station is legally obligated to serve the public interest.

WMC-TV appreciates the Court's desire to update Rule 30, but believes the proposed amended rule would greatly restrict public access and public information about judicial proceedings in ways this Court may not have considered when it suggested its proposed amendment. WMC-TV strongly encourages the Court to adopt the proposed rule submitted by the Tennessee Bar Association. WMC-TV also adopts the reasoning and rationale for the Bar Association's proposed rule. The Bar Association has correctly noted that the focus of Rule 30 should be not on the technology or devices used to cover courtrooms, but rather on how those devices are utilized.

Current technology includes devices with many capabilities, some of which might be use for electronic coverage of courtroom proceedings. These same devices can also be used for little more than note taking in the courtroom, or in other words, electronic replacements for a pen and paper notebook. Rule 30 should not be amended in a way that restricts use of devices used for writing notes of what happens in the courtroom. Yet, such a restrictive limitation seems to necessarily follow from the Court's proposed amendment to Rule 30. WMC-TV suspects that a restriction on note taking in courtrooms is not intended, which is why the Bar Association's focus on the use of the technology, and not the technology itself, is important.

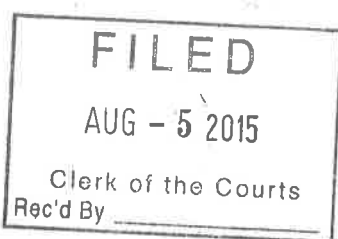
Therefore, WMC-TV urges the Court to adopt the amendments to Rule 30 that have been proposed by the Tennessee Bar Association.

Sincerely,

Tracey Rogers

WMC Action News 5

Vice President & General Manager



Via First Class Mail:

Mr. James Hivener, Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407
2015

Paul Freeman Tinkle, President
Thunderbolt Broadcasting
Martin, Tennessee

July 31,

RE: Amendment of Rule 30, Docket No. ADMIN2015-00451

Pursuant to this Court's Order of March 13, 2015 concerning proposed amendments to Rule 30, I am submitting the following comments on behalf of Thunderbolt Broadcasting and our radio stations WCMT-AM, WCMT-FM, WCDZ-FM, WQAK- FM and KYTN-FM with stations licensed to Martin, Union City, South Fulton and Dresden, Tennessee.

Thunderbolt radio stations serve our communities with a high standard of local content including news and public service to the communities we serve. We have two full time news departments and cover local meetings including county, city commission and other agencies and report community events to our listeners. We are legally obligated to serve the public interest.

Thunderbolt Broadcasting appreciates the Court's desire to update Rule 30, **but believes the proposed amended rule would greatly restrict public access and public information about judicial proceedings in ways this Court may not have considered when it suggested its proposed amendment. Thunderbolt Broadcasting strongly encourages the Court to adopt the proposed rule submitted by the Tennessee Bar Association.** In my judgment Thunderbolt believes the Tennessee Bar Association has correctly noted that the focus of Rule 30 should be not on the technology or devices used to cover courtrooms, but rather on how those devices are utilized.

Current technology includes devices with many capabilities, some of which might be used for electronic coverage of courtroom proceedings. Our local news departments cover court room trials, hearings, motions and other matters before the court with radio devices that have allowed us to be more efficient and timely in reporting court proceedings. These same devices can also be used for little more than note taking in the courtroom, or in other words, electronic replacements for a pen and paper notebook.

In my judgment **Rule 30 should not be amended in a way that restricts use of devices used for writing notes of what happens in the courtroom.** Yet, such a restrictive limitation seems to necessarily follow from the Court's proposed amendment to Rule 30.

Thunderbolt Broadcasting suspects that a restriction on note taking in courtrooms is not intended, which is why the Tennessee Bar Association's focus on the use of the technology, and not the technology itself, is important.

Thunderbolt Broadcasting urges the Court to adopt the amendments to Rule 30 that have been proposed by the Tennessee Bar Association. We believe the public interest can be better served in this manner.

Respectfully,



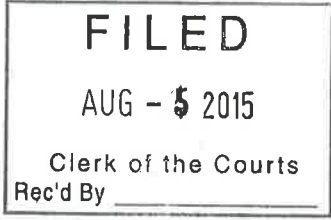
Paul Freeman Tinkle, President

Thunderbolt Broadcasting

PO Box 318

Martin, Tennessee 38237

Member: Tennessee Association of Broadcasters and the Tennessee Associated Press



August 3, 2015

Via First Class Mail

Mr. James Hivener, Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

RE: Amendment of Rule 30, Docket No. ADMIN2015-00451

Dear Mr. Hivener,

Pursuant to this Court's Order of March 13, 2015 concerning proposed amendments to Rule 30, I am submitting the following comments on behalf of Young Broadcasting of Knoxville, Inc. ("WATE")

WATE is a federally licensed broadcast station located in Knoxville, Tennessee. The station's purpose includes promoting a high standard of local content, including news and public service to our community of license. Pursuant to the federal license under which each broadcast station operates, this station is legally obligated to serve the public interest.

WATE appreciates the Court's desire to update Rule 30, but believes the proposed amended rule would greatly restrict public access and public information about judicial proceedings in ways this Court may not have considered when it suggested its proposed amendment. WATE strongly encourages the Court to adopt the proposed rule submitted by the Tennessee Bar Association. WATE also adopts the reasoning and rationale for the Bar Association's proposed rule. The Bar Association has correctly noted that the focus of Rule 30 should be not on the technology or devices used to cover courtrooms, but rather on how those devices are utilized.

Current technology includes devices with many capabilities, some of which might be used for electronic coverage of courtroom proceedings. These same devices can also be used for little more than note taking in the courtroom, or in other words, electronic replacements for a pen and paper notebook. Rule 30 should not be amended in a way that restricts use of devices used for writing notes of what happens in the courtroom. Yet, such a restrictive limitation seems to necessarily follow from the Court's proposed amendment to Rule 30. WATE suspects that a restriction on note taking in courtrooms is not intended, which is why the Bar Association's focus on the use of the technology, and not the technology itself, is important.

Therefore, WATE urges the Court to adopt the amendments to Rule 30 that have been proposed by the Tennessee Bar Association.



Sincerely,



K. Dean Littleton, General Manager



IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
2015 JUL 30 PM 3:36

IN RE: PETITION TO AMEND)
TENNESSEE SUPREME COURT) NO. ADM2015-00451
RULE 30)

COMMENT OF THE KNOXVILLE BAR ASSOCIATION

The Knoxville Bar Association (the "KBA"), through its Professionalism Committee and Board of Governors, has carefully considered the Petition to Amend Tennessee Supreme Court Rule 30.

The KBA sought the opinions of its members regarding media coverage during court proceedings. The Professionalism Committee of the KBA (the "Committee"), has a longstanding practice of evaluating proposed rule changes. Consistent with that practice, the Committee carefully considered these proposals. In this instance, the Professionalism Committee had the benefit of hearing from Richard Hollow who graciously agreed to present to the Committee the Petition and the reasons for the proposed revisions drafted by the Tennessee Bar Association. The Committee held an informative discussion and would like to thank Richard Hollow for his presentation.

After discussion, the Committee voted to recommend to the KBA Board of Governors (the "Board"), that the Board adopt the proposed Rule 30 amendments as approved by the Board of Governors of the Tennessee Bar Association but to recommend removing the words "Media personnel" from item K, and replace these words with "All individuals in attendance." The matter was thoroughly considered at the meeting of the KBA Board on June 24, 2015, and the proposed amendment to Supreme Court Rule 30 was approved as recommended.

Respectfully submitted this 30th day of July, 2015.

KNOXVILLE BAR ASSOCIATION



TASHA C. BLAKNEY, BPR #019971
President, Knoxville Bar Association

Dwight Aarons
President, National Bar Association,
William Henry Hastie Chapter
University of Tennessee College of Law
1505 Cumberland Avenue, Room 363
Knoxville, TN 37996-0681

Katharine Gardner
Chapter President
Federal Bar Association Chattanooga
103 Stratford Way
Signal Mountain, TN 37377-2520

Bradford Box
President
TN Defense Lawyers Association
Ralney, Kizer, Reviere & Bell, PLC
209 East Main Street
Jackson, TN 38301

Jeff Kinsler
Dean
Belmont University College of Law
1900 Belmont Boulevard
Nashville, TN 37212

Melanie Gober
Executive Director
Lawyers Association for Women Marion
Griffin Chapter
P.O. Box 190583
Nashville, TN 37219

Barri Bernstein
Executive Director
Tennessee Bar Foundation
618 Church Street, Suite 120
Nashville, TN 37219

Ed Lancaster
Chair, TN Commission on CLE and
Specialization Chair
TFIC
P.O. Box 998
Columbia, TN 38402

Amanda Dunn
President
SETLAW
Luther Anderson PLLP
P.O. Box 151
Chattanooga, TN 37401-0151

Doug Blaze
Dean
UT College Of Law
1505 W. Cumberland Avenue, Room 278
Knoxville, TN 37996

Tiffany Johnson
President
Tennessee Alliance for Black Lawyers
QP Legal Research & Writing Services
1067 Fleece Place
Memphis, TN 38104-5620

Jamie Ballinger-Holden
President, E. TN Lawyers Assoc. for Women
Baker Donelson Bearman Caldwell &
Berkowitz
265 Brookview Centre Way, Suite 600
Knoxville, TN 37919

Chris Guthrie
Dean
Vanderbilt University School of Law
131 21st Avenue South, Room 108
Nashville, TN 37203-1181

Jade Dodds
President
National Bar Assoc., S.L. Hutchins Chapter
Miller & Martin PLLC
832 Georgia Avenue, Suite 1000
Chattanooga, TN 37402

Peter Letsou
Dean
University of Memphis Cecil C. Humphreys
School of Law
1 North Front Street
Memphis, TN 38103

Martin Holmes
President
Federal Bar Association Nashville Chapter
Dickinson Wright, PLLC
424 Church Street, Suite 1401
Nashville, TN 37219

Suanne Bone
Executive Director
TN Assoc. of Criminal Defense Lawyers
530 Church Street, # 300
Nashville, TN 37219

Imad Al-Deen Abdullah
President, National Bar Association
Baker Donelson Bearman Caldwell &
Berkowitz
165 Madison Avenue, #2000
Memphis, TN 38103

Sandy Garrett
Chief Counsel
The Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, TN 37027-5078

Dawn Deaner
Chair
TN Lawyers Fund for Client Protection
Metropolitan Public Defender's Office
404 James Robertson Parkway, #2022
Nashville, TN 37219

Karol Lahrman
Executive Director
Tennessee Lawyers Association for Women
P.O. Box 331214
Nashville, TN 37203

Julian Bibb
President
TN Board of Law Examiners
Stites & Harbison, PLLC
401 Commerce Street, Suite 900
Nashville, TN 37219

Eric Hudson
President
Federal Bar Association Memphis Chapter
Butler Snow LLP
6075 Poplar Avenue, Suite 500
Memphis, TN 38119

Vinh Duong
President, Tennessee Asian Pacific
American Bar Association
Waller Lansden Dortch & Davis LLP
511 Union Street, Suite 2700
Nashville, TN 37219

Keating Lowery
President, Lawyers Association for Women
Marlon Griffin Chapter
Lawrence & Russell
5178 Wheel's Drive
Memphis, TN 38117

Suzanne Keith
Executive Director
Tennessee Association for Justice
1903 Division Street
Nashville, TN 37203

Mark Dessauer
President, Federal Bar Association
Northeast Tennessee Chapter
Hunter, Smith & Davis, LLP
P.O. Box 3740
Kingsport, TN 37664

Syd Beckman
Lincoln Memorial University Duncan
School of Law
601 West Summit Hill Drive
Knoxville, TN 37902

Lela Hollabaugh
Chair, Board of Professional Responsibility
Bradley Arant
1600 Division Street, Suite 700
Nashville, TN 37203

Joanna Douglass
President
Lawyers Association for Women
Tennessee Department of Human Services
225 Martin Luther King Drive, #210
Jackson, TN 38301

John Manson
President, National Bar Association,
Napier-Looby Chapter
Special Master 8th Circuit Court
1 Public Square, 604 Metro Courthouse
Nashville, TN 37201

Judy McKissack
Executive Director
Tennessee Commission on Continuing
Legal Education
221 Fourth Avenue North, Suite 300
Nashville, TN 37219

Jeremy Ball
President
Jefferson County Bar Association
District Attorney Office
P.O. Box 690
Dandridge, TN 37725

Frances Riley
Immediate Past President
Association for Women Attorneys
US Bankruptcy Court
327 Central Cove
Memphis, TN 38111

William Cockett
President
Johnson County Bar Association
Smith & Cockett Attorneys
247 West Main Street
Mountain City, TN 37683-0108

Douglas Bates
President
Hickman County Bar Association
Bates & Bates
P.O. Box 1
Centerville, TN 37033

Lisa Perlen
Executive Director
Tennessee Board of Law Examiners
401 Church Street
Nashville, TN 37219

Curt Collins
President
Greene County Bar Association
C. Collins Law Firm
128 S. Main Street, Suite 102
Greeneville, TN 37743-4922

Bill Young
Administrative Director
Administrative Office of the Courts
511 Union Street, #600
Nashville, TN 37219

Marlo Ramos
President, Tennessee Association of
Spanish Speaking Attorneys
Mario Ramos PLLC
611 Commerce Street, Suite 3119
Nashville, TN 37203

Neil Campbell
President
Williamson County Bar Association
Neil Campbell Attorney at Law
136 4th Avenue S.
Franklin, TN 37064-2622

Sherry Percival
President, National Bar Association,
Ballard Taylor Chapter
Percival Law Office, P.C.
219 N. Parkway, Suite 1
Jackson, TN 38305-2717

Mark Blakley
President
Scott County Bar Association
Stansberry, Petroff, Marcum & Blakley PC
3 Courthouse Square
Huntsville, TN 37756-0240

William Stover
Immediate Past President
Tennessee Alliance for Black Lawyers
W. Stover, Attorney at Law
500 Church Street, Suite 450
Nashville, TN 37219-2370

Daryl Colson
President
Overton County Bar Association
Colson & Maxwell
808 North Church Street
Livingston, TN 38570-1134

Ben Boston
President
Lawrence County Bar Association
Boston, Holt, Sockwell & Durham PLLC
P.O. Box 357
Lawrenceburg, TN 38464

Cheryl Rice
President
Tennessee Lawyers Association for Women
Egerton, McAfee, Armistead & Davis, P.C.
900 S. Gay Street, Suite 1400RIV
Knoxville, TN 37902

Mary Morris
Vice President
Federal Bar Association Mid-South Chapter
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103

Heidi Barcus
Immediate Past President
Knoxville Bar Association
London & Amburn, P.c.
607 Market Street, Suite 900
Knoxville, TN 37902

Mike Spitzer
Chair
Tennessee Bar Foundation
The Spitzer Firm
19 Cedar Street
Hohenwald, TN 38462

Paige Collins
President
Hamblen County Bar Association
Terry, Terry and Stapleton Law Offices
P.O. Box 724
Morristown, TN 37815

Ann Pruitt
Executive Director
Tennessee Alliance for Legal Services
1220 Vintage Place
Nashville, TN 37215

Ted Burkhalter
President
Blount County Bar Association
Burkhalter & Associates, PC
605 Smithview Drive
Maryville, TN 37803

Colby Baddour
President, Giles County Bar Association
A. Colbrook Baddour, Attorney at Law
P.O. Box 296
Pulaski, TN 38478-0296

Jon Peeler
President
Tennessee Association for Justice
401 Church Street, L&C Tower, 29th Floor
Nashville, TN 37219

Kirk Caraway
Past President, Memphis Bar Association
Allen, Summers, Simpson, Lillie &
Gresham, PLLC
80 Monroe Avenue, Suite 650
Memphis, TN 38103-2466

Executive Director
Nashville Bar Association
150 4th Avenue N., Suite 1050
Nashville, TN 37219

Samuel Perkins
President, Tennessee Association of
Criminal Defense Lawyers
SL Perkins Law Group PLLC
156 Court Avenue
Memphis, TN 38103-2212

Allan Ramsaur
Executive Director
Tennessee Bar Association
Tennessee Bar Center, Suite 400
221 Fourth Ave., N
Nashville Tennessee 37219-2198

Mary Whitfield
President
Association for Women Attorneys
Shea Moskovitz & McGhee
530 Oak Court Drive, Suite 355
Memphis, TN 38117-3733

Britten Cook
President
DeKalb County Bar Association
Britten Hale Cook II
104 N. 3rd Street
Smithville, TN 37166

Chad Cox
President
Paris-Henry County Bar Association
Ainley, Hoover, Clark & Hoover
104 North Brewer Street
Paris, TN 38242-4006

Paul Hatcher
President-Elect
Chattanooga Bar Association
Duncan, Hatcher, Hlxson & Fleenor PC
1418 McCallie Avenue
Chattanooga, TN 37404

Joseph Ford
President
Franklin County Bar Association
McBee & Ford
17 S. College Street
Winchester, TN 37398

Katherine Kroeger
President, Anderson County Bar Assoc.
7th Judicial District Office of the Public
Defender
127 N. Main Street
Clinton, TN 37716-3607

Lucas Hobbs
President
Bristol Bar Association
Elliott Lawson Minor PC
110 Piedmont Avenue, Suite #300
Bristol, VA 24201

Jason Davis
President
Marshall County Bar Association
Davis Law Firm
113 W. Commerce Street
Lewisburg, TN 37091

William Lawson
President
Unicoi County Bar Association
William B. Lawson, Attorney At Law
112 Gay Street, Suite A
Erwin, TN 37650-0016

Charles Grant
President, Nashville Bar Association
Baker, Donelson, Bearman, Caldwell &
Berkowitz PC
211 Commerce Street, Suite 800
Nashville, TN 37201-1817

Hilary Duke
President
Dickson County Bar Association
Reynolds, Potter, Ragan & Vandivort, PLC
210 East College Street
Dickson, TN 37055

Kevin Keeton
President
Hawkins County Bar Association
Law Office of James N. Point
115 E. Washington Street
Rogersville, TN 37857-3317

Matthew Willis
President
Dyer County Bar Association
Ashley Ashley & Arnold
P.O. Box H
Dyersburg, TN 38025

Jason Holly
President
Carter County Bar Association
Holly & Holly PLLC
415 Hudson Drive
Elizabethton, TN 37643-2881

Shawn Fry
President
Putnam County Bar Association
Qualls & Fry PLLC
165 E. Spring Street
Cookeville, TN 38501

Amber Lee
President
Washington County Bar Association
Lee Law Group, PLLC
300 E. Main Street, Suite 159
Johnson City, TN 37601

Nathan Hunt
President
Montgomery County Bar Association
Patton & Pittman
109 S. Third Street
Clarksville, TN 37040

Matthew Edwards
President
Cumberland County Bar Association
Law Office of Matthew Edwards
69 E. First Street, Suite 203
Crossville, TN 38555-4575

Terrl Crider
President
Gibson County Bar Association
Flippin, Atkins & Crider PC
P.O. Box 160
Humboldt, TN 38343

James Haywood
President
Haywood County Bar Association
Haywood Law Office
50 Boyd Avenue
Brownsville, TN 38012-0438

Andrew Frazier
President
Denton County Bar Association
Whitworth Law Firm
P.O. Box 208
Camden, TN 38320

Edward Lanquist
President-Elect
Nashville Bar Association
Waddey & Patterson, PC
1600 Division Street, Suite 500
Nashville, TN 37203

William Douglas
President
Lauderdale County Bar Association
William Dan Douglas, Jr
108 N. Main Street
Ripley, TN 38063-0489

Jay Ingrum
President
Sumner County Bar Association
Phillips & Ingrum
117 E. Main Street
Gallatin, TN 37066

Kristin Green
President
Bedford County Bar Association
300 E. Lane Street
Shelbyville, TN 37162-0461

Creed Daniel
President
Grainger County Bar Association
Daniel & Daniel
115 Marshall Avenue
Rutledge, TN 37861-0006

Sarah Kennedy
President
McMinn-Meligs County Bar Association
Jerry N. Estes Law Offices, PLLC
296 W. Madison Avenue
Athens, TN 37303

Anne Fritz
Executive Director
Memphis Bar Association
145 Court Avenue, Suite I
Memphis, TN 38103-2292

Michael Davis
President
Morgan County Bar Association
415 N. Kingston Street
Wartburg, TN 37887-0925

Lynda Hood
Executive Director
Chattanooga Bar Association
801 Broad Street
Suite 420, Pioneer Building
Chattanooga, TN 37402

James Gass
President
Sevier County Bar Association
Ogle, Gass & Richardson PC
P.O. Box 5365
Sevierville, TN 37864

William Locke
President
Warren County Bar Association
General Sessions Judge
Warren County Courthouse
McMinnville, TN 37111-0228

Mau Maddox
President
Carroll County Bar Association
Attorney at Law
P.O. Box 827
Huntingdon, TN 38344

Jarod Richert
President
Robertson County Bar Association
Richert & Dillaha PLLC
516 S. Main Street
Springfield, TN 37172

Lynn Newcomb
President
Cheatham County Bar Association
Balthrop, Perry, Noe, Newcomb & Morgan
102 Frey Street
Ashland City, TN 37015

Linda Warren Seely
Immediate Past President
Memphis Bar Association
Memphis Area Legal Services, Inc.
116 Tuckahoe Road
Jackson, TN 38305

Amber Shaw
President
Tipton County Bar Association
Law Office of J. Houston Gordon
114 W. Liberty Avenue, Suite 300
Covington, TN 38019

Robin Miller
Immediate Past President
Chattanooga Bar Association
Spears Moore Rebman & Williams PC
P.O. Box 1749
Chattanooga, TN 37401

Matt West
Jackson Madison-Henderson County
Bar Association
Teel & Maroney PLC
425 E. Baltimore Street
Jackson, TN 38301

Jennifer Porth
President
Fifteenth Judicial District Bar Association
J. Stephen Brown PC
224 W. Gay Street
Lebanon, TN 37088-0792

Darren Mitchell
President
Campbell County Bar Association
P.O. Box 375
Jacksboro, TN 37757

Harriet Thompson
President
Hardeman County Bar Association
P.O. Box 600
Bolivar, TN 38008

Timothy Mickel
President
Chattanooga Bar Association
Evans Harrison Hackett PLLC
835 Georgia Avenue, Suite 800
Chattanooga, TN 37402

Tom Sherrard
Immediate Past President
Nashville Bar Association
Sherrard & Roe PLC
150 3rd Avenue S. #1100
Nashville, TN 37201-2011

Thomas Parkerson
Rutherford-Cannon County Bar Association
Parkerson Santel, PLLC
121 E. Main Street
Murfreesboro, TN 37130

Derreck Whitson
President
Cocke County Bar
P.O. Box 1230
Newport, TN 37822

David Stanifer
President
Calbarne County Bar Association
Stanifer & Stanifer
P.O. Box 217
Tazewell, TN 37879

David Myers
President
Union County Bar Association
105 Monroe Street
Maynardville, TN 37807-0013

Ian McCabe
President
Loudon County Bar Association
329 Ellis Avenue
Maryville, TN 37804-5840

Randal Self
President
Lincoln County Bar Association
Randal E. Self, Attorney At Law
131 A Market Street E.
Fayetteville, TN 37334-0501

Ashley Ownby
President
Bradley County Bar Association
Ashley L. Ownby Attorney at Law
P.O. Box 176
Cleveland, TN 37364-0176

Tyler Weiss
President
Monroe County Bar Association
Worthington & Weiss, P.C.
409 College Street N., Street 1
Madisonville, TN 37354-3103

Denny Mitchell
President
White County Bar Association
Mitchell Law Office
112 South Main Street
Sparta, TN 38583

James Taylor
President
Rhea County Bar Association
1374 Railroad Street, Suite 400
Dayton, TN 37321-2211

Beverly Rayburn
President
Maury County Bar Association
14 Public Square
Columbia, TN 38401

Lee McVey
President
Kingsport Bar Association
The McVey Law Firm
108 E. Main Street, Suite 208
Kingsport, TN 37660

Shawn Trall
President
Coffee County Bar Association
Shawn C. Trall, Attorney
117 S. Spring Street
Manchester, TN 37355

Tommy Parker
President, Memphis Bar Association
Baker, Donelson, Bearman, Caldwell &
Berkowitz PC
165 Madison Avenue, Suite 2000
Memphis, TN 38103

John Miles
President
Obion County Bar Association
John Miles, Atty.
P.O. Box 8
Union City, TN 38281

Jim Smith
President
Roane County Bar Association
305 W. Rockwood Street
Rockwood, TN 37854

Beau Pemberton
President
Weakley County Bar Association
Law Office Of James H. Bradberry
109 North Poplar Street
Dresden, TN 38225-0789

John Lee Williams
President
Humphreys County Bar Association
Porch Peeler Williams Thomason
102 S. Court Square
Waverly, TN 37185-2113

ORIGINAL

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

FILED
2015 JUL 29 AM 10: 24

APPELLATE COURT CLERK
NASHVILLE

IN RE:)
)
AMENDMENT OF RULE 30,)
RULES OF THE)
TENNESSEE SUPREME COURT)

No. ADMIN2015-00451

COMMENT OF TENNESSEE COALITION FOR OPEN GOVERNMENT

Tennessee Coalition for Open Government, Inc. ("TCOG") submits the following comment concerning the proposed amendments to Tennessee Supreme Court Rule 30 and strongly supporting this Court's adoption of the proposed revision of Rule 30 submitted to this Court by the Tennessee Bar Association in its recent comment to this Court:

The Tennessee Coalition for Open Government, Inc. ("TCOG") is the only non-partisan Section 501(c)(3) organization in Tennessee whose sole mission is to protect and promote citizen access to government information and public meetings. Included within TCOG's mission is preservation and enhancement of access to Tennessee courtrooms and judicial proceedings. TCOG operates as an alliance of citizens, media organizations, and good government groups. TCOG's mission rests on the belief that access to government information is crucial in informed citizen participation in a democratic society. Since its inception in 2003, TCOG has conducted research into open government issues, providing information about access issues to citizens, journalists, lawmakers and government officials. TCOG participates as a member of the National Freedom of Information Coalition, an alliance of similar open government groups in all 50 states who share information and programs with the goal of improving citizen access and education at all levels. The TCOG Board of Directors consists of 22 board members including

individual citizens, members of the Tennessee Press Association, the Tennessee Association of Broadcasters, the Associated Press, Tennessee chapters of the Society of Professional Journalists, good government groups including the Tennessee chapters of the League of Women Voters and Common Cause, and attorneys and law firms emphasizing First Amendment practice. Members of the Board of TCOG serve without compensation as a public service to the citizens of Tennessee.

TCOG has extensively studied this Court's proposed amendments to Tennessee Supreme Court Rule 30, this Court's Rule governing the presence of cameras and audio recorders in the courtroom. We have corresponded and spoken with representatives of media organizations, media outlets, editor, broadcasters, and journalists of all kinds, as well as citizens who care about transparency and openness of Tennessee's judicial system. These discussions have included those interested in access to Tennessee courts from Memphis to Mountain City. Among those involved in these discussions are Tennesseans who daily observe and report on court proceedings across the State.

Two common threads have run through all these discussions. First, they reflect a deep respect and love for Tennessee's courts and their tradition of openness – a tradition longer than that in our federal courts and more fundamentally effective. Tennesseans know more about their courts and what goes on in them because of this tradition of openness. Those with whom TCOG discussed Rule 30 believe that, without a tradition of good reporting on Tennessee judicial proceedings and how Tennessee judges and court handle them, the public debate and discussion concerning judicial elections at all levels in 2014 would have been far less informed and far less productive.

Second, these discussions revealed grave concern that the adoption of the Court's

proposed revision to Rule 30, as published with the Court's March 13, 2015, Order, would be a striking backward step away from Tennessee tradition of judicial openness. Many Tennessee journalists who have studied the Court's proposed revision are convinced that, were this Court to adopt its original proposed language in the form published in the Court's March 15, 2015, Order, ordinary working journalists would no longer be able to do their job without new, wholly impractical restrictions. TCOG believes these journalists are right, and believes that these concerns must be accommodated in any revision to Rule 30.

Among TCOG's specific concern are that this Court's originally published revision would require express approval, based on a journalist's application two days in advance of any courtroom reporting, for the use of any electronic device in a courtroom, regardless of the intended purpose or actual use of the device. No reporter of any kind – not an individual blogger, or a print newspaper reporter, or a TV reporter or producer, or a radio journalist, or a journalist writing a book about a trial – could bring into a courtroom, or use in a courtroom, any smartphone, tablet computer, or laptop computer, for any purpose whatsoever, without advance approval two days in advance. Absent this two-day-in-advance approval, no reporter could use her laptop to take notes, or her iPad to write a story on the proceeding. Without advance approval, no reporter could use her iPhone to communicate with her editor during a hearing, no matter how silently she did so (such as by texting). And if reporters cannot take their phones into courtrooms, this necessarily means they will not have them in the courthouse, thereby prohibiting them from using their phones even though everyone else (such as lawyers) will have their phones in the courthouse to use during breaks.

While two-day advance approval has worked reasonably well for TV camera access to courts under present Rule 30, journalists have told TCOG that media organizations often do not

become aware of newsworthy proceedings in time to make such applications and, when they do, a rule that forces a media organization to decide who will cover a hearing two days in advance and make application for them (and their particular devices) to be approved for coverage two days in advance, is simply impractical and unreasonably burdensome, to no good end.

Journalist and media organizations also have questioned the need for and purpose of such a broad reach of a revised Rule 30. Anyone who has covered or been present for a courtroom proceeding fully understands the need for decorum and order. At a most basic level, in order to a court's work to be done, any meaningful noise or distraction from members of the public and press can and should be controlled by the court. But journalists and media organizations know that the technology they use every day to do their work within courtrooms can be (and should be) used silently and without any distraction whatsoever to trial participants. Years of experience in Tennessee courtrooms, where such devices have now been successfully used, mostly without incident or disruption, confirm this.

Indeed, because this advance approval concept was written originally with TV cameras in mind, and included limitations on the number of cameras in a hearing and provisions for pooling, and because these provisions have not been tailored to cover this sweeping new scope of the definition of "electronic devices," any trial court would be left with no legal standard whatsoever to decide whether to permit a news reporter to bring her laptop into the courtroom to take notes or write her story or email her editor. What standard would a trial court use in this situation? Would it fit within *any* constitutional standard for a court to deny a reporter the ability to use a laptop (assuming its use was silent), but to permit the use of a pencil and paper, to take notes or write her story? Even if such distinctions were constitutional, on what grounds should a trial court be saddled with this responsibility? Regardless, the proposed revision gives trial judges no

help in figuring out when to permit the use of such devices. This rule-without-a-standard would be a backward step in public access to Tennessee courts.

On this basis, TCOG believes that that Rule 30 needs to updated to reflect that the tools that media can now use to record or broadcast video or audio in a courtroom have become dramatically smaller and dramatically more numerous. But TCOG also believes that because these new devices with video and audio capability are the same devices that journalists use every day to do their work of courthouse reporting, accommodation should and must be made to allow journalists to use these tools in an appropriate way, while simultaneously prohibiting their use to record or broadcast video or audio from a courtroom without the court approval traditionally required by Rule 30.

TCOG wholeheartedly agrees with the Court's obvious concern that Rule 30 must be updated. Adopted in 1996, before most Tennesseans used the Internet and before cameras and recording devices were as compact and ubiquitous as they are today, Rule 30 has worked well in carrying forward Tennessee's tradition of open courts into an era when video and audio recording and reporting on courtroom proceedings has become more prevalent. In 2015, however, when virtually every citizen and working journalist has at least one device as capable as a 1990s video camera of recording video or audio for broadcast, media and technology have changed dramatically. This Court must update Rule 30 to keep pace with these changes in order to maintain Tennessee tradition of open courts, as well as to maintain in Tennessee courts the authority to maintain decorum, order, and fair trial rights amidst a new media and technology environment.

TCOG believes that the line the Court should draw in updating Rule 30 should not be a line based on the identity or capability of *devices* (a standard that would be held hostage to the

latest developments and changes in technology (will watches be covered by the Rule in the next year?), but should instead be a line based on the use to which any device of any kind is put. The Rule should concern itself with conduct of those present in the courtroom, not the technology they carry.

For all these reasons, TCOG endorses and supports the proposed revision of Rule 30 recently proposed by the Tennessee Bar Association in its filed comment with this Court. The TBA proposal strikes an appropriate balance between allowing journalists to use the tools they need to continue their reporting on courts, while providing Tennessee courts the tool they need to regulate fully the core concern of Rule 30 – the recording and broadcast of video and audio of Tennessee court proceedings.

The TBA proposal recognizes that Rule 30 must be updated to recognize that a courtroom proceeding could well be recorded today for broadcast on an iPhone that a reporter carried in her purse to the courthouse. The TBA proposal also confirms that there remains a need to regulate (including requiring advance approval) of video or audio recording of courtroom proceedings. At the same time, the TBA proposal expressly removes from this requirement and regulation everyday reporting activity carried out with today's new technology tools.

In addition to better, more focused definitions of “electronic devices” and “coverage” that help draw this line, the TBA proposal also provides a better standard for court review of media requests filed within two days of a hearing at which video or audio coverage is sought. The TBA proposal also clarifies, using the longstanding language of the Tennessee Reporter's Shield Law, just who is a “journalist” covered by the Rule. The TBA proposal also includes an informative Preamble that states clearly the background and purpose of the Rule.

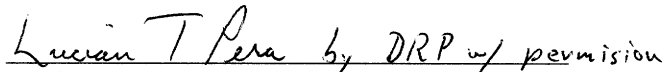
TCOG thus strongly supports the TBA proposed revision of Tennessee Supreme Court

Rule 30, and urges this Court to adopt it as a means to update the Rule and preserve Tennessee's tradition of open courts.

Respectfully submitted,



DOUGLAS R. PIERCE (Tenn. BPR No. 10084)
President,
Tennessee Coalition for Open Government, Inc.
King & Ballow
1100 Union Street Plaza
315 Union Street
Nashville, TN 37201
(615) 726-5521



LUCIAN T. PERA (Tenn. BPR No. 11641)
Vice President,
Tennessee Coalition for Open Government, Inc.
Adams and Reese LLP
Crescent Center
6075 Poplar Ave., Suite 700
Memphis, Tennessee 38119
(901) 525-3234
(901) 524-5419 (fax)

*Attorneys for Tennessee Coalition for Open
Government, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing has been served upon the individuals and organizations identified in Exhibit A by regular U.S. Mail, postage prepaid within seven (7) days of filing with the Court.



Dwight Aarons
President, National Bar Association,
William Henry Hastie Chapter
University of Tennessee College of Law
1505 Cumberland Avenue, Room 363
Knoxville, TN 37996-0681

Laura Baker
President, Lawyers Association for Women
Marion Griffin Chapter
Law Offices of John Day PC
5141 Virginia Way, Suite 270
Brentwood, TN 37027

Heidi Barcus
Immediate Past President
Knoxville Bar Association
London & Amburn, P.C.
607 Market Street, Suite 900
Knoxville, TN 37902

Barri Bernstein
Executive Director
Tennessee Bar Foundation
618 Church Street, Suite 120
Nashville, TN 37219

Tasha Blakney
President-Elect, Knoxville Bar Association
Eldridge & Blakney PC
P.O. Box 398
Knoxville, TN 37901

Ben Boston
President, Lawrence County Bar
Association
Boston, Holt, Sockwell & Durham PLLC
P.O. Box 357
Lawrenceburg, TN 38464

Neil Campbell
President, Williamson County Bar
Association
Neil Campbell Attorney at Law
136 4th Avenue South
Franklin, TN 37064-2622

Curt Collins
President, Greene County Bar Association
C. Collins Law Firm
128 S. Main Street, Suite 102
Greeneville, TN 37743-4922

Chad Cox
President, Paris-Henry County Bar
Association
Clark and Cox PLLC
104 North Brewer Street
Paris, TN 38242-4006

Wade Davies
President, Knoxville Bar Association
Ritchie, Dillard, Davies & Johnson PC
P.O. Box 1126
Knoxville, TN 37901

Imad Al-Deen Abdullah
President, National Bar Association
Baker Donelson Bearman Caldwell &
Berkowitz
165 Madison Avenue, #2000
Memphis, TN 38103

Jeremy Ball
President, Jefferson County Bar
Association
District Attorney Office
P.O. Box 690
Dandridge, TN 37725

Douglas Bates
President, Hickman County Bar
Association
Bates & Bates
P.O. Box 1
Centerville, TN 37033

Julian Bibb
President
Tennessee Board of Law Examiners
Stites & Harbison, PLLC
401 Commerce Street, Suite 900
Nashville, TN 37219

Doug Blaze
Dean
UT College Of Law
1505 W. Cumberland Avenue, Room 278
Knoxville, TN 37996

Ted Burkhalter
President, Blount County Bar Association
Burkhalter & Associates, PC
605 Smithview Drive
P.O. Box 5255
Maryville, TN 37802-5255

Kirk Caraway
Past President, Memphis Bar Association
Allen, Summers, Simpson, Lillie &
Gresham, PLLC
80 Monroe Avenue, Suite 650
Memphis, TN 38103-2466

Daryl Colson
President, Overton County Bar Association
Colson & Maxwell
808 North Church Street
Livingston, TN 38570-1134

Terri Crider
President, Gibson County Bar Association
Flippin, Atkins & Crider PC
P.O. Box 160
Humboldt, TN 38343

Michael Davis
President
Morgan County Bar Association
216 N. Kingston Street
P.O. Box 925
Wartburg, TN 37887-0925

Colby Baddour
President, Giles County Bar Association
A. Colbrook Baddour, Attorney at Law
P.O. Box 296
Pulaski, TN 38478-0296

Laurel Ball
President, East Tennessee Lawyers
Association for Women
Leitner, Williams, Dooley & Napolitan
900 S. Gay St., # 1800 Riverview Tower
Knoxville, TN 37902

Syd Beckman
Dean
Lincoln Memorial University Duncan
School of Law
601 West Summit Hill Drive
Knoxville, TN 37902

Mark Blakley
President, Scott County Bar Association
Stansberry, Petroff, Marcum & Blakley PC
2301 Jacksboro Pike, Suite 4C
La Follette, TN 37766-2959

Suanne Bone
Executive Director
Tennessee Association of Criminal Defense
Lawyers
530 Church Street, # 300
Nashville, TN 37219

David Byrd
President, Hamblen County Bar
Association
Capps, Cantwell, Capps & Byrd
P.O. Box 1897
Morristown, TN 37816-1897

William Cockett
Johnson County Bar Association President
Smith & Cockett Attorneys
247 West Main Street, P.O. Box 108
Mountain City, TN 37683-0108

Bratten Cook
President, Dekalb County Bar Association
Bratten Hale Cook II
104 N. 3rd Street
Smithville, TN 37166

Creed Daniel
President, Grainger County Bar Association
Daniel & Daniel
115 Marshall Avenue
P.O. Box 6
Rutledge, TN 37861-0006

Jason Davis
President, Marshall County Bar Association
Davis Law Firm
113 W. Commerce Street
Lewisburg, TN 37091

Dawn Deaner
Tennessee Lawyers Fund for Client
Protection Chair
Metropolitan Public Defender's Office
404 James Robertson Parkway, #2022
Nashville, TN 37219

William Douglas
President, Lauderdale County Bar
Association
P.O. Box 489
Ripley, TN 38063-0489

Amanda Dunn
SETLAW President
Luther Anderson PLLP
P.O. Box 151
Chattanooga, TN 37401-0151

Joseph Ford
President, Franklin County Bar Association
McBee & Ford
17 S. College Street
Winchester, TN 37398

Shawn Fry
President, Putnam County Bar Association
Qualls & Fry PLLC
165 E. Spring Street
Cookeville, TN 38501

James Gass
President, Sevier County Bar Association
Ogle, Gass & Richardson PC
P.O. Box 5365
Sevierville, TN 37864

Charles Grant
Immediate Past President, Nash. Bar Assoc.
Baker, Donelson, Bearman, Caldwell &
Berkowitz PC
211 Commerce Street, Suite 800
Nashville, TN 37201-1817

Paul Hatcher
President, Chattanooga Bar Association
Duncan, Hatcher, Hixson & Fleenor PC
1418 McCallie Avenue
Chattanooga, TN 37404

Martin Holmes
Federal Bar Association
Nashville Chapter President
Dickinson Wright, PLLC
424 Church Street, Suite 1401
Nashville, TN 37219

Tiffany Johnson
President, Tennessee Alliance for Black
Lawyers
QP Legal Research & Writing Services
1067 Fleece Place
Memphis, TN 38104-5620

Mark Dessauer
Tennessee Chapter President
Federal Bar Association Northeast
Hunter, Smith & Davis, LLP
P.O. Box 3740
Kingsport, TN 37664

Joanna Douglass
President, Lawyers Association for Women
Tennessee Department of Human Services
225 Martin Luther King Dr., #210
Jackson, TN 38301

Vinh Duong
President, Tennessee Asian Pacific
American Bar Association
Waller Lansden Dortch & Davis LLP
511 Union Street, #2700
Nashville, TN 37210

Andrew Frazier
President, Benton County Bar Association
Whitworth Law Firm
P.O. Box 208
Camden, TN 38320

Jonathan Garner
President, Robertson County Bar
Association
Walker & Garner
122 6th Avenue, W.
Springfield, TN 37172

Melanie Gober
Executive Director
Lawyers Association for Women Marion
Griffin Chapter
P.O. Box 190583
Nashville, TN 37219

Kristin Green
President, Bedford County Bar Association
300 E. Lane Street
P.O. Box 461
Shelbyville, TN 37162-0461

James Haywood
President, Haywood County Bar
Association
Haywood Law, PLLC
50 Boyd Avenue, P.O. Box 438
Brownsville, TN 38012-0438

Lynda Hood
Executive Director
Chattanooga Bar Association
801 Broad Street, Suite 420
Pioneer Building
Chattanooga, TN 37402

Susan Jones
Napier-Looby Chapter President
Metropolitan Department Of Law
108 Metro Court House
P.O. Box 196300
Nashville, TN 37219-6300

Jade Dodds
Chapter President, National Bar
Association, S.L. Hutchins Chapter
Life Care Centers of America
3001 Keith Street, NW, 3480
Cleveland, TN 37320-3480

Hilary Duke
President, Dickson County Bar Association
Reynolds, Potter, Ragan & Vandivort, PLC
210 East College Street
Dickson, TN 37055

Matthew Edwards
President, Cumberland County Bar
Association
Law Office of Matthew Edwards
69 E. First Street, Suite 203
Crossville, TN 38555-4575

Anne Fritz
Executive Director
Memphis Bar Association
145 Court Avenue, Suite 1
Memphis, TN 38103-2292

Sandy Garrett
Chief Counsel
The Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, TN 37027-5078

Alberto Gonzales
Dean
Belmont University School of Law
1900 Belmont Boulevard
Nashville, TN 37212

Chris Guthrie
Dean
Vanderbilt University School of Law
131 21st Ave. South, Room 108
Nashville, TN 37203-1181

Lela Hollabaugh
Board of Professional Responsibility Chair
Bradley Arant
1600 Division Street, Suite 700
Nashville, TN 37203

Nathan Hunt
President
Montgomery County Bar Association
Patton & Pittman
109 S. Third Street
Clarksville, TN 37040

Kevin Keeton
President, Hawkins County Bar Association
Point & Keeton, PC
115 E. Washington Street
Rogersville, TN 37857-3317

Suzanne Keith
Executive Director
Tennessee Association for Justice
1903 Division Street
Nashville, TN 37203

Karol Lahrman
Executive Director
Tennessee Lawyers Association for Women
P.O. Box 331214
Nashville, TN 37203

William Lawson
President, Unicoi County Bar Association
112 Gay Street, Suite A
P.O. Box 16
Erwin, TN 37650-0016

Keating Lowery
President, Lawyers Association for Women
Lawrence & Russell
5178 Wheelis Drive
Memphis, TN 38117

Matt Maddox
President, Carroll County Bar Association
Attorney at Law
P.O. Box 827
Huntingdon, TN 38344

Lee McVey
President, Kingsport Bar Association
The Mcvey Law Firm
108 E. Main St., Suite 208
Kingsport, TN 37660

John Miles
President, Obion County Bar Association
P.O. Box 8
Union City, TN 38281

Mary Morris
Federal Bar Association,
Memphis/Mid-South Chapter President
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103

Ashley Ownby
President, Bradley County Bar Association
P.O. Box 176
Cleveland, TN 37364-0176

Beau Pemberton
President, Weakley County Bar Association
Law Office Of James H. Bradberry
109 North Poplar Street
P.O. Box 789
Dresden, TN 38225-0789

Sarah Kennedy
President, McMinn-Meigs County Bar
Association
Jerry N. Estes Law Offices, PLLC
296 W. Madison Avenue
Athens, TN 37303

Ed Lancaster
Tennessee CLE Commission Chair
TFIC
P.O. Box 998
Columbia, TN 38402

Peter Letsou
Dean
University of Memphis Cecil C.
Humphreys School of Law
1 North Front Street
Memphis, TN 38103

Trevor Lynch
Rutherford-Cannon County Bar
Association
320 W. Main Street, Suite 100
Woodbury, TN 37190

Ian McCabe
President, Loudon County Bar Association
Law Office of Ian McCABe
200 Prosperity Drive, Suite 113
Knoxville, TN 37923

Brandon Meredith
President, Sumner County Bar Association
Phillips & Ingram
117 E. Main Street
Gallatin, TN 37066

Denny Mitchell
President, White County Bar Association
Mitchell Law Office
112 South Main Street
Sparta, TN 38583

David Myers
President, Union County Bar Association
105 Monroe Street
P.O. Box 13
Maynardville, TN 37807-0013

Tommy Parker
President, Memphis Bar Association
Baker, Donelson, Bearman, Caldwell &
Berkowitz PC
165 Madison Avenue, Suite 2000
Memphis, TN 38103

Sherry Percival
National Bar Association,
Ballard Taylor Chapter President
Percival Law Office, P.C.
219 N. Parkway, Suite 1
Jackson, TN 38305-2717

Katherine Kroeger
President, Anderson County Bar
Association
7th Jud. Dist. Office of the Public Defender
127 N. Main Street
Clinton, TN 37716-3607

Edward Lanquist
President, Nashville Bar Association
Patterson PC
1600 Division St., Suite 500
Nashville, TN 37203

William Locke
President, Warren County Bar Association
General Sessions Judge
Warren County Courthouse
P.O. Box 228
Mcminnville, TN 37111-0228

Monica Mackie
Executive Director
Nashville Bar Association
150 4th Avenue N; Suite 1050
Nashville, TN 37219

Judy McKissack
Director
Tennessee Commission on Continuing
Legal Education
221 Fourth Avenue North, Suite 300
Nashville, TN 37219

Donna Mikel
Federal Bar Association
Chattanooga Chapter President
Burnette, Dobson & Pinchak
713 Cherry Street
Chattanooga, TN 37402

Darren Mitchell
President, Campbell County Bar
Association
P.O. Box 375
Jacksboro, TN 37757

Lynn Newcomb
President, Cheatham County Bar
Association
Balthrop, Perry, Noe, Newcomb & Morgan
102 Frey Street
Ashland City, TN 37015

Jon Peeler
President, Tennessee Association for
Justice
401 Church Street
L&C Tower, 29th Floor
Nashville, TN 37219

Samuel Perkins
President, Tennessee Association of
Criminal Defense Lawyers
Perkins, Jones, & Associates
80 Monroe, Suite 450
Memphis, TN 38103-2520

Lisa Perlen
Executive Director
Tennessee Board of Law Examiners 401
Church Street
Nashville, TN 37219

Mario Ramos
President, Tennessee Association of
Spanish Speaking Attorneys
Mario Ramos PLLC
611 Commerce Street, Suite 3119
Nashville, TN 37203

Cheryl Rice
President, Tennessee Lawyers Association
for Women
Egerton, McAfee, Armistead & Davis, PC
900 S. Gay Street, Suite 1400RIV
Knoxville, TN 37902

Christie Sell
President-Elect, Chattanooga Bar Assoc.
Hamilton County
General Session Court Judges
600 Market Street, 203 Courts Building
Chattanooga, TN 37402

Mike Spitzer
Tennessee Bar Foundation Chair
The Spitzer Firm
19 Cedar Street
Hohenwald, TN 38462

Joycelyn Stevenson
President-Elect, Nashville Bar Association
Littler Mendelson PC
333 Commerce Street, #1450
Nashville, TN 37201

Deborah Taylor Tate
Administrative Director
Administrative Offices of the Courts
201 Fourth Avenue North, Suite 1900
Nashville, TN 37219

Harriet Thompson
President, Hardeman County Bar
Association
P.O. Box 600
Bolivar, TN 38008

Tyler Weiss
President, Monroe County Bar Association
Worthington & Weiss, P.C.
409 College Street N., Suite 1
Madisonville, TN 37354-3103

Derreck Whitson
President, Cocke County Bar Association
P.O. Box 1230
Newport, TN 37822

Jennifer Porth
President, 15th Judicial District Bar Assoc.
J. Stephen Brown PC
224 W. Gay Street
P.O. Box 792
Lebanon, TN 37088-0792

Marsha Wilson
Executive Director
Knoxville Bar Association
P.O. Box 2027
Knoxville, TN 37901

Sunny Sandos
President, Washington County Bar Assoc.
West & Rose
537 East Center Street
P.O. Box 1404
Kingsport, TN 37660-4869

Amber Shaw
President, Tipton County Bar Association
Law Office of J. Houston Gordon
114 W. Liberty Avenue, Suite 300
Covington, TN 38019

David Stanifer
President, Claiborne County Bar
Association
Stanifer & Stanifer
P.O. Box 217
Tazewell, TN 37879

William Stover
Immediate Past President,
Tennessee Alliance for Black Lawyers
500 Church Street, Suite 450
Nashville, TN 37219-2370

James Taylor
President, Rhea County Bar Association
1374 Railroad Street, Suite 400
Dayton, TN 37321-2211

Shawn Trail
President, Coffee County Bar Association
117 S. Spring Street
Manchester, TN 37355

Matt West
Jackson-Madison-Henderson County Bar
Association
Teel & Maroney PLC
425 E. Baltimore Street
Jackson, TN 38301

John Lee Williams
President, Humphreys County Bar
Association
Porch Peeler Williams Thomason
102 S. Court Square
Waverly, TN 37185-2113

Ann Pruitt
Executive Director
Tennessee Alliance for Legal Services
1220 Vintage Place
Nashville, TN 37215

Beverly Rayburn
President, Maury County Bar Association
14 Public Square
Columbia, TN 38401

Randall Self
President, Lincoln County Bar Association
Randall E. Self, Attorney At Law
131A Market Street E.
P.O. Box 501
Fayetteville, TN 37334-0501

Jim Smith
President, Roane County Bar Association
305 W. Rockwood Street
Rockwood, TN 37854

Jonathan Steen
President, Tennessee Bar Association
Redding, Steen & Staton, PC
464 North Parkway, Suite A
Jackson, TN 38305

Stephanie Stuart
President, Bristol Bar Association
1990 Highway 394, Suite C
Blountville, TN 37617

Andrew Taylor
President, Carter County Bar Association
211 South Main Street
Elizabethton, TN 37643-4518

James Tucker
President, Tennessee Defense Lawyers
Association
Manier & Herod PC
150 4th Avenue N., Suite 2200
Nashville, TN 37219

Mary Whitfield
Immediate Past President,
Association for Women Attorneys
Shea Moskovitz & Mcghee
530 Oak Court Drive, Suite 355
Memphis, TN 38117-3733

Matthew Willis
President, Dyer County Bar Association
Ashley Ashley & Arnold
P.O. Box H
Dyersburg, TN 38025

FILED
JUL 23 2015
Clerk of the Courts
Rec'd By _____

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

IN RE:)
)
AMENDMENT OF RULE 30,) No. ADMIN2015-00451
RULES OF THE)
TENNESSEE SUPREME COURT)

COMMENT OF TENNESSEE BAR ASSOCIATION

The Tennessee Bar Association (“TBA”), in response to this Court’s March 13, 2015, Order soliciting comments concerning its published proposed revision to Tennessee Supreme Court Rule 30, urges the Court to adopt as a replacement for current Rule 30 the TBA’s proposed draft revision of Rule 30 attached as Exhibit A. (Exhibit A shows a version of the TBA’s proposed Rule 30 that reflects changes to and differences from the Court’s published proposed revision of Rule 30. Exhibit B shows a clean version of the TBA’s proposed new Rule 30.) In further support of the adoption of the TBA’s proposed revision, the TBA submits as follows:

BACKGROUND AND OVERVIEW

Tennessee courts have allowed cameras in court for over fifty years. This right generally has been argued to exist under the First Amendment’s free speech guarantees and the Sixth Amendment’s guarantee of public trials, as well as the Tennessee Constitution’s Law of the Land Clause found at Art. 1, Section 8, the Open Courts Clause of Art. 1, Section 17, and the Free Press guarantees of Art. 1, Section 19.

For most of the last two decades, this Court’s Rule 30 has carried forward this Tennessee tradition and provided a stable and workable framework for cameras in Tennessee courtrooms. Rule 30 was first enacted by this Court in 1996, and the first case construing the Rule came that

same year with *State v. Morrow*, No. 02C01-9601-CC-00022, 1996 WL 170679 (Tenn. Crim. App. April 12, 1996), in which this Court found that Rule 30 “creates a presumption in favor of in-court media coverage, including the presence of television camera, in accordance with the procedures set forth in the rule.”

For the last nineteen years, Rule 30 has successfully permitted Tennessee citizens to have fuller access to video and audio coverage of what goes on in their courts, with few significant problems and many successes. In the TBA’s view, with rare exceptions, Rule 30 has worked well. The media have been diligent in observing its restrictions and in using it to the public’s benefit in reporting on judicial proceedings; courts have been able, with little difficulty, to apply the standards of the Rule; and parties and lawyers have been able to voice their concerns about video and audio coverage and to have those concerns addressed by the courts.

In those two decades, however, the media environment and technology used to cover Tennessee courts have changed dramatically. In 1996, recording and transmitting video of a court proceeding usually required expensive and (by today’s standards) bulky equipment. Today, the very same functions can be performed by a smartphone, tablet computer, or laptop of the kind that virtually any journalist carries in her pocket or briefcase. As importantly, most journalists – indeed, most members of the public – today routinely carry just such devices with them every day. These new devices can often not only record, but transmit, video, audio, and text, from almost any remote location, to anywhere in the world, almost instantly. Thus, while the basic framework of Rule 30 remains valid, as the Court has noted, it is time for the Rule to be updated so that courts across Tennessee have the tools to address today’s technology in today’s courtrooms. The TBA applauds the Court’s initiative to update Rule 30.

With the help of its recently-organized Communication Law Section, the TBA has

closely reviewed the Court's proposed revision of Rule 30 and attaches a proposed version of Rule 30 as Exhibit A to this comment. Respectfully, the TBA believes that its attached draft better accomplishes the goal of updating Rule 30 to accommodate current technology. The TBA also believes that its proposed revision avoids the negative effect of some parts of the Court's published proposal that have received significant negative comment, particularly by practicing journalists who cover Tennessee courts. The TBA has discussed the Court's proposed revisions with numerous Tennessee journalists and media organizations and their counsel and explored their concerns in depth. The TBA submits that its proposed draft reasonably addresses these concerns, while still providing a strong framework for Tennessee courts to reasonably regulate cameras in the courts.

The most important change in the Court's proposed revision was a reasonable attempt to sweep within its coverage all the varied devices on which video or audio of courtroom proceedings can now be recorded in or broadcast from a courtroom, including smartphones, tablet computers, and laptop computers. For this reason, the Court's proposed new definition of "electronic device" is quite broad:

(6) **"Electronic Device"** means any device capable of capturing, recording, and/or transmitting video images, still images, or audio of a court proceeding and any device capable of transmitting real-time textual descriptions of a court proceeding. Electronic devices include, without limitation: film, digital, video, and any other type of cameras, cellular telephones, tape recorders, digital voice recorders, and any other type of audio recorders; laptop computers, electronic tablets, and any other similar technological device with the ability to capture, record and/or transmit video or still images, audio, text, or other electronic communication data.

This definition includes virtually every "smartphone" or other device that has the ability to take a photograph, record a video, or record audio.

The Court's proposed definition of the term "coverage" would also extend the reach of the Rule by including the media's use of an electronic device to post information on a website or

send email or text messages from inside a courtroom during a court proceeding, regardless of how silently and discreetly this is done:

(1) **“Coverage”** means any recording, broadcasting, transmitting, or webcasting of a court proceeding by the media using television, radio, photographic, or recording equipment, or any other electronic device. “Coverage” also means media personnel’s posting on an internet website, communicating via social media, text messaging, or otherwise communicating via an electronic device about a court proceeding from inside the courtroom while court is in session. This definition of “coverage” is subject to the prohibitions listed in section C.

This sweeping proposed breadth of the Court’s proposed revisions has led, however, to many concerns on the part of working journalists that the Court’s proposed language would enact a new and unintended ban on the use of such devices for their ordinary work covering courtrooms, rather than merely regulating video and audio coverage of courts. Specifically, the Court’s proposed language could easily be interpreted to require that any journalist who wanted to use their smartphone, tablet, or laptop to take notes or draft a story about a trial or hearing they were attending, or email those notes or that draft story to their editor, would be required to get specific approval, two days in advance, in order to use many current electronic devices to do so. This would be true under the Court’s proposed revisions regardless of whether these uses of electronic devices were perfectly silent and non-distracting to others in the courtroom. In the TBA’s view, this type of requirement will often be unworkable as a practical matter (many journalists do not know two days in advance what courtroom proceedings they will be covering). It is also unnecessary to accomplish the stated purposes of Rule 30’s regulation of cameras in the courtroom. Indeed, some journalists have correctly pointed out that such a rule would unfairly – and perhaps unconstitutionally – discriminate between journalists based on whether they worked with a pencil and paper or a laptop.

These concerns are legitimate, and the TBA has no doubt that no such result was intended

by the drafters of the Court's proposed language. Today, in courtrooms all across Tennessee, lawyers (and judges) use all manner of new devices in the courtroom to do their work, and so do journalists. These uses of new technology and devices are routinely accomplished silently and without any distraction to anyone. And, just as use by lawyers (and judges) of these devices in the courtroom can and does enhance their productivity and accuracy, among other goals, there can be no doubt that the use by journalists of these devices allows them to work more efficiently, while also almost certainly increasing the accuracy and quality of their reporting of courtroom proceedings.

The TBA believes that the Court's valid interests in preserving decorum and good order in Tennessee courtrooms, and in fairly and thoroughly regulating the recording and transmission of video and audio of court proceedings, can be fully accomplished while more narrowly regulating the use of new technology. That is what the TBA's attached draft accomplishes.

In addition to addressing this concern, the TBA's draft also proposes other somewhat different approaches, discussed below, that the TBA believes better update Rule 30 to provide a framework for regulating cameras in Tennessee courts in the modern media and technology environment.

PARTICULAR SECTIONS OF TBA DRAFT RULE

The following is a brief review of a number of the more important provisions in the TBA's attached proposed revisions to Rule 30:

1. **Preamble**. A proposed Preamble explains that Rule 30 is a part of the tradition of open courts in Tennessee and throughout the United States. Several existing rules of the Supreme Court (Rules 7, 8, 9, 10, 38, 41) have a Preamble. The TBA believes that the Rule is improved by a clear statement of its purpose and the principles underlying the Rule.

2. **Rule 30A(2)**. The minor revision of the second sentence clarifies the burden and the standard for waiver of the two-day advance-approval requirement.

3. **Rule 30A(3)**. The proposed addition of the words “if practicable” establishes a standard for use by a court in deciding whether to waive the Clerk’s notification of the attorneys of record in a case of a request for media coverage.

4. **Rule 30A(4)**. This proposed new language is intended to emphasize that Rule 30 does not limit the use of an electronic device to write about a court proceeding while in the courtroom, so long as this is done silently and does not create a distraction. The transmission of data communications in the form of text only would be allowed without prior authorization from the court.

5. **Rule 30B(1)**. This proposed change limits the definition of “coverage” to the recording or transmitting of any video or audio of a court proceeding from within the courtroom. The TBA believes that limiting the definition of “coverage” in this way is consistent with the original purpose and spirit of Rule 30. Other forms of electronic communication from a courtroom, where performed silently and without distraction to the proceeding or its participants, pose no risk to the decorum and order within a courtroom that Rule 30 is intended to preserve.

6. **Rule 30B(2)**. The definition of “media” would be revised to include “persons who are independently engaged in gathering information for publication or broadcast,” a formulation borrowed from the Tennessee statute establishing a journalist’s limited privilege. *See* Tenn. Code Ann. § 24-1-208

7. **Rule 30B(3)**. This proposed change would eliminate from the scope of Rule 30 the words “any activity in the building in which the judicial proceeding is being held.” Rule 30 has not previously been extended outside the courtroom, and the TBA sees no need for any such

extension. If the proposed change is not made, this language could be interpreted to bring within the scope of Rule 30 a press conference being held on the first floor or in the hallway of a courthouse.

8. **Rule 30B(6)**. This proposed change limits the electronic devices subject to the requirements of Rule 30 to those that are intended to be used to capture, record, and transmit video, audio, or still images of a court proceeding. This reformulation would exclude from regulation under Rule 30 electronic devices used for the purpose of transmitting text-only message or email or posting messages to a website. Extending the reach of Rule 30 to include such devices is, in the TBA's view, unnecessary to accomplish the purposes of Rule 30.

9. **Rule 30C(5)**. The proposed change conforms the language of the Rule to other Tennessee rules concerning juvenile proceedings.

CONCLUSION

For the foregoing reasons, the TBA urges the Court to adopt as a replacement for current Tennessee Supreme Court Rule 30 the TBA's proposed revision of Rule 30 attached as Rule 30.


Respectfully submitted,

By: /s/ by permission
WILLIAM (BILL) HARBISON (007012)
President, Tennessee Bar Association
Sherrard & Roe PLC
150 3rd Avenue S., #1100
Nashville, TN 37201
(615) 742-4200

By: /s/ by permission
LUCIAN PERA (011641)
Vice President, Tennessee Bar Association
Adams and Reese LLP
6075 Poplar Avenue, Suite 700
Memphis, TN 38119
(901) 524-5278

By: /s/ by permission
JOHN WILLIAMS (000531)
Chair, Tennessee Bar Association
Communication Law Section
Tune, Entekin & White PC
315 Deaderick, Suite 1700
Nashville, Tennessee 37238
(615) 244-2770

By: /s/ by permission
PAUL C. NEY (011625)
General Counsel,
Tennessee Bar Association
Patterson Intellectual Property Law, PC
1600 Division Street, Suite 500
Nashville, Tennessee 37203
(615) 242-2400

By: 
ALLAN F. RAMSAUR (005764)
Executive Director,
Tennessee Bar Association
Tennessee Bar Center
221 Fourth Avenue North, Suite 400
Nashville, Tennessee 37219-2198
(615) 383-7421

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing has been served upon the individuals and organizations identified in Exhibit "C" by regular U.S. Mail, postage prepaid within seven (7) days of filing with the Court.



EXHIBIT A

**Proposed Revisions to
Tennessee Supreme Court Proposal for Changes to Tenn. Sup. Ct. R. 30
(as approved by the TBA House of Delegates and Board of Governors)**

[As proposed by the Tennessee Supreme Court, Tenn. Sup. Ct. R. 30 would be amended as indicated below by underlining (new text) and ~~overstriking~~ (deleted text).

The TBA's proposed additions and changes are shown in green.]

Rule 30. Media Guidelines.

Preamble

The Tennessee and United States Constitutions, as well as Tennessee common law, grant to the public and the media the right to attend and view proceedings in Tennessee courts, subject to certain limited restrictions, and place the burden of proof upon any party seeking closure. This right of access is critical to preserving the trust of the public in Tennessee's judicial system. This Rule is intended to provide a framework within which Tennessee courts shall maintain this tradition of open courts.

A. Media Access.

(1) **Coverage Generally.** Media coverage of public judicial proceedings in the courts of this State shall be allowed in accordance with the provisions of this rule. The coverage shall be subject, at all times, to the authority of the presiding judge to: (i) control the conduct of the proceedings before the court; (ii) maintain decorum and prevent distractions; (iii) guarantee the safety of any party, witness, or juror; and (iv) ensure the fair and impartial administration of justice in the pending cause.

(2) **Requests for Media Coverage.** Requests by representatives of the media for such coverage must be made in writing to the presiding judge not less than two (2) business days before the proceeding is scheduled to begin. For good cause shown, ~~The~~ presiding judge may waive the two-day requirement ~~at his or her discretion.~~

(3) **Notification of Request.** Notification that the media has requested such coverage shall, if practicable, be provided by the Clerk of the particular court to the attorneys of record in the case. Such notification may be waived by the judge at the clerk's request if the request is made for media coverage of all or part of a docket. If the judge waives notification, the clerk shall post a notice with the docket in a conspicuous place outside the courtroom. The notice must state that the proceedings will be covered by the media, and that any person may request a continuance when the docket is called. Such continuance shall be granted only if the person can show that he or she was prejudiced by the lack of notice, and that there is good cause to refuse, limit, terminate or temporarily suspend media coverage pursuant to section D(2).

(4) Scope of Rule. This Rule is not intended to limit or regulate the right of any member

of the public or the media to observe, write about, comment upon, or report upon any court proceeding while present in the courtroom during a court proceeding, so long as such conduct does not interfere with the court proceeding by threatening the decorum of the proceeding or creating a distraction in the proceeding. Members of the public and the media may use electronic devices in the courtroom for the purpose of writing, taking notes, and transmitting or receiving data communications in the form of text only, without obtaining prior authorization from the court.

B. Definitions.

(1) **“Coverage”** means any ~~recording or broadcasting~~ recording, broadcasting, transmitting, or webcasting of a court proceeding by the media using television, radio, photographic, or recording equipment, or any other electronic device. ~~“Coverage” also means media personnel’s posting on an internet website, communicating via social media, text messaging, or otherwise communicating via an electronic device about a court proceeding from inside the courtroom while court is in session. This definition of “coverage” is subject to the prohibitions listed in section C.~~ **“Coverage” does not mean an activity that does not include the recording or transmitting of any video or audio of a court proceeding within a courtroom.**

(2) **“Media”** means legitimate news gathering and reporting agencies and their representatives whose function is to inform the public, or persons engaged in the preparation of educational films or recordings or documentaries. **“Media” shall include persons who are independently engaged in gathering information for publication or broadcast.**

(3) **“Proceeding”** means any trial, hearing, motion, argument on appeal, or other matter held in open court that the public is entitled to attend. For the purposes of section C of this rule, a “proceeding” includes ~~any activity in the building in which the judicial proceeding is being held or~~ any official duty performed in any location as part of the judicial proceeding.

(4) **“Presiding Judge”** means the judge, justice, master, referee or other judicial officer who is scheduled to preside, or is presiding, over the proceedings.

(5) **“Minor”** means any person under eighteen (18) years of age.

(6) **“Electronic Device”** means any device ~~intended to be used in a court proceeding to capture, record, or transmit~~ ~~capable of capturing, recording, and/or transmitting~~ video images, still images, or audio of a court proceeding, ~~and any capable of transmitting real time textual descriptions of a court proceeding.~~ Electronic devices include, without limitation, film, digital, video, and any other type of cameras; cellular telephones; tape recorders, digital voice recorders, and any other type of audio recorders; laptop computers; electronic tablets; and any other similar technological device with the ability to capture, record and/or transmit video or still images, ~~or audio, text, or other electronic communication data.~~

C. Prohibitions.

(1) **Minor Participants.** Media coverage of a witness, party, or victim who is a minor is

prohibited in any judicial proceeding, except when a minor is being tried for a criminal offense as an adult.

(2) **Jury Selection.** Media coverage of jury selection is prohibited.

(3) **Jurors.** Media coverage of jurors during the judicial proceeding is also prohibited.

(4) **Closed Proceedings.** Media coverage of proceedings which are otherwise closed to the public by law is prohibited.

(5) **Juvenile Court Proceedings.** In juvenile court proceedings, if the court receives a request for media coverage, the court will notify the parties and their counsel of the request, and prior to the beginning of the proceedings, the court will advise the juvenile ~~accused~~, the parties, and the witnesses of their personal right to object, and that if consent is given, it must be in writing. Objections by a witness will suspend media coverage as to that person only during the proceeding, whereas objections by the juvenile ~~accused~~ in a delinquency proceeding ~~criminal~~ ~~ease~~ or any party to a juvenile proceeding ~~civil action~~ will prohibit media coverage of the entire proceeding.

(6) **Conferences of Counsel.** There shall be no audio pickup, recording, broadcast, or video closeup of conferences, which occur in a court facility, between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge held at the bench or in chambers, or between judges in an appellate proceeding.

D. Limitations.

(1) **Discretion of Presiding Judge.** The presiding judge has the discretion to refuse, limit, terminate, or temporarily suspend, media coverage of an entire case or portions thereof, in order to: (i) control the conduct of the proceedings before the court; (ii) maintain decorum and prevent distractions; (iii) guarantee the safety of any party, witness, or juror; and (iv) ensure the fair administration of justice in the pending cause. Such exercise of the presiding judge's discretion shall be made following the procedures established in section D(2).

(2) **Evidentiary Hearing.** Before denying, limiting, suspending, or terminating media coverage, the presiding judge shall hold an evidentiary hearing, if such a hearing will not delay or disrupt the judicial proceeding. In the event that an evidentiary hearing is not possible, affidavits may be used. The burden of proof shall be on the party seeking limits on media coverage. If there is no opposition to media coverage, the presiding judge may consider matters that are properly the subject of judicial notice. Media requesting coverage shall be allowed to present proof, either at the evidentiary hearing or by affidavit. Any finding that media coverage should be denied, limited, suspended or terminated must be supported by substantial evidence that at least one of the four interests in section D(1) is involved, and that such denial, limitation, suspension, or termination is necessary to adequately reach an accommodation of such interest. The presiding judge shall enter written findings of fact detailing the substantial evidence required to support his or her order.

E. Appellate Review. Appellate review of a presiding judge's decision to terminate, suspend, limit, or exclude media coverage shall be in accordance with Rule 10 of the Tennessee Rules of Appellate Procedure.

F. Equipment and Personnel.

(1) **Limitations.** ~~At least one, but no~~ No more than two television cameras with one ~~operator~~ photographer each will be permitted in any judicial proceeding. ~~two still~~ No more than two non-television photographers using not more than two cameras or other electronic devices each, and one audio system for radio broadcast purposes, will be permitted in any judicial proceeding. The use of any electronic device for other coverage of a proceeding is limited to two devices per media representative.

(2) **Pooling Arrangements.** When more than one request for media coverage is made, the media shall select a representative to serve as a liaison and be responsible for arranging "pooling" among the media that may be required by these limitations on equipment and personnel. The identity of the person selected, including name, business address, phone and fax number, shall be filed with the clerk of the court in which the proceeding is to be held. Pooling arrangements shall be reached when the court is not in session and shall be the sole responsibility of the media without calling upon the presiding judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. Such pooling arrangements shall include the designation of pool operators, procedures for cost sharing, access to and dissemination of material, and selection of a pool representative if appropriate. In the absence of advance media agreement on disputed equipment or personnel issues, the presiding judge shall exclude all contesting media personnel from a proceeding.

(3) **Personal Recorders.** Media personnel may use hand-held ~~cassette-tape~~ audio recorders that are no more sensitive than the human ear without complying with section A(2) of this rule. Such recorders are to be used for the making of sound recordings as personal notes of the proceedings, and shall not be used for any other purpose, including broadcast or other audio transmission. Usage shall not be obtrusive or distracting, and no change of tape or other electronic storage medium shall be made during court sessions.

(4) **Print Media Other Coverage.** This rule does not govern the coverage of a proceeding by a news reporter or other person who is not using a camera, audio ~~or electronic~~ equipment, or other electronic device.

G. ~~Sound and Light~~ Equipment Criteria.

(1) **Distractions.** Only television, photographic and audio equipment and other electronic devices ~~which does~~ that do not produce distracting sound or light shall be employed to cover proceedings in a court facility. Signal lights or devices to show when equipment is operating shall not be visible. Moving lights, flash attachments, or sudden light changes shall not be used.

(2) **Courtroom Light Source.** If possible, lighting for all purposes shall be accomplished from existing court facility light sources. If no technically suitable lighting exists in the court

facility, modifications and additions may be made in light sources existing in the facility, provided such modifications and additions are unobtrusive, located in places designated in advance of any proceeding by the presiding judge, and without public expense.

(3) **Audio Pickup.** Audio pickup for all purposes shall be accomplished from existing audio systems present in the court facility or from ~~a television camera's~~ an electronic device's built-in microphone. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the presiding judge.

(4) **Technical Difficulties.** Court proceedings shall not be interrupted by media personnel because of a technical or equipment problem. If any problem occurs, that piece of equipment shall be turned off while the proceeding is in session. No attempt shall be made to correct the technical or equipment problem until the proceeding is in recess or has concluded.

H. Location of Equipment and Conduct of Media Personnel.

(1) **Location of Equipment and Personnel.** The presiding judge shall designate the location in the courtroom for media equipment and operators to permit reasonable coverage without disruption of proceedings.

(2) **Alterations.** No permanent installation shall be made nor shall any court facility be altered, unless approved in advance by the presiding judge. Expenses for alterations shall be borne by the media.

(3) **Movement During Proceedings.** During proceedings, operating personnel shall not move about nor make any adjustment or change of any equipment or electronic devices ~~which~~ that disrupts or distracts from the proceeding. Media broadcast, photographic or audio equipment shall not be placed in or removed from the court facility except prior to commencement or after adjournment of proceedings each day, or during a recess in the proceeding.

(4) **Conduct of Media Personnel.** Media personnel assigned to cover a judicial proceeding shall attire and deport themselves in such a way that will not detract from the proceeding.

I. Impermissible Use of Media Material. None of the film, ~~videotape, still photographs,~~ ~~or~~ video or still images, audio recordings, or other electronic coverage of proceedings under this rule shall be admissible as evidence in the proceeding out of which it arose, any proceedings subsequent and collateral thereto, or upon any retrial or appeal of such proceeding.

J. Ceremonial Proceedings. This rule shall not limit media coverage of investiture, ceremonial, or nonjudicial proceedings conducted in court facilities under such terms and conditions as may be established by prior consent of the presiding judge.

K. Compliance. Media personnel who fail to comply with this rule shall be subject to an appropriate sanction as determined by the presiding judge.

EXHIBIT B

Proposed New Tenn. Sup. Ct. R. 30
(as proposed by the Tennessee Bar Association)

Rule 30. Media Guidelines.

Preamble

The Tennessee and United States Constitutions, as well as Tennessee common law, grant to the public and the media the right to attend and view proceedings in Tennessee courts, subject to certain limited restrictions, and place the burden of proof upon any party seeking closure. This right of access is critical to preserving the trust of the public in Tennessee's judicial system. This Rule is intended to provide a framework within which Tennessee courts shall maintain this tradition of open courts.

A. Media Access.

(1) **Coverage Generally.** Media coverage of public judicial proceedings in the courts of this State shall be allowed in accordance with the provisions of this rule. The coverage shall be subject, at all times, to the authority of the presiding judge to: (i) control the conduct of the proceedings before the court; (ii) maintain decorum and prevent distractions; (iii) guarantee the safety of any party, witness, or juror; and (iv) ensure the fair and impartial administration of justice in the pending cause.

(2) **Requests for Media Coverage.** Requests by representatives of the media for such coverage must be made in writing to the presiding judge not less than two (2) business days before the proceeding is scheduled to begin. For good cause shown, the presiding judge may waive the two-day requirement.

(3) **Notification of Request.** Notification that the media has requested such coverage shall, if practicable, be provided by the clerk of the particular court to the attorneys of record in the case. Such notification may be waived by the judge at the clerk's request if the request is made for media coverage of all or part of a docket. If the judge waives notification, the clerk shall post a notice with the docket in a conspicuous place outside the courtroom. The notice must state that the proceedings will be covered by the media, and that any person may request a continuance when the docket is called. Such continuance shall be granted only if the person can show that he or she was prejudiced by the lack of notice, and that there is good cause to refuse, limit, terminate or temporarily suspend media coverage pursuant to section D(2).

(4) **Scope of Rule.** This Rule is not intended to limit or regulate the right of any member of the public or the media to observe, write about, comment upon, or report upon any court proceeding while present in the courtroom during a court proceeding, so long as such conduct does not interfere with the court proceeding by threatening the decorum of the proceeding or creating a distraction in the proceeding. Members of the public and the media may use electronic devices in the courtroom for the purpose of writing, taking notes, and transmitting or receiving

data communications in the form of text only, without obtaining prior authorization from the court.

B. Definitions.

(1) **“Coverage”** means any recording, broadcasting, transmitting, or webcasting of a court proceeding by the media using television, radio, photographic, or recording equipment, or any other electronic device. “Coverage” does not mean an activity that does not include the recording or transmitting of any video or audio of a court proceeding within a courtroom.

(2) **“Media”** means legitimate news gathering and reporting agencies and their representatives whose function is to inform the public, or persons engaged in the preparation of educational films or recordings or documentaries. “Media” shall include persons who are independently engaged in gathering information for publication or broadcast.

(3) **“Proceeding”** means any trial, hearing, motion, argument on appeal, or other matter held in open court that the public is entitled to attend. For the purposes of section C of this rule, a “proceeding” includes any official duty performed in any location as part of the judicial proceeding.

(4) **“Presiding Judge”** means the judge, justice, master, referee or other judicial officer who is scheduled to preside, or is presiding, over the proceedings.

(5) **“Minor”** means any person under eighteen (18) years of age.

(6) **“Electronic Device”** means any device intended to be used in a court proceeding to capture, record, or transmit video images, still images, or audio of a court proceeding. Electronic devices include, without limitation, film, digital, video, and any other type of cameras; cellular telephones; tape recorders, digital voice recorders, and any other type of audio recorders; laptop computers; electronic tablets; and any other similar technological device with the ability to capture, record and/or transmit video or still images, or audio.

C. Prohibitions.

(1) **Minor Participants.** Media coverage of a witness, party, or victim who is a minor is prohibited in any judicial proceeding, except when a minor is being tried for a criminal offense as an adult.

(2) **Jury Selection.** Media coverage of jury selection is prohibited.

(3) **Jurors.** Media coverage of jurors during the judicial proceeding is also prohibited.

(4) **Closed Proceedings.** Media coverage of proceedings which are otherwise closed to the public by law is prohibited.

(5) **Juvenile Court Proceedings.** In juvenile court proceedings, if the court receives a

request for media coverage, the court will notify the parties and their counsel of the request, and prior to the beginning of the proceedings, the court will advise the juvenile, the parties, and the witnesses of their personal right to object, and that if consent is given, it must be in writing. Objections by a witness will suspend media coverage as to that person only during the proceeding, whereas objections by the juvenile in a delinquency proceeding or any party to a juvenile proceeding will prohibit media coverage of the entire proceeding.

(6) **Conferences of Counsel.** There shall be no audio pickup, recording, broadcast, or video closeup of conferences, which occur in a court facility, between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge held at the bench or in chambers, or between judges in an appellate proceeding.

D. Limitations.

(1) **Discretion of Presiding Judge.** The presiding judge has the discretion to refuse, limit, terminate, or temporarily suspend, media coverage of an entire case or portions thereof, in order to: (i) control the conduct of the proceedings before the court; (ii) maintain decorum and prevent distractions; (iii) guarantee the safety of any party, witness, or juror; and (iv) ensure the fair administration of justice in the pending cause. Such exercise of the presiding judge's discretion shall be made following the procedures established in section D(2).

(2) **Evidentiary Hearing.** Before denying, limiting, suspending, or terminating media coverage, the presiding judge shall hold an evidentiary hearing, if such a hearing will not delay or disrupt the judicial proceeding. In the event that an evidentiary hearing is not possible, affidavits may be used. The burden of proof shall be on the party seeking limits on media coverage. If there is no opposition to media coverage, the presiding judge may consider matters that are properly the subject of judicial notice. Media requesting coverage shall be allowed to present proof, either at the evidentiary hearing or by affidavit. Any finding that media coverage should be denied, limited, suspended or terminated must be supported by substantial evidence that at least one of the four interests in section D(1) is involved, and that such denial, limitation, suspension, or termination is necessary to adequately reach an accommodation of such interest. The presiding judge shall enter written findings of fact detailing the substantial evidence required to support his or her order.

E. Appellate Review. Appellate review of a presiding judge's decision to terminate, suspend, limit, or exclude media coverage shall be in accordance with Rule 10 of the Tennessee Rules of Appellate Procedure.

F. Equipment and Personnel.

(1) **Limitations.** No more than two television cameras, with one photographer each, will be permitted in any judicial proceeding. No more than two non-television photographers using not more than two cameras or other electronic devices each, and one audio system for radio broadcast purposes, will be permitted in any judicial proceeding.

(2) **Pooling Arrangements.** When more than one request for media coverage is made,

the media shall select a representative to serve as a liaison and be responsible for arranging “pooling” among the media that may be required by these limitations on equipment and personnel. The identity of the person selected, including name, business address, phone and fax number, shall be filed with the clerk of the court in which the proceeding is to be held. Pooling arrangements shall be reached when the court is not in session and shall be the sole responsibility of the media without calling upon the presiding judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. Such pooling arrangements shall include the designation of pool operators, procedures for cost sharing, access to and dissemination of material, and selection of a pool representative if appropriate. In the absence of advance media agreement on disputed equipment or personnel issues, the presiding judge shall exclude all contesting media personnel from a proceeding.

(3) **Personal Recorders.** Media personnel may use hand-held audio recorders that are no more sensitive than the human ear without complying with section A(2) of this rule. Such recorders are to be used for the making of sound recordings as personal notes of the proceedings, and shall not be used for any other purpose, including broadcast or other audio transmission. Usage shall not be obtrusive or distracting, and no change of tape or other electronic storage medium shall be made during court sessions.

(4) **Other Coverage.** This rule does not govern the coverage of a proceeding by a news reporter or other person who is not using a camera, audio equipment, or other electronic device.

G. Equipment Criteria.

(1) **Distractions.** Only television, photographic and audio equipment and other electronic devices that do not produce distracting sound or light shall be employed to cover proceedings in a court facility. Signal lights or devices to show when equipment is operating shall not be visible. Moving lights, flash attachments, or sudden light changes shall not be used.

(2) **Courtroom Light Source.** If possible, lighting for all purposes shall be accomplished from existing court facility light sources. If no technically suitable lighting exists in the court facility, modifications and additions may be made in light sources existing in the facility, provided such modifications and additions are unobtrusive, located in places designated in advance of any proceeding by the presiding judge, and without public expense.

(3) **Audio Pickup.** Audio pickup for all purposes shall be accomplished from existing audio systems present in the court facility or from an electronic device’s built-in microphone. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the presiding judge.

(4) **Technical Difficulties.** Court proceedings shall not be interrupted by media personnel because of a technical or equipment problem. If any problem occurs, that piece of equipment shall be turned off while the proceeding is in session. No attempt shall be made to correct the technical or equipment problem until the proceeding is in recess or has concluded.

H. Location of Equipment and Conduct of Media Personnel.

(1) **Location of Equipment and Personnel.** The presiding judge shall designate the location in the courtroom for media equipment and operators to permit reasonable coverage without disruption of proceedings.

(2) **Alterations.** No permanent installation shall be made nor shall any court facility be altered, unless approved in advance by the presiding judge. Expenses for alterations shall be borne by the media.

(3) **Movement During Proceedings.** During proceedings, operating personnel shall not move about nor make any adjustment or change of any equipment or electronic devices that disrupts or distracts from the proceeding. Media broadcast, photographic or audio equipment shall not be placed in or removed from the court facility except prior to commencement or after adjournment of proceedings each day, or during a recess in the proceeding.

(4) **Conduct of Media Personnel.** Media personnel assigned to cover a judicial proceeding shall attire and deport themselves in such a way that will not detract from the proceeding.

I. Impermissible Use of Media Material. None of the film, video or still images, audio recordings, or other electronic coverage of proceedings under this rule shall be admissible as evidence in the proceeding out of which it arose, any proceedings subsequent and collateral thereto, or upon any retrial or appeal of such proceeding.

J. Ceremonial Proceedings. This rule shall not limit media coverage of investiture, ceremonial, or nonjudicial proceedings conducted in court facilities under such terms and conditions as may be established by prior consent of the presiding judge.

K. Compliance. Media personnel who fail to comply with this rule shall be subject to an appropriate sanction as determined by the presiding judge.

Exhibit C

Dwight Aarons
President, National Bar Association,
William Henry Hastie Chapter
University of Tennessee College of Law
1505 Cumberland Avenue, Room 363
Knoxville, TN 37996-0681

Laurel Ball
President, East Tennessee Lawyers
Association for Women
Leitner, Williams, Dooley & Napolitan
900 S. Gay St., # 1800 Riverview Tower
Knoxville, TN 37902

Syd Beckman
Dean
Lincoln Memorial University Duncan
School of Law
601 West Summit Hill Drive
Knoxville, TN 37902

Mark Blakley
President, Scott County Bar Association
Stansberry, Petroff, Marcum & Blakley PC
2301 Jacksboro Pike, Suite 4C
La Follette, TN 37766-2959

Ben Boston
President, Lawrence County Bar
Association
Boston, Holt, Sockwell & Durham PLLC
P.O. Box 357
Lawrenceburg, TN 38464

David Byrd
President, Hamblen County Bar
Association
Capps, Cantwell, Capps & Byrd
P.O. Box 1897
Morristown, TN 37816-1897

William Cockett
Johnson County Bar Association President
Smith & Cockett Attorneys
247 West Main Street, P.O. Box 108
Mountain City, TN 37683-0108

Bratton Cook
President, Dekalb County Bar Association
Bratton Hale Cook II
104 N. 3rd Street
Smithville, TN 37166

Creed Daniel
President, Grainger County Bar Association
Daniel & Daniel
115 Marshall Avenue
P.O. Box 6
Rutledge, TN 37861-0006

Jason Davis
President, Marshall County Bar Association
Davis Law Firm
113 W. Commerce Street
Lewisburg, TN 37091

Colby Baddour
President, Giles County Bar Association
A. Colbrook Baddour, Attorney at Law
P.O. Box 296
Pulaski, TN 38478-0296

Beth Bates
President, Tennessee Lawyers Association
for Women
West Tennessee Legal Services
P.O. Box 2066
Jackson, TN 38302

Barri Bernstein
Executive Director
Tennessee Bar Foundation
618 Church Street, Suite 120
Nashville, TN 37219

Tasha Blakney
President, Knoxville Bar Association
Eldridge & Blakney PC
P.O. Box 398
Knoxville, TN 37901

Charles Brasfield
President, Tipton County Bar Association
Brasfield & Brasfield
114 West Liberty Avenue, P.O. Box 846
Covington, TN 38019-0765

Neil Campbell
President, Williamson County Bar
Association
Neil Campbell Attorney at Law
136 4th Avenue South
Franklin, TN 37064-2622

Curt Collins
President, Greene County Bar Association
C. Collins Law Firm
128 S. Main Street, Suite 102
Greeneville, TN 37743-4922

Chad Cox
President, Paris-Henry County Bar
Association
Clark and Cox PLLC
104 North Brewer Street
Paris, TN 38242-4006

Wade Davies
Immediate Past President
Knoxville Bar Association
Ritchie, Dillard, Davies & Johnson PC
P.O. Box 1126
Knoxville, TN 37901

Dawn Deaner
Tennessee Lawyers Fund for Client
Protection Chair
Metropolitan Public Defender's Office
404 James Robertson Parkway, #2022
Nashville, TN 37219

Jeremy Ball
President, Jefferson County Bar
Association
District Attorney Office
P.O. Box 690
Dandridge, TN 37725

Douglas Bates
President, Hickman County Bar
Association
Bates & Bates
P.O. Box 1
Centerville, TN 37033

Julian Bibb
President
Tennessee Board of Law Examiners
Stites & Harbison, PLLC
401 Commerce Street, Suite 900
Nashville, TN 37219

Suanne Bone
Executive Director
Tennessee Association of Criminal Defense
Lawyers
530 Church Street, # 300
Nashville, TN 37219

Ted Burkhalter
President, Blount County Bar Association
Burkhalter & Associates, PC
605 Smithview Drive
P.O. Box 5255
Maryville, TN 37802-5255

Kirk Caraway
Past President, Memphis Bar Association
Allen, Summers, Simpson, Lillie &
Gresham, Pllc
80 Monroe Avenue, Suite 650
Memphis, TN 38103-2466

Daryl Colson
President, Overton County Bar Association
Colson & Maxwell
808 North Church Street
Livingston, TN 38570-1134

Terri Crider
President, Gibson County Bar Association
Flippin, Atkins & Crider PC
P.O. Box 160
Humboldt, TN 38343

Michael Davis
President
Morgan County Bar Association
216 N. Kingston Street
P.O. Box 925
Wartburg, TN 37887-0925

Jade Dodds
Chapter President, National Bar
Association, S.L. Hutchins Chapter
Life Care Centers of America
3001 Keith Street, NW, 3480
Cleveland, TN 37320-3480

Dan Douglas
President, Lauderdale County Bar
Association
P.O. Box 489
Ripley, TN 38063-0489

Vinh Duong
President, Tennessee Asian Pacific
American Bar Association
Waller Lansden Dortch & Davis LLP
511 Union Street, #2700
Nashville, TN 37210

Joseph Ford
President, Franklin County Bar Association
McBee & Ford
17 S. College Street
Winchester, TN 37398

Anne Fritz
Executive Director
Memphis Bar Association
145 Court Avenue, Suite 1
Memphis, TN 38103-2292

Sandy Garrett
Chief Counsel
The Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, TN 37027-5078

Alberto Gonzales
Dean
Belmont University School of Law
1900 Belmont Boulevard
Nashville, TN 37212

Chris Guthrie
Dean
Vanderbilt University School of Law
131 21st Ave. South, Room 108
Nashville, TN 37203-1181

Mary Helms, President
NE Tenn. Chapter Federal Bar Assoc.
Wimberly, Lawson, Wright, Daves & Jones
P.O. Box 1834
Morristown, TN 37816

Lynda Hood
Executive Director
Chattanooga Bar Association
801 Broad Street, Suite 420
Pioneer Building
Chattanooga, TN 37402

Tiffany Johnson
President, Tennessee Alliance for Black
Lawyers
QP Legal Research & Writing Services
1067 Fleece Place
Memphis, TN 38104-5620

Joanna Douglass
President, Lawyers Association for Women
Tennessee Department of Human Services
225 Martin Luther King Dr., #210
Jackson, TN 38301

Matthew Edwards
President, Cumberland County Bar
Association
Law Office of Matthew Edwards
69 E. First Street, Suite 203
Crossville, TN 38555-4575

Andrew Frazier
President, Benton County Bar Association
Whitworth Law Firm
P.O. Box 208
Camden, TN 38320

Shawn Fry
President, Putnam County Bar Association
Qualls & Fry PLLC
165 E. Spring Street
Cookeville, TN 38501

James Gass
President, Sevier County Bar Association
Ogle, Gass & Richardson PC
P.O. Box 5365
Sevierville, TN 37864

Charles Grant
Immediate Past President, Nash. Bar Assoc.
Baker, Donelson, Bearman, Caldwell &
Berkowitz PC
211 Commerce Street, Suite 800
Nashville, TN 37201-1817

Paul Hatcher
President, Chattanooga Bar Association
Duncan, Hatcher, Hixson & Fleenor PC
1418 McCallie Avenue
Chattanooga, TN 37404

Lela Hollabaugh
Board of Professional Responsibility Chair
Bradley Arant
1600 Division Street, Suite 700
Nashville, TN 37203

Nathan Hunt
President
Montgomery County Bar Association
Patton & Pittman
109 S. Third Street
Clarksville, TN 37040

Susan Jones
Napier-Looby Chapter President
Metropolitan Department Of Law
108 Metro Court House
P.O. Box 196300
Nashville, TN 37219-6300

Hilary Duke
President, Dickson County Bar Association
Reynolds, Potter, Ragan & Vandivort, PLC
210 East College Street
Dickson, TN 37055

Amber Floyd
President, National Bar Association,
Ben Jones Chapter
Wyatt, Tarrant & Combs LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, TN 38120

Jennifer Free
Jackson-Madison-Henderson County Bar
Association
Byrd & Byrd PLLC
116 N. Church St., 4th Fl., P.O. Box 2764
Jackson, TN 38302-2764

Jonathan Garner
President, Robertson County Bar
Association
Walker & Garner
122 6th Avenue, W.
Springfield, TN 37172

Melanie Gober
Executive Director
Lawyers Association for Women Marion
Griffin Chapter
P.O. Box 190583
Nashville, TN 37219

Kristin Green
President, Bedford County Bar Association
300 E. Lane Street
P.O. Box 461
Shelbyville, TN 37162-0461

James Haywood
President, Haywood County Bar
Association
Haywood Law, PLLC
50 Boyd Avenue, P.O. Box 438
Brownsville, TN 38012-0438

Martin Holmes
Federal Bar Association
Nashville Chapter President
Dickinson Wright, PLLC
424 Church Street, Suite 1401
Nashville, TN 37219

Jane Jarvis
Executive Director
Tennessee Lawyers Association for Women
West Tennessee Legal Services
210 W. Main Street
Jackson, TN 38301

Kevin Keeton
President, Hawkins County Bar Association
Point & Keeton, PC
115 E. Washington Street
Rogersville, TN 37857-3317

Suzanne Keith
Executive Director
Tennessee Association for Justice
1903 Division Street
Nashville, TN 37203

Katherine Kroeger
President, Anderson County Bar
Association
7th Jud. Dist. Office of the Public Defender
127 N. Main Street
Clinton, TN 37716-3607

William Lawson
President, Unicoi County Bar Association
112 Gay Street, Suite A
P.O. Box 16
Erwin, TN 37650-0016

Keating Lowery
President, Lawyers Association for Women
Lawrence & Russell
5178 Wheelis Drive
Memphis, TN 38117

Matt Maddox
President, Carroll County Bar Association
Attorney at Law
P.O. Box 827
Huntingdon, TN 38344

Lee McVey
President, Kingsport Bar Association
The McVey Law Firm
108 E. Main St., Suite 208
Kingsport, TN 37660

John Miles
President, Obion County Bar Association
P.O. Box 8
Union City, TN 38281

Mary Morris
Federal Bar Association,
Memphis/Mid-South Chapter President
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103

Ashley Ownby
President, Bradley County Bar Association
P.O. Box 176
Cleveland, TN 37364-0176

Beau Pemberton
President, Weakley County Bar Association
Law Office Of James H. Bradberry
109 North Poplar Street
P.O. Box 789
Dresden, TN 38225-0789

Sarah Kennedy
President, McMinn-Meigs County Bar
Association
Jerry N. Estes Law Offices, PLLC
296 W. Madison Avenue
Athens, TN 37303

Ed Lancaster
Tennessee CLE Commission Chair
TFIC
P.O. Box 998
Columbia, TN 38402

Peter Letsou
Dean
University of Memphis Cecil C.
Humphreys School of Law
1 North Front Street
Memphis, TN 38103

Trevor Lynch
Rutherford-Cannon County Bar
Association
320 W. Main Street, Suite 100
Woodbury, TN 37190

Ian McCabe
President, Loudon County Bar Association
Law Office of Ian McCABe
200 Prosperity Drive, Suite 113
Knoxville, TN 37923

Brandon Meredith
President, Sumner County Bar Association
Phillips & Ingram
117 E. Main Street
Gallatin, TN 37066

Denny Mitchell
President, White County Bar Association
Mitchell Law Office
112 South Main Street
Sparta, TN 38583

David Myers
President, Union County Bar Association
105 Monroe Street
P.O. Box 13
Maynardville, TN 37807-0013

Tommy Parker
President, Memphis Bar Association
Baker, Donelson, Bearman, Caldwell &
Berkowitz PC
165 Madison Avenue, Suite 2000
Memphis, TN 38103

Creed McGinley
Tennessee Bar Foundation Chair
P.O. Box 548
Savannah, TN 38372

Wayne Kramer
President-Elect, Knoxville Bar Association
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901

Edward Lanquist
President, Nashville Bar Association
Patterson PC
1600 Division St., Suite 500
Nashville, TN 37203

William Locke
President, Warren County Bar Association
General Sessions Judge
Warren County Courthouse
P.O. Box 228
Mcminnville, TN 37111-0228

Monica Mackie
Executive Director
Nashville Bar Association
150 4th Avenue N., Suite 1050
Nashville, TN 37219

Judy McKissack
Director
Tennessee Commission on Continuing
Legal Education
221 Fourth Avenue North, Suite 300
Nashville, TN 37219

Donna Mikel
Federal Bar Association
Chattanooga Chapter President
Burnette, Dobson & Pinchak
713 Cherry Street
Chattanooga, TN 37402

Darren Mitchell
President, Campbell County Bar
Association
P.O. Box 375
Jacksboro, TN 37757

Lynn Newcomb
President, Cheatham County Bar
Association
Balthrop, Perry, Noe, Newcomb & Morgan
102 Frey Street
Ashland City, TN 37015

Jon Peeler
President, Tennessee Association for
Justice
401 Church Street
L&C Tower, 29th Floor
Nashville, TN 37219

Samuel Perkins
President, Tennessee Association of
Criminal Defense Lawyers
Perkins, Jones, & Associates
80 Monroe, Suite 450
Memphis, TN 38103-2520

Lisa Perlen
Executive Director
Tennessee Board of Law Examiners
401 Church Street
Nashville, TN 37219

Mario Ramos
President, Tennessee Association of
Spanish Speaking Attorneys
Mario Ramos PLLC
611 Commerce Street, Suite 3119
Nashville, TN 37203

Sunny Sandos
President, Washington County Bar Assoc.
West & Rose
537 East Center Street
P.O. Box 1404
Kingsport, TN 37660-4869

Jim Smith
President, Roane County Bar Association
305 W. Rockwood Street
Rockwood, TN 37854

Joycelyn Stevenson
President-Elect, Nashville Bar Association
Littler Mendelson PC
333 Commerce Street, #1450
Nashville, TN 37201

Andrew Taylor
President, Carter County Bar Association
211 South Main Street
Elizabethton, TN 37643-4518

Robert Thomas
National Bar Association,
Ballard Taylor Chapter President
Weinman & Associates
112 S. Liberty St., P.O. Box 266
Jackson, TN 38302-0266

James Tucker
President, Tennessee Defense Lawyers
Association
Manier & Herod PC
150 4th Avenue N., Suite 2200
Nashville, TN 37219

Derreck Whitson
President, Cocke County Bar Association
P.O. Box 1230
Newport, TN 37822

Marsha Wilson
Executive Director
Knoxville Bar Association
P.O. Box 2027
Knoxville, TN 37901

Jennifer Porth
President, 15th Judicial District Bar Assoc.
J. Stephen Brown PC
224 W. Gay Street
P.O. Box 792
Lebanon, TN 37088-0792

Beverly Rayburn
President, Maury County Bar Association
14 Public Square
Columbia, TN 38401

Randall Self
President, Lincoln County Bar Association
Randall E. Self, Attorney At Law
131A Market Street E.
P.O. Box 501
Fayetteville, TN 37334-0501

Abby Sparks
President, Lawyers Association for Women
Marion Griffin Chapter
State of Tennessee, Department of Revenue
500 Deaderick Street
Nashville, TN 37242-0001

William Stover
Immediate Past President,
Tennessee Alliance for Black Lawyers
500 Church Street, Suite 450
Nashville, TN 37219-2370

Deborah Taylor Tate
Administrative Director
Administrative Offices of the Courts
201 Fourth Avenue North, Suite 1900
Nashville, TN 37219

Harriet Thompson
President, Hardeman County Bar
Association
P.O. Box 600
Bolivar, TN 38008

Tyler Weiss
President, Monroe County Bar Association
Worthington & Weiss, P.C.
409 College Street N., Suite 1
Madisonville, TN 37354-3103

John Lee Williams
President, Humphreys County Bar
Association
Porch Peeler Williams Thomason
102 S. Court Square
Waverly, TN 37185-2113

Melanie Wilson
Dean
UT College Of Law
1505 W. Cumberland Avenue, Room 278
Knoxville, TN 37996

Ann Pruitt
Executive Director
Tennessee Alliance for Legal Services
1220 Vintage Place
Nashville, TN 37215

Kathy Rowell
SETLAW President
821 Houston Street, Suite 104
Chattanooga, TN 37403

Christie Sell
President-Elect, Chattanooga Bar Assoc.
Hamilton County
General Session Court Judges
600 Market Street, 203 Courts Building
Chattanooga, TN 37402

David Stanifer
President, Claiborne County Bar
Association
Stanifer & Stanifer
P.O. Box 217
Tazewell, TN 37879

Stephanie Stuart
President, Bristol Bar Association
1990 Highway 394, Suite C
Blountville, TN 37617

James Taylor
President, Rhea County Bar Association
1374 Railroad Street, Suite 400
Dayton, TN 37321-2211

Shawn Trail
President, Coffee County Bar Association
117 S. Spring Street
Manchester, TN 37355

Mary Whitfield
Immediate Past President,
Association for Women Attorneys
Shea Moskovitz & Mcghee
530 Oak Court Drive, Suite 355
Memphis, TN 38117-3733

Matthew Willis
President, Dyer County Bar Association
Ashley Ashley & Arnold
P.O. Box H
Dyersburg, TN 38025



TENNESSEE BAR
ASSOCIATION

PRESIDENT

Jonathan Steen
464 North Parkway, Suite A
Jackson, Tennessee 38305
(731) 660-2332
FAX (731) 664-1109
Email: jsteen@rsrlawfirm.com

PRESIDENT-ELECT

Bill Harbison
150 3rd Avenue South
Suite 1100
Nashville, Tennessee 37201
(615) 742-4200
FAX (615) 742-4539
Email: bharbison@sherrardroe.com

VICE PRESIDENT

Jason Long
900 S. Gay Street
Suite 2102
Knoxville, Tennessee 37902
(865) 521-6527
FAX (865) 637-0540
Email: jhl@lyblaw.net

TREASURER

Sherie Edwards
P.O. Box 1065
Brentwood, Tennessee 37024
(615) 846-8205
FAX (615) 846-6070
Email: sheriee@svmic.com

SECRETARY

Jason Pannu
P.O. Box 198615
Nashville, Tennessee 37219-8615
(615) 259-1366
Fax: (615) 259-1389
Email: jpannu@lewis-thomason.com

IMMEDIATE PAST PRESIDENT

Cynthia Richardson Wyrick

BOARD OF GOVERNORS

Dan Berexa, Nashville
Tasha Blakney, Knoxville
Carl Carter, Memphis
David Clark, Clinton
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Michelle Sellers, Jackson
Sarah Sheppard, Knoxville
Gary Shockley, Nashville
Mary Dohner Smith, Nashville
Chris Varner, Chattanooga
David Veile, Franklin
Shelly Wilson, Knoxville

GENERAL COUNSEL

Paul Ney, Nashville

EXECUTIVE DIRECTOR

Allan F. Ramsaur, Nashville
Email: aramsaur@tnbar.org

July 23, 2015



The Honorable James Hivner
Clerk, Tennessee Supreme Court
Supreme Court Building, Room 100
401 7th Avenue North
Nashville, TN 37219

IN RE: RULE 30
RULES OF THE TENNESSEE
SUPREME COURT
NO. ADM2015-00451

Dear James:

Attached please find an original and one copy of the Comment of the Tennessee Bar Association in reference to the above matter.

As always, thank you for your cooperation. I remain,

Very truly yours,

Allan F. Ramsaur
Executive Director

cc: Bill Harbison, President, Tennessee Bar Association
Lucian Pera, Vice President, Tennessee Bar Association
John Williams, Chair, Tennessee Bar Association Communication
Law Section
Paul Ney, General Counsel
Service List

Tennessee Bar Center
221 Fourth Avenue North, Suite 400
Nashville, Tennessee 37219-2198
(615) 383-7421 • (800) 899-6993
FAX (615) 297-8058
www.tba.org

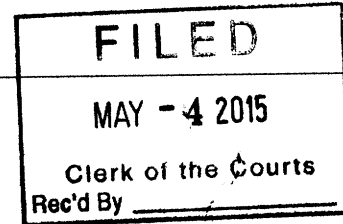
JACK MCELROY
EDITOR
(865) 342-6300

2332 NEWS SENTINEL DRIVE
KNOXVILLE, TENNESSEE 37921
FAX: (865) 342-6400

KNOXVILLE, TN 37950-9038
E-MAIL: mcelroyj@knews.com



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,



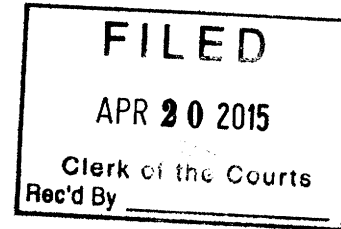
Jack McElroy
Editor

John Avery Emison, Ph.D.
365 East Church Street
Alamo, Tennessee 38001

E-mail: john.a.emison@hotmail.com

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:

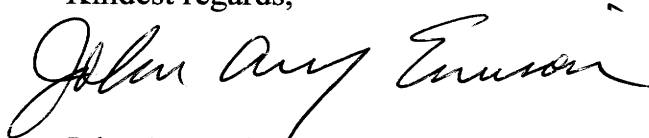
As a public citizen and investigative author, I submit the following comments on the proposed change to Rule 30.

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.

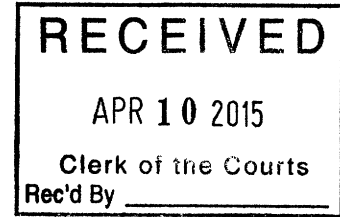
Kindest regards,



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>