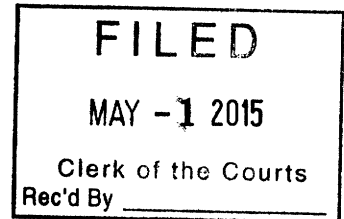


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

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

No. ADMIN2015-00451

ORDER



On March 13, 2015, the Court filed an order soliciting public comments on a proposed revision of Rule 30, Rules of the Tennessee Supreme Court, governing media coverage of court proceedings. The order set Tuesday, May 12, 2015, as the deadline for submitting written comments on the proposed revision.

On April 27, 2015, the Tennessee Bar Association (“TBA”) filed its “Request of the Tennessee Bar Association for Extension of Time to Comment,” asking the Court to extend the deadline from May 12, 2015, until August 15, 2015. As grounds for the request, the TBA states that its various sections, including the TBA’s newly formed section on communications law, did not have “enough time to develop comments for the previously scheduled April quarterly meeting of the TBA House of Delegates or Board of Governors.” As the request goes on to state: “The TBA believes with the extension [until August 15, 2015] it will be able to provide a comprehensive and constructive comment which will balance the needs of the media with the need for fair and impartial courtroom proceedings.”

On April 30, 2015, the Tennessee Coalition for Open Government, Inc. (“TCOG”), also filed a motion asking the Court to extend the public-comment deadline until August 15, 2015. As grounds for its motion, the TCOG states, in pertinent part:

For a number of weeks, TCOG has been in the process of studying these proposed amendment, contacting journalists and others to study the current practices of journalists and others in reporting Tennessee courtroom proceedings, discussing with journalists and others the likely effect of these proposed amendments, drafting proposed alternative language on the subject of these proposed amendments, and circulating and discussing these proposed amendments and possible alternative language with interested stakeholders. Given the short deadline set by the Court, TCOG will not have sufficient time to

complete its work so as to be in a position to provide the Court intelligent and well-considered comments by the current deadline.

TCOG's Motion, pp. 1-2.

After due consideration, the Court hereby grants both motions to extend the deadline for submitting written comments about the proposed revision of Rule 30. The Court notes, however, that the TBA's and TCOG's suggested deadline of August 15 falls on a Saturday. Accordingly, the deadline for submitting written comments is hereby extended until Friday, August 14, 2015.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, this order shall be posted on the Tennessee Supreme Court's website.

The TBA and TCOG each served a copy of their respective motions on the individuals and entities listed in Exhibit A to each motion. The Court directs the TBA and TCOG to transmit a copy of this order to each person and entity listed in their respective Exhibits A, but the two organizations may collaborate in order to avoid serving duplicate copies on any individual or entity.

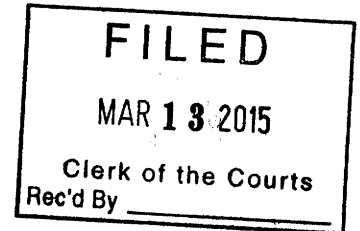
IT IS SO ORDERED.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

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

No. ADMIN2015-00451



ORDER

Rule 30, Rules of the Tennessee Supreme Court, governs media coverage of court proceedings. Because of changes in technology and modes of media coverage, the Court is considering amendments that would update the rule in light of those changes. The proposed amendments are set out in the attached appendix.

The Court hereby solicits written comments from judges, lawyers, bar associations, members of the public, and any other interested parties concerning the proposed amendments. The deadline for submitting written comments is Tuesday, May 12, 2015. Written comments should be addressed to:

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

and should include the docket number set out above.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, this order, including the Appendix, shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM

APPENDIX

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

1 **Rule 30. Media Guidelines.**

2 **A. Media Access.**

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

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

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

22 **B. Definitions.**

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

30 (2) **“Media”** means legitimate news gathering and reporting agencies and their
31 representatives whose function is to inform the public, or persons engaged in the preparation
32 of educational films or recordings.

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

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

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

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

49 **C. Prohibitions.**

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

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

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

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

58 (5) **Juvenile Court Proceedings.** In juvenile court proceedings, if the court receives
59 a request for media coverage, the court will notify the parties and their counsel of the request,

60 and prior to the beginning of the proceedings, the court will advise the accused, the parties,
61 and the witnesses of their personal right to object, and that if consent is given, it must be in
62 writing. Objections by a witness will suspend media coverage as to that person only during
63 the proceeding, whereas objections by the accused in a criminal case or any party to a civil
64 action will prohibit media coverage of the entire proceeding.

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

69 **D. Limitations.**

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

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

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

91 **F. Equipment and Personnel.**

92 (1) **Limitations.** ~~At least one, but no~~ No more than two television cameras with one

93 operator photographer each; will be permitted in any judicial proceeding. two still No more
94 than two non-television photographers using not more than two cameras or other electronic
95 devices each, and one audio system for radio broadcast purposes, will be permitted in any
96 judicial proceeding. The use of any electronic device for other coverage of a proceeding is
97 limited to two devices per media representative.

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

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

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

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

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

126 (2) **Courtroom Light Source.** If possible, lighting for all purposes shall be

127 accomplished from existing court facility light sources. If no technically suitable lighting
128 exists in the court facility, modifications and additions may be made in light sources existing
129 in the facility, provided such modifications and additions are unobtrusive, located in places
130 designated in advance of any proceeding by the presiding judge, and without public expense.

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

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

142 **H. Location of Equipment and Conduct of Media Personnel.**

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

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

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

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

158 **I. Impermissible Use of Media Material.** None of the film, videotape, still

159 photographs, or video or still images, audio recordings, or other electronic coverage of
160 proceedings under this rule shall be admissible as evidence in the proceeding out of which
161 it arose, any proceedings subsequent and collateral thereto, or upon any retrial or appeal of
162 such proceeding.

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

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