

Serial: 119208

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99031-SCT

***IN RE: MISSISSIPPI RULES FOR
ELECTRONIC AND PHOTOGRAPHIC
COVERAGE OF JUDICIAL
PROCEEDINGS***

ORDER

This matter is before the Court en banc on its own motion for amendments to the Mississippi Rules for Electronic and Photographic Coverage of Judicial Proceedings. The Court finds that the provision for the expiration of the rules should be removed, and that the rules should be otherwise amended to clarify the presiding judge's discretion in regulating the use of electronic devices.

IT IS THEREFORE ORDERED that Rule 4 of the Mississippi Rules for Electronic and Photographic Coverage of Judicial Proceedings is amended and Rule 10 is deleted, all as set forth in Exhibit "A" hereto.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and that a true certified copy be forwarded forthwith to West

Publishing Company for publication in *Southern Reporter Second (Mississippi Edition)* and the *Mississippi Rules of Court*.

SO ORDERED, this the 6th day of December, 2004.

/s/ Kay B. Cobb

KAY B. COBB, PRESIDING JUSTICE,
FOR THE COURT

DIAZ, EASLEY, AND GRAVES, JJ., NOT PARTICIPATING.

EXHIBIT “A” TO ORDER

RULES FOR ELECTRONIC AND PHOTOGRAPHIC COVERAGE OF JUDICIAL PROCEEDINGS

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RULE 4. RESTRICTIONS.

(a) The location of equipment and personnel necessary for electronic media coverage of judicial proceedings shall be at a place either inside or outside the courtroom so as to be minimally intrusive to the proceedings. Only equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. No flash or strobe lighting shall be used. All running wires shall be securely taped to the floor. No other artificial lighting device of any kind shall be employed in connection with electronic coverage unless otherwise authorized by the court. Matters covered by this sub-part are subject to the discretion of the presiding judge and may be relaxed so long as the coverage does not result in distraction of the proceedings.

(b) No members or potential members of the jury may be recorded or shown at any time prior to their dismissal, nor shall the jury selection process be subject to electronic coverage. The presiding judge shall inform all potential jurors at the beginning of the jury selection process of the restrictions of this particular provision.

(c) No audio recording is permitted of off-the-record conferences in the courtroom between the court and counsel, or between counsel and co-counsel, or between counsel and clients or witnesses.

(d) Judicial proceedings held in chambers and proceedings generally closed to the public shall not be subject to electronic coverage.

(e) Electronic media equipment shall not be taken into the courtroom, relocated, or removed from the designated media area except prior to convening of the judicial proceedings, during recesses, and after adjournment for the day. This prohibition shall not apply to small, handheld electronic devices.

(f) Unless otherwise allowed by the presiding judge, no ~~No~~ more than one television camera or video recorder, one audio system for radio broadcasting, and one still photographer shall be allowed in any judicial proceeding. Any pooling arrangements among the media required by these

limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the presiding justice or judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed equipment or personnel issues, the presiding justice or judge shall exclude all contesting media personnel from a proceeding.

(g) The Chief Justice of the Supreme Court, and the Chief Judge of the Court of Appeals may waive these restrictions with respect to judicial proceedings in the Supreme Court and in the Court of Appeals, respectively.

[Amended effective December 9, 2004 to give the presiding judge discretion as to application of technical limitations of coverage.]

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RULE 10. EXPIRATION-DELETED

~~These rules shall expire and be of no further effect from and after December 31, 2004, unless extended by further order of the Supreme Court.~~

Rule 10, providing for expiration of the Rules for Electronic and Photographic Coverage of Judicial Proceedings on December 31, 2004 was repealed effective December 9, 2004.

[Adopted effective April 17, 2003 for proceedings occurring from July 1, 2003; amended to remove expiration date, December 9, 2004.]