

Serial: 126829

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99031-SCT

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

ORDER

This matter is before the Court, en banc, on the Court's own motion. The Court, after due consideration, finds that the amendment of Rule 4 of the Rules for Electronic and Photographic Coverage of Judicial Proceedings as set forth in Exhibit "A" hereto will promote the fair and efficient administration of justice.

IT IS THEREFORE ORDERED that Rule 4 of the Rules for Electronic and Photographic Coverage of Judicial Proceedings is amended 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 shall forthwith forward a true certified copy hereof to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Second Series (Mississippi Edition)* and in the next edition of *Mississippi Rules of Court*.

SO ORDERED, this the 19th day of September, 2005.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., PRESIDING
JUSTICE, FOR THE COURT

DIAZ, J., NOT PARTICIPATING.

EXHIBIT “A” TO ORDER

RULES FOR ELECTRONIC AND PHOTOGRAPHIC COVERAGE OF JUDICIAL PROCEEDINGS

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 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. If pooling arrangements are employed, such data or information is to be available equally to all pool participants, and the pool representative shall charge no fees or expenses to the other pool participants. The pool representative is not to be given any economic or coverage advantage over the other pool participants. 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; amended effective September 29, 2005.]