

**RULES GOVERNING THE USE OF CELLULAR  
PHONES OR OTHER ELECTRONIC EQUIPMENT  
AND  
THE RECORDING OR BROADCASTING OF COURT  
PROCEEDINGS IN THE CITY OF MIDLAND MUNICIPAL COURT**

The following rules govern the recording and broadcasting of court proceedings in the City of Midland Municipal Court.

**1. Policy.** The policy of these rules is to allow electronic media coverage of public court proceedings to facilitate the free flow of information to the public concerning the judicial system and to foster better public understanding about the administration of justice. These rules are to be construed to provide the greatest access possible while at the same time maintaining the dignity, decorum and impartiality of the court proceeding.

**2. Definitions.** Certain terms are defined for purposes of these rules as follows:

**2.1** "Presiding Judge" means the judge appointed under Government Code Section 20.234 (a).

**2.2** "Court" means the particular judge who is presiding over the proceeding.

**2.3** "Electronic media coverage" means any recording or broadcasting of court proceedings by the media using television, radio, photographic, electronic or recording equipment.

**2.4** "Media" or "media agency" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio, internet media or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news reporting or news gathering agency.

**3. Use of cellular, wireless communication and other electronic or recording devices**

**3.1** Cellular devices, laptop computers, tablets, wireless communication, photographic, recording or other electronic devices or equipment should not be used in the courtroom and should be turned off. Social media shall not be used or accessed while in the courtrooms. Such usage is allowable in the public lobby areas.

**3.2** Cellular devices, laptop computers, tablets and other electronic devices may be used with permission of the court by attorneys, attorney staff, and defendants in courtrooms for accessing case files or conducting research relevant to the case. Usage shall not delay or disrupt court proceedings. Broadcasting or recording of court proceedings is strictly prohibited.

**3.3** Permission for electronic coverage of investiture or ceremonial proceedings, and the manner of such coverage, are determined solely by the court, with or without guidance from these rules. If electronic coverage is for other than investiture or ceremonial proceedings, the provisions of these rules shall govern.

**4. Electronic media coverage permitted.**

**4.1** Electronic media coverage is allowed in the courtroom only as permitted by the Code of Judicial Conduct, these rules, and the Presiding Judge.

**4.2** If electronic media coverage of investiture or ceremonial proceedings, permission for, and the manner of such coverage, are determined solely by the court, with or without guidance from these rules. If electronic media coverage is for other than investiture or ceremonial proceedings, the provisions of these rules shall govern.

**4.3** Electronic media coverage is permitted only after written notice has been filed with the Presiding Judge. Such notice shall be signed by an authorized media representative and acknowledge that such media has received a copy of these guidelines and that these guidelines are binding upon it. Upon the filing of such notice and prior to the commencement of the proceeding, the Presiding Judge shall review such request. He or she shall grant or deny it based upon the court's policy (1) above. The notice and Presiding Judge's order shall be posted in a manner that is accessible to the public. In addition, any party may request a hearing on objections to such coverage. Objections to media coverage should not be conclusory, but should state the specific and demonstrable injury alleged to result from media coverage. The hearing shall be held at such a time so as not to substantially delay the proceedings. The court shall, by written order, either allow, deny or limit coverage. If the court denies coverage, it shall set forth in its order the findings upon which such denial is based. The court has the discretion to allow, deny, limit or terminate electronic media coverage of a proceeding when it is in the interests of justice to protect the rights of the parties, witnesses, or the dignity of the court, or to assure the orderly conduct of the proceedings, or for any other reason considered necessary or appropriate by the court.

**5. Electronic media coverage prohibited.**

**5.1** Electronic media coverage of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited. Conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the court at the bench shall not be recorded or received by sound equipment.

**5.2** Filming, photographing or recording jurors or alternate jurors in the courtroom

or in the jury deliberation room is prohibited.

**5.3** Under Title 3 of the Family Code, juvenile respondents are afforded confidentiality. These rules recognize that there may likely be no proper circumstance for allowing media coverage in juvenile cases under the current state of the law.

## **6. Equipment and personnel.**

**6.1** The court may require media personnel to demonstrate that proposed equipment complies with these rules. The court may specify the placement of media personnel and equipment to permit reasonable coverage without disruption to the proceedings. Unless the Presiding Judge and in his/her discretion, and for good cause orders otherwise, the following standards apply to electronic media coverage.

**6.2** One television camera and one still camera, with a combined crew of no more than three persons, are allowed; in the event the electronic media makes known to the court its intent to cover any entire or lengthy proceeding, or in other appropriate circumstances, the Presiding Judge in his or her discretion may allow an unmanned second camera into the courtroom.

**6.3** Equipment shall not produce distracting sound or light. Signal lights or devices which show when equipment is operating shall not be visible. Moving lights, flash attachments, or sudden lighting changes shall not be used.

**6.4** Existing courtroom sound and lighting systems shall be used without modification unless approved by the Presiding Judge. Microphones and wiring shall be unobtrusively located in places approved by the Presiding Judge.

**6.5** Operators shall not move equipment while the court is in session, or otherwise cause a distraction. All equipment shall be in place in advance of the commencement of the proceeding or session that is the subject of the coverage.

**7. Delay of proceedings.** No proceeding or session will be delayed or continued for the sole purpose of allowing media coverage unless allowed by the court.

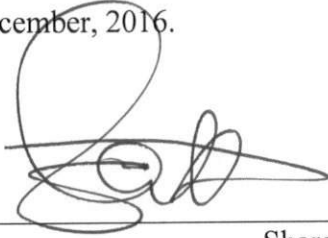
**8. Pooling.** If more than one media agency of one type wish to cover a proceeding or session, they shall make pool arrangements and designate a pool coordinator to interact with the court. If they are unable to agree, the court may deny all electronic media coverage by that type of media agency.

**9. Official Record.** Films, videotapes, photographs or audio reproductions made in court

proceedings shall not be considered as part of the official record.

**10. Enforcement.** In any proceeding to which they apply, these rules shall have the force and effect of a judicial order and may be enforced by the court as allowed by the law. Any violation by the electronic media may be sanctioned by appropriate measures, including, without limitation, barring the particular media from access to future electronic media coverage of proceedings in that courtroom for a defined period of time.

Signed this 1<sup>st</sup> day of December, 2016.

A handwritten signature in black ink, appearing to be 'SH', written over a horizontal line.

Sharon Hatten, Presiding Judge  
CITY OF MIDLAND MUNICIPAL COURT  
Midland, Texas