

**22<sup>ND</sup> JUDICIAL DISTRICT, DOLORES AND  
MONTEZUMA COUNTIES, COLORADO**

FILED IN DISTRICT COURT  
MONTEZUMA COUNTY COLORADO

03 MAY 23 PM 12:18

SANDRA D. WEAVER  
CLERK

**COURT USE ONLY**

**ADMINISTRATIVE ORDER 2003- # 3**

**Photography or Image capture in Courthouses in 22<sup>nd</sup> Judicial District**

Canon Three A (8), (Judicial Supervision Over Expanded Media Coverage of Court Proceedings), of the Colorado Code of Judicial Conduct, governs the circumstances whereby still, video and other media are permitted to acquire images in the Courtroom.

Media must file a written Request for Expanded Media Coverage of Court Proceedings with the Court. Such request must be provided to the Office of the District Attorney and the Defense Counsel, or the Defendant if unrepresented, in advance of the date of the hearing where the photograph is sought to allow for scheduling of a hearing. The request must be filed with the judge assigned for that hearing. Written permission must be sought for each hearing.

Because a photo was obtained of a Defendant and published without the Court's permission, the Court issues the following order.

NO still photos, images or video can be taken in any of the 22<sup>nd</sup> Judicial District Courthouses of defendants, court personnel, jurors, spectators or other court participants, unless there was compliance with Canon Three and a Judge of the appropriate court has issued a written Order prior to such photography.

It is necessary to insure the orderly and fair conduct of cases occurs. Unauthorized acquisition of photographs affects this process and may comprise a security risk.

Ordered this 23<sup>rd</sup> day of May, 2003



Sharon L. Hansen  
Chief Judge, 22<sup>nd</sup> Judicial District

personnel subject to the judge's direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

#### COMMENTARY

"Court personnel" does not include the lawyers in a proceeding before a judge. The conduct of lawyers is governed by DR7-107 of the Code of Professional Responsibility.

(7) A judge may authorize:

- (a) The use of electronic or photographic means for the perpetuation of a record, or for purposes of judicial administration;
- (b) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings.

(8) Judicial Supervision over Expanded Media Coverage of Court Proceedings. A judge may authorize expanded media coverage of court proceedings, in addition to those referred to in section (7) of this Canon, subject to the guidelines set forth below.

(a) Definitions. As used in this section, unless the context otherwise requires:

(I) "Proceeding" means any trial, hearing, or any other matter held in open court that the public is entitled to attend.

(II) "Photograph" and "photography" means all recording or broadcasting of visual images, by means of still photographs, videotape, television broadcasts, motion pictures, or otherwise.

(III) "Expanded media coverage" means any photography or audio recording of proceedings.

(IV) "Judge" means the justice, judge, referee, or other judicial officer presiding over the proceedings. In proceedings with more than one judge presiding, any decision required shall be made by a majority of the judges.

(V) "Media" means any news gathering or reporting agency and the individual persons involved, and includes newspapers, radio, television, radio and television networks, news services, magazines, trade papers, in-house publications, professional journals, or any other news reporting or news gathering agency whose function it is to inform the public or some segment thereof.

(b) Standards for Authorizing Coverage. In determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

(I) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial;

(II) whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court; and

(III) whether expanded media coverage would create adverse effects that would be greater than those caused by traditional media coverage.

(c) Limitations on Expanded Media Coverage. Notwithstanding an authorization to conduct expanded media coverage of a proceeding, there shall be no:

(I) Expanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments;

(II) expanded media coverage of jury voir dire;

(III) audio recording or "zoom" closeup photography of bench conferences;

(IV) audio recording or closeup photography of communications between counsel and client or between co-counsel;

(V) expanded media coverage of *in camera* hearings;

(VI) closeup photography of members of the jury.

(d) Authority to Impose Restrictions on Expanded Media Coverage. A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, or jurors. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this Canon or additional rules imposed by the judge have been violated; or (2) substantial rights of individual participants or rights to a fair trial may be prejudiced

by such coverage if it is all

(e) Conditions for Cover the following conditions:

(I) Equipment Limitation

(aa) Video. Only one p television, or motion picture courtroom, except that, at t second camera. The camera c court is in session.

(bb) Audio. The court's event, there must be no interf is not technically suitable, i install an audio recording sy of the judge. All micropho interfere with the movement

(cc) Still Cameras. Only cameras, which shall make i tripod, but shall not change l

(dd) Lighting. No movie permitted during a proceedin permitted without the permis

(ee) Operating Signals. N on any equipment.

(II) Pooling Arrangement media representative to cond in subsection (I) of this sec scheme with a distribution pc reached on either of these ma type for which no pooling personnel shall be called arrangements.

(III) Conduct of Media R shall conduct themselves in courtroom. The following pr

(aa) Equipment employec operated so as to minimize a

(bb) identifying marks, a; all equipment. Persons operat identifying information;

(cc) equipment use to pr removed from the courtroom be changed within a courtroo

(f) Procedures. The follo for expanded media coverage

(I) Request for Expanded judge at least one day befor longer or shorter time is requi given to counsel for each par the following:

(aa) The name, number, c (bb) the type (audio, vid requested and a description of th the identity of the designated

(II) Objections. Any party expanded media coverage of

(III) Judicial Authorizatio reasonable time prior to the p

by such coverage if it is allowed to continue.

(e) Conditions for Coverage. Expanded media coverage shall be conducted only under the following conditions:

(I) Equipment Limitations.

(aa) Video. Only one person at a time shall be permitted to operate a videotape, television, or motion picture camera. There shall be only one such camera at a time in the courtroom, except that, at the discretion of the judge, the camera operator may have a second camera. The camera operator may use a tripod, but shall not change location while court is in session.

(bb) Audio. The court's audio system shall be used if technically suitable and, in that event, there must be no interference with the court's use of its system. If the court's system is not technically suitable, then the person conducting expanded media coverage may install an audio recording system at his or her own expense upon first obtaining approval of the judge. All microphones and related wiring shall be unobtrusive and shall not interfere with the movement of those in the courtroom.

(cc) Still Cameras. Only one person at a time shall be permitted to operate still cameras, which shall make as little noise as possible. The still photographer may use a tripod, but shall not change location while court is in session.

(dd) Lighting. No movie lights, flash attachments, or sudden lighting changes shall be permitted during a proceeding. No modification or addition of lighting equipment shall be permitted without the permission of the judge.

(ee) Operating Signals. No visible or audible light or signal (tally light) shall be used on any equipment.

(II) Pooling Arrangements. The media shall be solely responsible for designating one media representative to conduct each of the categories of expanded media coverage listed in subsection (I) of this section, and for arranging an open and impartial distribution scheme with a distribution point located outside of the courtroom. If no agreement can be reached on either of these matters, then there shall be no expanded media coverage of the type for which no pooling agreement has been made. Neither judges nor other court personnel shall be called upon to resolve any disputes concerning such pooling arrangements.

(III) Conduct of Media Representatives. Persons conducting expanded media coverage shall conduct themselves in a manner consistent with the decorum and dignity of the courtroom. The following practices shall apply:

(aa) Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction;

(bb) identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment. Persons operating such equipment shall not wear clothing bearing any such identifying information;

(cc) equipment use to provide expanded media coverage shall not be placed in, or removed from, the courtroom while court is in session. No film, videotape, or lense shall be changed within a courtroom while court is in session.

(f) Procedures. The following procedures shall be followed in obtaining authorization for expanded media coverage:

(I) Request for Expanded Media Coverage. A written request shall be submitted to the judge at least one day before expanded media coverage is requested to begin, unless a longer or shorter time is required or permitted by the judge. Copies of the request shall be given to counsel for each party participating in the proceeding. The request shall include the following:

(aa) The name, number, date, and time of the proceeding;

(bb) the type (audio, video, or still photography) of expanded media coverage requested and a description of the pooling arrangements required by section (e)(II), including the identity of the designated representatives.

(II) Objections. Any party or witness may lodge with the judge a written objection to expanded media coverage of all or a portion of a proceeding.

(III) Judicial Authorization. The judge shall rule on a request or objection within a reasonable time prior to the proceeding or promptly after the request or objection if the

proceeding has begun. The ruling shall be made on the record and the reasons therefor set forth briefly.

(IV) The media or any witness may not appeal, or seek review by original proceeding, the granting or denial of expanded media coverage. A party may seek review of a ruling by original proceeding, if otherwise appropriate, or by post-trial appeal.

COMMENTARY

Temperate conduct of judicial proceedings is essential to the fair administration of justice.

The recording and reproduction of a proceeding should not distort or dramatize the proceeding.

(9) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to, bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, and shall not permit staff, court officials and other subject to the judge's direction and control to do so.

COMMENTARY

A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding may impair the fairness of the proceeding and bring the judiciary into disrepute.

A judge must refrain from speech, gestures, or other conduct that could reasonably be perceived as indicative of bias and must require the

same standard of conduct of others subject to the judge's direction and control. Facial expression and body language, in addition to oral communication, may give to parties or lawyers in the proceeding, jurors, the media, and others an appearance of judicial bias. A judge must be alert to avoid behavior that may be perceived as prejudicial.

(10) A judge shall attempt, to the extent practicable, to make certain that lawyers in proceedings before the judge abide by their duties under the Colorado Rules of Professional Conduct and, in particular, to refrain from manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, against parties, witnesses, counsel, or others. This Section 3 A. (10) does not preclude legitimate advocacy when race, gender, religion, national origin, disability, age sexual orientation, socioeconomic status, or other similar factors, are issues in the proceeding.

B. Administrative Responsibilities.

(1) A judge should diligently discharge his or her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his or her staff and court officials subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

COMMENTARY

Disciplinary measures may include reporting a lawyer's misconduct to an appropriate disciplinary body.

(4) A judge should not make unnecessary appointments. A judge should exercise his or her power of appointment only on the basis of merit, avoiding nepotism and favoritism. A judge should not approve compensation of appointees beyond the fair value of services rendered.