

# IN THE MUNICIPAL COURT FOR THE CITY OF LANSING, KANSAS

## PUBLIC COVERAGE OF JUDICIAL PROCEEDINGS

### Rule 18-1A

## ELECTRONIC AND PHOTOGRAPHIC MEDIA COVERAGE OF JUDICIAL PROCEEDINGS

### Preface

The increasing use of various electronic devices including phones, tablets, and other wireless communication devices continually challenges a court's legitimate concerns for courtroom security, participant distraction, and decorum.

These electronic devices are redefining the news media, the informational product disseminated, and the timeliness of the content. They also result in new expectations for the court and participants for immediate access to information.

Since the Municipal Court is not a court of record, electronic devices that could be used to prepare or present a verbatim record of the proceedings are contrary to the nature of the Court. Policies developed to address the court's concerns should include enough flexibility to take into consideration that electronic devices have become a necessary tool for court observers, journalists, and participants and continue to rapidly change and evolve. The courts should champion the enhanced access and the transparency made possible by use of these devices while protecting the integrity of proceedings within the courtroom consistent with the mandate of being a Municipal Court.

### **Permissible Use of Electronic Device**

Without prior written consent of the Judge, during a judicial proceeding a person not an attorney admitted to practice in the State of Kansas and representing a person in this Court may not use any of the following electronic devices:

- (A) A cell phone,
- (B) A laptop or tablet computer, with or without video or audio capabilities,
- (C) A digital or tape audio recorder,
- (D) A personal digital assistant (PDA), with or without video or audio recording capabilities,
- (E) A still or video camera, and
- (F) Any other electronic device that can broadcast, record, or take photographs.

All cell phones must be silenced in the courtroom. During court proceedings, all electronic devices must be put away and out of sight, unless use of the devices is authorized by the judge under this rule.

A person may use a cell phone or other electronic device in a court facility, but not in a courtroom, to make or receive phone calls, e-mails, and/or text messages only.

A person is prohibited from using a cell phone or any other electronic device in a court facility to:

- (A) Take pictures,
- (B) Take videos,
- (C) Make sound recordings,
- (D) Broadcast sound, and
- (E) Broadcast still or moving images (video).

Violating this rule may result in the device being confiscated and possible citation of the person in contempt of court..

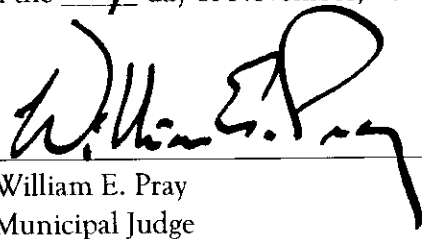
Permission Required for Exception to Rule. The judge may make an exception to this rule, consistent with the nature of the Court. Any person or entity must request specific permission in writing in advance to use an electronic device in an otherwise prohibited manner. If permission is granted, use of the permitted electronic device must be in accordance with the following applicable conditions and procedures and such other conditions and procedures as may be required by the presiding judge or justice.

- (A) The judge must be given at least one week's notice of the request to bring cameras, recording equipment, or other electronic communication devices into the courtroom. The judge may waive this requirement for good cause.
- (B) The privilege granted by this rule does not limit or restrict the judge's power, authority, or responsibility to control the proceedings before the judge. The judge's authority to disallow possession of electronic devices at a proceeding or during the testimony of a particular witness extends to any person engaging in the privilege authorized by this rule.
- (C) Audio pickup and audio recording of a conference between an attorney and client, or among cocounsel, counsel and opposing counsel, or among attorneys and the judge are prohibited regardless of where conducted. Photographing such a conference is not prohibited.
- (D) Focusing on and/or photographing materials on counsel tables or in designated areas is prohibited.
- (E) The judge must prohibit the audio recording and photographing of a participant in a court proceeding if the participant so requests and (a) the participant is a victim or witness of a crime, a police informant, an undercover agent, or a relocated witness or juvenile, or (b) the hearing is an evidentiary suppression hearing.
- (F) No video, photograph, audio reproduction, or other electronic communication of a court proceeding will be used to affect the official court written record of the proceeding for purposes of appeal.
- (G) An interview for broadcast or other electronic transmission may not be recorded in a hallway immediately adjacent to a courtroom entrance if a passageway is blocked or a judicial proceeding is disturbed thereby. Photographing or other recording through

a window or open door of a courtroom is prohibited. Prior to rendition of the verdict, a criminal defendant may not be photographed or otherwise recorded in restraints as the defendant is being escorted to or from a court proceeding.

- (H) A request to photograph, record, or provide live coverage of a court proceeding must be directed to the Clerk of the Municipal Court.
- (I) The judge will designate the location in the courtroom for the audio, video equipment, and operators. Equipment and operators ordinarily should be restricted to areas open to the public. The equipment and operators, however, must not impede the view of persons seated in the public area of the courtroom. Operators must occupy only the area authorized by the judge and may not move about the courtroom for picture-taking purposes during the court proceeding.
- (J) Media equipment must not be placed within or removed from the courtroom except prior to commencement or after adjournment of proceedings each day, or during a recess. Such equipment must not be operated in any manner that disrupts proceedings.
- (K) Only audio, visual, or electronic communications equipment that does not produce distracting light or sound may be used to cover court proceedings. An artificial lighting device may not be used in connection with any audio or visual equipment. A modification in the lighting of a district court facility may be made only with the approval of the judge. Approval of other authorities may be required.

ORDERED AT LANSING, KANSAS, on the 7<sup>th</sup> day of November, 2018.

  
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William E. Pray  
Municipal Judge