

**23-107. Broadcasting, televising, photographing, and recording of court proceedings; guidelines.**

The broadcasting, televising, photographing, and recording of court proceedings in the Supreme Court, Court of Appeals, district courts, magistrate courts, and metropolitan courts of the State of New Mexico are hereby authorized in accordance with the guidelines set forth in this rule, which establishes safeguards to ensure that these types of media coverage shall not detract from the dignity of the court proceedings or otherwise interfere with the achievement of a fair and impartial hearing.

A. **Discretion of the court.** Live coverage of proceedings shall not be limited by the objection of counsel or parties, except that the Supreme Court reserves to the individual courts the right to limit or deny coverage for good cause, in light of the guidelines in this rule, or in accordance with Subparagraph (G)(2) of this rule.

(1) Media coverage in the courts is subject at all times to the authority of the judge or judges to

- (a) control the conduct of the proceedings before the court;
- (b) ensure decorum and prevent distractions; and
- (c) ensure fair administration of justice in the pending cause.

(2) The court has sole and plenary discretion to exclude coverage of certain witnesses, including but not limited to the victims of sex crimes and their families, police informants, undercover agents, relocated witnesses, and juveniles.

(3) Neither the jury nor any member of the jury may be filmed in or near the courtroom, nor shall the jury selection process be filmed.

(4) The judge has discretionary power to forbid coverage whenever the judge is satisfied that coverage may have a deleterious effect on the paramount right of the defendant to a fair trial.

(5) Audio pickup, broadcast, or recording of a tender of evidence offered by a party for the purpose of determining admissibility made before the judge out of the hearing of the jury is not permitted.

(6) Audio pickup, broadcast, photography, televising, or recording of a conference in the courtroom between members of the court, court and counsel, co-counsel, or counsel and client is not permitted.

B. **Notice.** The broadcasters, photographers, and recorders shall notify the clerk of the particular court at least twenty-four (24) hours in advance of coverage of their desire to cover the proceeding. Each trial judge may, in the judge's discretion, lengthen or shorten the time for advance notice for coverage of a particular proceeding.

C. **Decorum.** The decorum and dignity of the court, the courtroom, and the proceedings must be maintained at all times. Court customs must be followed, including appropriate attire. Movement in the courtroom shall be limited, except during breaks or recess. The changing of tapes, film magazines, film, and similar actions during the proceedings shall be avoided.

D. **Standards.** The media shall maintain high journalistic standards regarding the fairness, objectivity, and quality of the coverage allowed under these guidelines.

E. **Equipment and personnel.** Unless otherwise agreed upon by the court, equipment and personnel within the courtroom or hearing room shall be limited as follows:

- (1) All equipment shall be operated behind the rail;

(2) Not more than one (1) portable television camera operated by not more than one (1) camera person shall be permitted. Only natural lighting shall be used. Cameras shall be quiet and shall be placed and operated as unobtrusively as possible within the courtroom at a location approved by the court. The cameras shall be in place at least fifteen (15) minutes before the proceedings begin;

(3) Not more than two (2) audio systems shall be permitted. All running wires shall be securely taped to the floor. Multiple radio feeds shall be provided by a junction box;

(4) Not more than two (2) still photographers, utilizing not more than one (1) still camera each, shall be permitted. The cameras must not produce any distracting sounds. Only natural lighting shall be used. Still photographers shall remain in one (1) place during the proceedings, but they may shift positions during breaks or recess;

(5) Tape recorders may be used by members of the media, so long as they do not constitute a distraction during the proceedings; and

(6) Any pooling arrangements necessary shall be the sole responsibility of the media and must be concluded prior to coverage without calling upon the court to mediate any dispute regarding appropriate media and personnel.

F. **Inapplicability to individuals.** The privileges granted by these rules may be exercised only by persons or organizations that are part of the news media.

G. **Objections limited.**

(1) An appellate court shall not exercise its appellate or supervisory jurisdiction to review at the request of any news media persons or organization seeking to exercise a privilege conferred upon them by these rules, any order, or ruling of any judge under these rules.

(2) Any party, or any person or entity with a sufficient interest, may object to cameras in the courtroom by filing a motion for courtroom closure under Rule 1-104 NMRA, Rule 2-114 NMRA, Rule 3-114 NMRA, Rule 5-124 NMRA, Rule 6-116 NMRA, Rule 7-115 NMRA, or Rule 12-322 NMRA.

H. **Impermissible use of media material.** None of the film, videotape, still photographs, or audio reproductions developed during or by virtue of coverage of a judicial proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any retrial or appeal of such proceeding.

I. **Other courts.** The broadcasting, televising, photographing, and recording of court proceedings in courts other than the appellate, district, magistrate, and metropolitan courts of New Mexico is prohibited.

[As amended, effective September 1, 1989; August 17, 1999; as amended by Supreme Court Order No. 16-8300-022, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 18-8300-020, effective December 31, 2018.]