

ADMINISTRATIVE DIRECTIVE NO. 155

This 5th day of April, 2004,

IT APPEARS THAT:

(1) Canon 3(A)(7) of the Delaware Judges' Code of Judicial Conduct provides:
"A judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except as authorized by a court rule or administrative directive which has been either promulgated or approved by the Delaware Supreme Court."

(2) The Bar-Bench-Media Conference, after considerable study, has submitted to the Supreme Court a thoughtful proposal that would permit expanded electronic media coverage of judicial proceedings in the trial courts of this State.

(3) The Supreme Court has long permitted electronic media coverage of appellate proceedings in the Supreme Court, in accordance with guidelines adopted by the Court by Order dated May 2, 1983, a copy of the pertinent parts of which is attached.

(4) The Court has evaluated the Conference's proposal, and agrees that an

experiment with electronic media coverage of certain Delaware trial court proceedings may lead to future policies that will enable our citizens to become better informed about the important public role served by our trial courts.

(5) The Court is mindful of legitimate expressed concerns that electronic media coverage might, absent appropriate safeguards, distract or disrupt the judicial proceedings being televised.

(6) The Court is also mindful of (a) the need to address these concerns without unduly restricting the access of the electronic media, and (b) the absence of trial court experience in determining the appropriate balance between the legitimate needs of the judicial system and the needs of the public to be informed through the electronic media.

(7) Accordingly, for an experimental period of six months (the “experimental period”), the Court has decided, pursuant to Canon 3 (A)(7) of the Delaware Judges’ Code of Judicial Conduct, to authorize trial judges in their discretion, after consultation with counsel in the proceeding, to permit electronic media coverage in certain proceedings subject to the conditions set forth herein.

(8) The Court reserves the option of terminating the experiment at any time or giving consideration to an expanded or permanent policy.

NOW, THEREFORE, IT IS DIRECTED, with the approval of a majority of the members of the Supreme Court, pursuant to Delaware Constitution, art. IV, § 13(1), effective April 15, 2004, that, during an experimental period ending on October 15, 2004,

unless extended by a further Administrative Directive or Supreme Court Rule, the following exceptions to Canon 3(A)(7) shall apply:

(A) Electronic media coverage of judicial proceedings in the trial courts shall be limited to (1) the Sussex Court of Chancery Courthouse, and to (2) those courtrooms within the courthouses in New Castle, Kent and Sussex Counties that are specially wired and otherwise specially equipped to accommodate television cameras and radio feeds.

(B) The proceedings that may be broadcast, telecast or recorded shall be limited to non-jury civil proceedings, that are not otherwise confidential, in the Court of Chancery and the Superior Court, subject, in all cases, to the discretionary approval of the Judge, Chancellor or Vice Chancellor presiding over the case.

(C) There may be, in each courtroom in which the proceedings are to be televised, no more than one stationary tripod-mounted television or still camera with one operator, to be approved by the judge presiding over the proceeding.

(D) The presence and operation of the camera or microphones and operating personnel shall be as unobtrusive as possible and the broadcast shall not include an identification of a particular media organization by call letters or otherwise.

(E) In the discretion of the trial judge, and if feasible, the judge may allow the electronic media access to the courtroom's audio system. The judge presiding over the proceeding shall have the capability of overriding or terminating any microphones or cameras during the proceeding.

(F) The cost of furnishing the equipment described in this paragraph shall be borne by the media organization(s) or company(ies) broadcasting or recording the proceedings.

(G) Further conditions that are imposed during the experimental period shall be those set forth in the Guidelines for Supreme Court arguments as adopted by the Supreme Court in the May 2, 1983 Order. Those guidelines are hereby incorporated by reference and are hereby adopted for trial court purposes during the experimental period. The Guidelines are hereby altered for present purposes only by substituting "trial courts" for "Supreme Court," and "presiding judge" for "Chief Justice" or "presiding Justice," as the case may be. In the event that a permanent exception to Canon 3(A)(7) is adopted after the experimental period for trial courts, a new set of Guidelines specifically applicable to trial courts will be considered by the Court.

(H) The Liaison Justice, and other Justices of this Court from time to time, shall confer with the Bar-Bench-Media Conference, and one or more of its individual members as may be appropriate, to make whatever arrangements, including financial arrangements, that are believed necessary to implement this Directive.

(I) At the conclusion of the experimental period, the Bar-Bench-Media Conference shall submit to the Court, in the form of a report, its evaluation of the experiment, and its recommendations, if any, to adopt, modify, condition, and/or enlarge the manner and the scope of television, broadcast or still photograph coverage of proceedings in the Delaware trial courts.

(J) The Court will then seek comments from the Bench, the Bar and others before proceeding further.

BY THE COURT:

Chief Justice

cc: The Honorable Ruth Ann Minner
The Honorable Randy J. Holland
The Honorable Carolyn Berger
The Honorable Myron T. Steele
The Honorable Jack B. Jacobs
Members of the Judicial Conference

The Honorable M. Jane Brady
The Honorable Lawrence M. Sullivan
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Budget Director
Chair of Senate Judiciary Committee
Chair of House Judiciary Committee
Members of the Bar-Bench-Media Conf.