

**ADMINISTRATIVE DIRECTIVE NO. 93**

This 12th day of January 1994, IT APPEARING THAT:

(1) By Order dated December 16, 1993, this Court adopted and promulgated The Delaware Judges' Code of Judicial Conduct to become effective January 1, 1994, superseding the previous Judges' Code.

(2) New Canon 3A(7) of The Delaware Judges' Code of Judicial Conduct states:

(7) 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.

(3) Former Canon 3A(7) stated the circumstances under which a judge may authorize photographic and electronic media coverage in a courtroom and adjacent areas. The new Canon does not; rather, it authorizes the Supreme Court to promulgate an administrative directive to permit photographic and electronic media coverage in a courtroom and adjacent areas.

(4) The Supreme Court will be considering in the near future a permanent policy regarding photographic and electronic media coverage in trial courts of this State. Pending any such new policy it is important to continue temporarily that which was in effect under old Canon 3A(7) which will be superseded on January 1, 1994. By separate Order the Supreme Court will continue its current practice of permitting photographic and electronic media coverage under certain circumstances.

(5) The purpose of this Directive is to establish the circumstances, during this transition period, under which a judge may authorize photographic and electronic media coverage in a courtroom and adjacent areas.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the Justices of the Supreme Court (Del. Const. art. IV, § 13) that effective January 1, 1994, *nunc pro tunc* any judge within the Delaware court system may authorize photographic and electronic media coverage in a courtroom and adjacent areas in the following circumstances:

A. The use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, or for other purposes of judicial administration;

B. The broadcasting, televising, recording, or photographing of investitive or ceremonial proceedings;

C. The photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

1. The means of recording will not distract participants or impair the dignity of the

DELAWARE SUPREME COURT

proceedings ;

2. The parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;
3. The reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and
4. The reproduction will be exhibited only for instructional purposes in educational institutions.

E. Norman Veasey  
CHIEF JUSTICE

xc: Honorable Henry R. Horsey  
Honorable Andrew G. T. Moore, II  
Honorable Joseph T. Walsh  
Honorable Randy J. Holland  
Judicial Conference  
Administrative Office of the Courts  
Court Administrators  
Clerk of the Supreme Court