



IN THE INDIANA SUPREME COURT

STANDARDS GOVERNING )  
MEDIA AND STILL PHOTOGRAPHY )  
OF ORAL ARGUMENTS IN THE TAX )  
COURT. )

case no.  
94S00-9908-MS-421

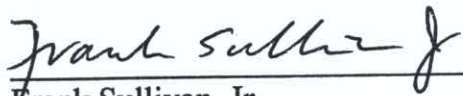
ORDER

On August 11, 1999, this Court entered an order stating that, notwithstanding the prohibition contained in Canon 3 of the Code of Judicial Conduct, cameras and microphones may be used for press coverage of Indiana Tax Court arguments during 1999 in accordance with certain terms set out in that order. The order expired on December 31, 1999.

The Court's order of August 11, 1999 is now EXTENDED in full force and effect, under all the same terms and conditions set out in the earlier order, until further directive from this Court.

The Clerk is directed to send a copy of this order to Hon. Thomas G. Fisher, Judge of the Indiana Tax Court.

Done at Indianapolis, Indiana this 27<sup>th</sup> day of April, 2000.

  
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Frank Sullivan, Jr.  
Acting Chief Justice of Indiana

IN THE  
SUPREME COURT OF INDIANA



STANDARDS GOVERNING ELECTRONIC  
MEDIA AND STILL PHOTOGRAPHY  
OF ORAL ARGUMENTS IN THE INDIANA TAX  
COURT IN 1999.

)  
) No. 94500-9908-115-421  
)  
)

**ORDER**

The Supreme Court now directs that, notwithstanding the prohibition contained in Canon 3 of the Code of Judicial Conduct, cameras and microphones may be used for press coverage of Indiana Tax Court arguments and hearings in 1999 in accordance with the following terms:

**1. Equipment and Personnel.**

(a) Not more than two television news cameras shall be permitted. Each must be mounted on a tripod and may not be moved during this proceeding. Redirection of the camera during the proceeding will be limited. Specifically, the range of redirection shall be limited to the area between the speaker's lectern or counsel table and the bench where the Tax Court is sitting.

(b) Not more than two still cameras shall be permitted. Each must be mounted on a tripod or monopod and may not be moved during this proceeding. Specifically, the range of redirection shall be limited to the area between the speaker's lectern or counsel table and the bench.

(c) Not more than one audio system for radio broadcast purposes shall be permitted in any proceeding before the Tax Court. Audio pickup for all media purposes shall be accomplished from existing audio systems present. If no technically suitable audio system exists, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the Tax Court.

(d) To be a candidate for in-court pool coverage television news crews must be present in the courtroom one hour prior to the start of each day's oral argument to be part of the pool. Print and radio journalists who require minimal set-up time must be present 15 minutes prior to the start of the oral argument to be part of the pool. News media representatives present at those times will decide among themselves which organization or organizations will be the pool representatives inside the court room. All pool representatives must have the capacity to share material with the news organizations who are present but are not part of the in-court pool.

(e) Any "pooling" arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the Tax Court to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed

equipment or personnel issues, the Tax Court will prohibit contesting media personnel from covering a proceeding with cameras or recording equipment.

## **2. Sound and Light Criteria.**

(a) Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover Tax Court oral arguments. Specifically, such photographic and audio equipment shall produce minimal sound. No artificial lighting device of any kind shall be employed in connection with the television camera.

(b) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings

(c) It shall be the affirmative duty of media personnel to demonstrate to the Tax Court or the Tax Court's designees adequately in advance of the proceeding that the equipment sought to be utilized meets the sound and light criteria outlined herein. A failure to obtain advance judicial approval for equipment shall preclude its use in any proceeding.

## **3. Location of Equipment and Personnel**

(a) Television camera equipment shall be positioned in such locations as shall be designated by the Tax Court or the Court's designees. The area designated shall provide reasonable access to coverage. If and when areas remote from the courtroom, which permit reasonable access to coverage, are provided, all television camera and audio equipment shall be positioned only in such area. Video tape recording equipment which is not a component part of a television camera shall be located in an area remote from the courtroom designated by the Tax Court or his designees.

(b) Still camera photographers shall be positioned in such locations in the courtroom as shall be designated by the Tax Court or the Court's designees. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed position and a fixed shooting position within the designated area. Still camera photographers shall not be permitted to move about in order to obtain photographs of court proceedings. Lens and film changes shall not be permitted during the proceedings.

(c) Broadcast media representatives shall not move about while proceedings are in session, and microphones or taping equipment, once positioned as required by 1.(c), above shall not be moved during the proceeding. Lens changes shall not be permitted during the proceedings.

## **4. Movement during Proceedings.**

News media photographic or audio equipment shall not be placed in or removed from the courtroom except prior to commencement or after adjournment of proceedings each day, or during a recess. Neither television videotapes nor still camera film or lenses shall be changed in the courtroom except during a recess in the proceeding. Specifically, video tape cassettes and audio cassettes may be changed only between arguments by the attorneys.

**5. Conferences of counsel.**

To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences which occur in the courtroom between attorneys and their clients and between co-counsel of a client.

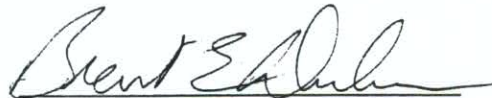
**6. Impermissible use of media material.**

None of the film, video tape, 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 proceedings.

**7. Purpose; General Provisions**

(a) Nothing in these rules is intended to restrict any pre-existing right of the news media to appear at and to report on any judicial proceedings in accordance with law.

DONE AT INDIANAPOLIS, INDIANA, this 11th day of August 1999.



BRENT DICKSON  
ACTING CHIEF JUSTICE OF INDIANA