



# IN THE SUPREME COURT OF ALABAMA

April 3, 2023

## ORDER

IT IS ORDERED that Canon 3.A(7) and Canon 3.A(7B), Alabama Canons of Judicial Ethics, be amended to read in accordance with Appendices A and B, respectively, to this order;

IT IS FURTHER ORDERED that the Media Coverage Plan of the Supreme Court of Alabama be amended to read in accordance with Appendix C to this order;

IT IS FURTHER ORDERED that the amendment of Canon 3.A(7), Canon 3.A(7B), and the Media Coverage Plan of the Supreme Court of Alabama are effective immediately; and

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Canon 3 and the Media Coverage Plan of the Supreme Court of Alabama:

**"Note from the reporter of decisions:** The order amending Canon 3.A(7) and Canon 3.A(7B), Alabama Canons of Judicial Ethics, and amending the Media Coverage Plan of the Supreme Court of Alabama, effective April 3, 2023, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_ So. 3d."

**Parker, C.J., and Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, Mitchell, and Cook, JJ., concur.**

**Witness my hand and seal this 3rd day of April, 2023.**

*Megan B. Rhodelseck*

**Clerk of Court,  
Supreme Court of Alabama**

**FILED  
April 3, 2023**

**Clerk of Court  
Supreme Court of Alabama**



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## APPENDIX A

### **Canon 3.A(7), Alabama Canons of Judicial Ethics**

(7) A trial judge or an appellate court should prohibit broadcasting or recording courtroom proceedings or taking photographs in the courtroom unless the trial judge or appellate court determines that such should be allowed in accordance with the provisions of (7A) or (7B); however, a trial judge or an appellate court may, in the exercise of sound discretion, authorize:

(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, ceremonial, or nonjudicial proceedings;

(c) The photographic or electronic recording and reproduction of appropriate court proceedings for instructional or educational purposes under the following conditions:

(i) The means of recording will not distract participants or impair the dignity of the proceedings;

(ii) The parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;



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(iii) The reproduction will not be exhibited until after the proceedings have been concluded and all direct appeals have been exhausted; and

(iv) The reproduction will be exhibited only for instructional or educational purposes.

The requirements and prohibitions of this Canon do not apply to an appellate court using its own broadcasting and recording system to broadcast and record its proceedings.



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## APPENDIX B

### **Canon 3.A(7B), Alabama Canons of Judicial Ethics**

(7B) An appellate court may use its own broadcasting and recording system to broadcast and record its proceedings for the purpose of making available to the public such broadcasts or recordings. An appellate court may also authorize the broadcasting, televising, recording, or taking of photographs in a courtroom during a judicial hearing:

(a) Provided, the Supreme Court of Alabama has authorized a plan for the courtroom which shall contain safeguards to ensure that the photographing, recording, or broadcasting by television or radio shall not detract from the dignity of the court proceedings, degrade the court, distract any witness in giving testimony (if the case is one in which testimony is received), or otherwise interfere with the achievement of a fair and impartial hearing or trial, which plan shall set forth the location where cameras, lights, wires and transmitting devices may be located as well as other details, including the movement area for media personnel. Prior to the Supreme Court's approval of such a plan, a petition, signed by a majority of the members of the appellate court, shall be filed with the Supreme Court.

(b) Provided further, that the attorneys involved in the hearing or trial and the parties present shall have affirmatively given their written consent.

However, the appellate court shall immediately suspend or stop any photographing or recording or broadcasting by television or radio during any time that any witness who is testifying, the parent or guardian of a testifying witness who is a minor, an attorney, a party, or a judge expressly objects to such photographing or recording or broadcasting by television or radio.



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## APPENDIX C

### **MEDIA COVERAGE PLAN OF THE SUPREME COURT OF ALABAMA**

**ADOPTED MARCH 15, 2007,  
PURSUANT TO CANONS 3.A(7) AND 3.A(7B) OF  
THE ALABAMA CANONS OF JUDICIAL ETHICS  
AMENDED MARCH 6, 2018, AND APRIL 3, 2023**

1. Proceedings of the Supreme Court of Alabama held in the courtroom of the Heflin-Torbert Judicial Building ("the HTJB") in Montgomery, or anywhere the Court may convene, may be broadcast by television or radio and may be recorded electronically or photographed, if such broadcasting, recording, or photographing is done in compliance with the provisions of this Media Coverage Plan and with Canon 3.A(7B), Alabama Canons of Judicial Ethics.

2. No broadcasting, recording, or photographing shall distract from the dignity of the court proceedings.

3. Persons desiring to broadcast, record, or photograph official court proceedings must make a timely written request to the Clerk of the Supreme Court at least five (5) days before the date of the hearing, trial, or event, specifying the particular case, hearing, trial, or event for which coverage is requested. A form for such purpose is attached to this Media Coverage Plan as Exhibit A. The Clerk shall then seek to obtain written consent to media coverage from the parties and attorneys involved in the proceeding as provided in paragraph 4.

4. Written consent from the parties and attorneys shall be obtained on a form provided by and filed with the Clerk of the Supreme Court of Alabama, a copy of which is attached as Exhibit B to this Media Coverage Plan. When a party's or an attorney's written consent to media coverage



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has been filed with the Clerk, duplicate consent forms for that party or attorney shall not be required for different proceedings in the same case.

5. Court consent to cover a proceeding shall be granted pursuant to this Media Coverage Plan without partiality or preference to any person, media outlet, or type of coverage. Consent to cover a proceeding may not be given, refused, or withdrawn as to one type of coverage, or as to any particular media outlet, and given, refused, or withdrawn as to another type of coverage or another media outlet.

6. No more than four (4) still photographers and three (3) stationary television cameras, excluding the Court's own camera(s), may be permitted in the courtroom for coverage at any time while a hearing or trial is in session, although fewer cameras may be ordered by the Court or the Chief Justice. However, the Marshal shall allow all photographers and television stations to participate by pooling. The setup, positioning, and removal of cameras shall be done under the supervision of the Marshal, shall not be done while the Court is in session, and shall at all times be done so as not to disturb the proceedings of the Court.

7. No photographer, videographer, or other media person may enter or leave the courtroom while the Court is in session.

8. The Court, upon request, will permit persons to obtain audio from the Court's broadcasting and recording system on a "first come, first served" basis, if the systems are compatible. The Marshal, in his discretion, may allow microphones and wiring to be placed at the counsel's lectern and at limited locations on the bench. Microphones shall be placed in advance of the hearing or trial and shall be unobtrusive or hidden. All wiring shall be located on the floor next to the wall or along the bottom of the bench, where possible. Otherwise, the wires must be placed where they will not interfere with anyone or constitute a hazard. The Marshal shall inspect the location of any wires and microphones to see that they comply with this Media Coverage Plan. Wiring cannot be removed while the Court is in session, except during a recess.



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9. Overhead lighting, when provided for photography, videography, or other purpose, shall be switched on and off by the Marshal. No other lights, flashbulbs, flashes, or sudden light changes may be used except with the express, advance authorization of the Marshal or the Court.

10. With the exception of those participating by pooling as permitted by paragraph 6 of this Media Coverage Plan, every person desiring to cover a proceeding will furnish his or her own equipment.

11. Television cameras or still cameras that produce distracting noise or sound cannot be used.

12. During sessions of the Court, photographers using still cameras may sit anywhere in the courtroom designated for use by the public and may take pictures; however, the Marshal, upon request of a party, attorney, witness, or Justice, may require photographers to take photographs only in a designated area in the courtroom. At no point may photographers or videographers move about the courtroom while the Court is in session, unless expressly authorized by the Marshal or the Court.

13. Photographers and videographers may not photograph, video, or otherwise record the contents of any documents on the judicial bench, on the Clerk's or Marshal's desk, or on the parties' tables, regardless of whether the Court is in session. The Marshal shall ensure, as much as is practicable, that photographers and videographers are positioned in the courtroom in such a manner that they cannot view or see such documents. This prohibition does not apply to any document, exhibit, or case material displayed to the Court and/or the persons in the courtroom, such as by posterboard, projector, electronic screen, or the like.

14. Except via the Court's broadcasting and recording system, no live audio or video broadcasting or social-media updates of court proceedings are permitted from inside the courtroom. At the discretion of



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the Marshal or the Court, such activity may be permissible in overflow rooms or in other public areas of the HTJB.

15. Digital devices may not be used in the courtroom while the Court is in session except by attorneys appearing before the Court and their support staff.

16. All media persons covering a hearing, trial, or event will avoid activity that might distract and will remain within any restricted areas designated by the Marshal or the Court.

17. Nothing in this Media Coverage Plan should be construed to restrict the authority of the Marshal or the Court to designate the location of still and video cameras in the courtroom. Moreover, nothing herein should be construed to restrict the authority of the Court to suspend, in whole or in part, this Plan in special circumstances.

18. In a hearing or trial where testimony is taken, any party, witness, attorney, or Justice may request a cessation of coverage by notifying the Court, in which event the Court will require the recording and broadcasting to cease.

19. Attorneys must observe Rule 3.6, Ala. R. Prof. Cond. ("Trial Publicity"), which covers the conduct of all attorneys with respect to trial publicity.

20. This Media Coverage Plan shall not preclude the coverage of a hearing, trial, or event by a news reporter or other person who is not using a camera or electronic equipment, but who is taking notes or making sketches.

21. All persons who request and are granted permission to cover a hearing, trial, or event are subject to this Media Coverage Plan and must agree to observe the rules and objectives set out in in this Plan.





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22. In the event the Court is in session at a place other than the courtroom of the HTJB, this Media Coverage Plan shall be followed to the extent possible. In addition to the written request provided for in paragraph 3 of this Plan, additional details regarding coverage of sessions held outside the HTJB must be cleared with the Marshal at least three (3) days before the scheduled event.

23. The restrictions imposed by this Media Coverage Plan are not applicable to the coverage of investitures and ceremonial or nonjudicial proceedings.

24. The Chief Justice, or the presiding officer of the Supreme Court in the absence of the Chief Justice, or the Marshal may impose reasonable time, place, and manner restrictions on interviews or broadcasts conducted outside the courtroom.

25. Nothing in this Media Coverage Plan should be construed to restrict the authority of the Court to use its own broadcasting and recording system to broadcast its proceedings. Any party or attorney to the proceedings who objects to the Court's using its own broadcasting and recording system to broadcast and record the proceedings must do so in writing, at least 14 days before the start of the proceedings, explaining in detail the basis for his or her objection. The Court will consider all timely objections before the start of the proceedings, but the Court may choose to broadcast and record the proceedings despite a party's or an attorney's objection.



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## EXHIBIT A SUPREME COURT OF ALABAMA Request for Media Coverage

Name of Media Outlet: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Event to be Covered: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Place: \_\_\_\_\_

Type of Coverage

Requested:            Audio Recording:     Video Recording:     Radio:

                                 Television:        Still Cameras:     Other:

Reporters and technicians (please identify all personnel who will be involved; you may attach a separate page if necessary):

\_\_\_\_\_

Purpose of requested coverage (i.e., instructional, educational, local news, network news, etc.):

\_\_\_\_\_

I have read and understand the "Media Coverage Plan of the Supreme Court of Alabama." In requesting permission to cover the above-described event, I agree that all media personnel identified above will abide by all applicable provisions of the Plan. I certify that I will obtain all consents required by the Plan before beginning any interviewing, photographing, recording, or broadcasting.

\_\_\_\_\_  
Media Representative

**Return completed form to:**  
**Clerk of Court**  
**Supreme Court of Alabama**  
**300 Dexter Avenue**  
**Montgomery, AL, 36104-3741**

\_\_\_\_\_  
Date

Approved: \_\_\_\_\_

Clerk of Court

\_\_\_\_\_  
Date

Note: The Clerk shall notify the Marshal of the Appellate Courts of Alabama of all approved requests.



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## EXHIBIT B

### CONSENT OF PARTICIPATING PARTIES TO MEDIA COVERAGE IN THE SUPREME COURT OF ALABAMA

Proceeding Date:

Case Number:

Appellants/Petitioners

Style of Case:

Appellees/Respondents

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

v.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event a media outlet requests to broadcast and record the proceeding in the above-styled case, Canons 3.A(7) and 3.A(7B) of the Alabama Canons of Judicial Ethics and the Media Coverage Plan of the Supreme Court of Alabama require that the attorneys involved in the proceeding and the parties present provide their consent to such broadcasting and recording; please indicate below whether you consent.

**NOTE:** Regardless of whether consent is given, the Court will use its own broadcasting and recording system to record the proceeding; please see paragraph 25 of the Media Coverage Plan if you would like to file an objection.

Consent is hereby <b>GIVEN</b> for media coverage of this proceeding	Consent is hereby <b>WITHHELD</b> for media coverage of this proceeding
Signature	Signature
Printed Name ____ Attorney ____ Party ____ Witness	Printed Name ____ Attorney ____ Party ____ Witness
Address	Address
City State Zip	City State Zip
Phone Number	Phone Number
Email	Email

**FORM MUST BE RETURNED TO THE CLERK'S OFFICE WITHIN ONE WEEK OF RECEIPT  
UNLESS OTHERWISE INSTRUCTED**