

25 R 339

STATE OF NORTH CAROLINA

THIRTY- EIGHTH JUDICIAL DISTRICT

FILED

IN THE GENERAL COURT OF JUSTICE

SUPERIOR DIVISION

2025 JUN 10 P 3:01

In Re:

GASTON CO., C.S.C.

LOCAL RULES GOVERNING ELECTRONIC MEDIA AND

STILL PHOTOGRAPHY IN THE COURTHOUSE FACILITY

THIRTY-EIGHTH JUDICIAL DISTRICT

SUPERIOR COURT

)
)
)
)
)
)

ORDER

Pursuant to Rule 15 of the N.C. General Rules of Practice for Superior Court and the authority granted by the Supreme Court of North Carolina, the undersigned Senior Resident Judge does hereby promulgate the Local Rules Governing Electronic and Still Photography in the Courthouse Facility for the Thirty-Eighth Judicial District. The Local Photography Rules are hereby adopted effective June 10, 2025 and shall apply to all actions on or after that date and insofar as practical to all pending cases.

The Trial Court Administrator shall be caused to reproduce sufficient copies of these policies to provide a true copy to the following persons: each Superior Court Judge, and each major media organization serving the 38th District.

These Rules supersede all previous Electronic Media Orders.

Entered in Chambers in Gastonia, North Carolina on the 10 day of June, 2025

David A Phillips

David A. Phillips
Senior Resident Superior Court Judge for
Judicial District 38

**Local Rules Governing Electronic Media and Still Photography in the
Courthouse Facility**

**In the 38TH Judicial District
Superior Court**

Table of Contents

<u>Media Local Rule</u>	<u>Page</u>
1. Purpose	1
2. Acquiring Consent for Coverage	1
3. Permissible Spaces	2
4. Equipment and Personnel	2
5. Movement of Media Equipment	2
6. Prohibited Coverage	2-4
7. Enforcement	4
8. Effective Date of These Rules	4

Rule 1. Purpose

It is difficult to strike a balance between protecting the right to a fair trial and safeguarding the right of a free press. Preserving the right to a fair trial necessarily entails some curtailment of the information that may be disseminated about a party prior to trial, particularly where trial by jury is involved. If there were no such limits, the result would be the practical nullification of the protective effect of the rules of forensic decorum and the exclusionary rules of evidence. In order to protect this balance, the following Local Rules Governing Electronic and Still Photography in the Superior Court courtrooms.

In accordance with and subject to the provisions of Rule 15 of the North Carolina General Rules of Practice for Superior Court, the following administrative and procedural rules shall constitute the management plan to regulate electronic and still photography coverage by news media in the courthouse facility in the Superior Court of the 38th Judicial District of the State of North Carolina. The purpose for these rules is to provide for regulation of electronic media coverage of public judicial proceedings of the Superior Court as a supplement to Rule 15. They shall be at all times construed and enforced in such a manner to avoid technical delay.

- 1.1 “Electronic media” is used in the sense to include, but not be limited to coverage by television, still photography cameras, broadcast microphones and recorders.

Rule 2. Acquiring Consent for Coverage

The permitting of electronic media in a particular courtroom while court is in session shall be upon the discretion of the presiding Judge only. Permission must be secured prior to the start of trial or session of open court.

- 2.1 The first media organization to be granted permission shall by default serve as the coordinator for all subsequent media organizations. The coordinator has the duty to pool their coverage with other organizations and ensure that all subsequent organizations know the limitations of coverage and any other special limitations the presiding judge may issue.
- 2.2 The organization designated as the coordinator shall post their contact information and any special limitations on coverage as ordered by the presiding judge, on the provided notice board in the media room of the designated courtroom for the duration of the trial. Contact information and special limitations on coverage shall be posted on the notice board immediately after receiving permission from the presiding judge.

- 2.3 The media organization should first check the notice board prior to securing permission for coverage. If a media organization has already been designated as the coordinator, the organization listed on the notice board rather than the individual presiding judge shall be contacted to receive information about coverage.
- 2.4 The presiding judge shall at all times have authority to prohibit, modify or terminate electronic media coverage of public judicial proceedings

Rule 3. Permissible Spaces

The use of electronic media equipment for media coverage of the trial shall be confined to the media room adjacent to the courtroom in which the trial is being conducted. Cameras used for coverage of the trial shall not be used in any other part of the Gaston County Courthouse, including but not limited to corridors and lobbies.

Rule 4. Equipment and Personnel

Not more than two television cameras shall be permitted in the media room and not more than one still photographer, utilizing not more than two still cameras with not more than two lenses for each camera, shall be permitted in the media room. The media are encouraged to cooperate in pooling their equipment and personnel.

- 4.1 The use of flash photography or other artificial lights is strictly prohibited at all times.
- 4.2 While the trial proceedings are being conducted, the overhead lights in the media room shall be turned off.
- 4.3 All cameras shall be in a fixed location with a silence box so as not to create disruption. Cameras creating a disruption shall be removed.

Rule 5. Movement of Media Equipment

Media equipment shall not be taken into the media room or removed from the media room except at the following times and upon discretion from the presiding judge:

- a. Prior to the convening of proceedings;
- b. During the luncheon recess;
- c. During any court recess; and
- d. After adjournment for the day of proceedings.

Rule 6. Prohibited Coverage

- (1) Coverage of the following types of judicial proceedings is expressly prohibited: adoption proceedings, juvenile proceedings, proceedings held before clerks of court, proceedings held before magistrates, probable cause proceedings, child

- custody proceedings, proceedings for the hearing of motions to suppress evidence, proceedings involving trade secrets, and in camera proceedings.
- (2) Coverage of the following category of witnesses is expressly prohibited; police informants, minors, undercover agents, relocated witnesses, and victims and families of victims of sex crimes.
 - (3) **COVERAGE OF JURORS IS PROHIBITED AT ALL TIMES.** Jurors shall not be photographed, filmed or interviewed. This prohibition shall apply both inside and outside the Gaston County Courthouse.
 - (4) Coverage of any witness under the age of sixteen (16) years is prohibited. This prohibition shall apply both inside and outside the Gaston County Courthouse.
 - (5) Interviews or discussion of the trial shall not be permitted in the presence of any jurors including but not limited to when any juror is present in the courtroom, hallway or outside the courthouse facility.
- 6.1 Electronic Media may be operated only with advance permission from the presiding judge during pre-trial proceedings and open sessions of court, including motions, declaratory judgment hearings, preliminary injunctions or other evidentiary or legal proceedings in the discretion of the presiding judge; Electronic Media may be operated only with advance permission from the presiding judge during trial proceedings, including the opening statements of counsel, during testimony by permissible witnesses, during closing arguments of counsel during the jury charge, and during the rendering of the verdict, in the discretion of the presiding judge. Electronic Media shall not be used at any other time.
- 6.2 There shall be no audio pickup or broadcast of conferences between attorneys and their client, co-counsel, or between counsel and the presiding judge at the bench.
- 6.3 Pursuant to Rule 3.6 of the North Carolina Rules of Professional Conduct, a lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter. As a media organization, we encourage you to respect these limitations when interviewing lawyers about cases. There are also guidelines as to what information could be perceived as prejudicial to a fair trial, including, but not excluded to:
- a) The character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a party or witness;
 - b) In a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, or statement given by a defendant or suspect or that person's refusal or failure to make a statement;
 - c) The performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;
 - d) Any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration;

- e) Information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk prejudicing an impartial trial; or
- f) The fact that a defendant has been charged with a crime, unless there is included herein a statement explaining that the charge is merely an accusation, and that the defendant is presumed innocent until and unless proven guilty.

6.4 Any lawyer retains the right to refuse to make a public statement in his or her discretion or as ordered by the court.

Rule 7. Enforcement

The Sheriff of Gaston County and his deputies are authorized to enforce the provisions of this Order.

- 7.1 Each media organization shall be responsible for ensuring that its representatives are both aware of and understand the provisions of these Rules.
- 7.2 A violation of the provisions of these Rules shall be punishable by contempt of court and shall also be grounds for terminating all use of electronic media within the Gaston County Courthouse.

Rule 8. Effective Date of These Rules

These Local Rules governing electronic media in the courthouse facility shall be effective June 10, 2025.