



STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT

NAN G. NASH
CHIEF JUDGE

POST OFFICE BOX 488
ALBUQUERQUE, NEW MEXICO 87103
505-841-7531
FAX: 505-841-6785

MEMORANDUM

To: Members of the Media
From: Nan G. Nash, Chief Judge
James Noel, CEO, Clerk of the Court
Re: Media Access to Courthouse
Date: June 2, 2015

New Mexico Courts have noted the importance of access to the courts and to court proceedings by the news media, which act as a surrogate for the public. The work of the press in reporting on the legal system plays an important role in maintaining public confidence in the administration of justice. In recognition of this principle, the New Mexico Supreme Court and the U.S. Supreme Court have established rigorous tests that must be met before news media access to court proceedings are restricted. This does not mean, however, that news media has unfettered access to the Courts.

The media is authorized, by New Mexico Supreme Court rule and case law, to broadcast, televise, photograph and record court proceedings in the Supreme Court, Court of Appeals, District and Metropolitan Courts of the State of New Mexico. Under the New Mexico Supreme Court's Rule 23-107 NMRA, cameras and recording devices are allowed in the courtroom as long as they comply with the guidelines set forth in the Rule. In addition, the media coverage must not "detract from the dignity of the court proceedings or otherwise interfere with the achievement of a fair and impartial hearing..." and the "...decorum and dignity of the court... must be maintained at all times." (Rule 23-107(C)). The Rule grants these privileges only to "persons or organizations that are part of the news media." (Rule 23-107(E)).

New Mexico Supreme Court Rule 23-107 authorizes Courts to establish safeguards to ensure that media coverage will not detract from the dignity of the court and of Court proceedings. The Clerk of the Court is charged with ensuring Court staff are able to perform their duties without harassment or interruption by the press, and that the press does not present a

safety risk to Court employees, visitors, litigants, attorneys, or others present in the Courthouse. To this end, and in accordance with governing rules, established practice and policy, broadcasters, photographers, film crews and reporters are required to notify the Clerk of the Court at least twenty-four (24) hours in advance of their desire to cover a court proceeding. In addition, and in accordance with established practice and policy, the press is prohibited from filming, photographing, interviewing, or related activity, in the Court's hallways, lobbies and elevator foyers. Recent violations of these policies, and recent actions aimed at detracting from the dignity of the Court necessitate distribution of this reminder of the Court's longstanding policy regarding media and the Court:

Credentialed members of the media (including but not necessarily limited to broadcasters, photographers, film crews and reporters, collectively referred to hereinafter as "members of the media," "members of the press" or "the press") shall provide at least twenty-four (24) hours advanced notice to the Clerk of the Court of their desire to report on any matter within or regarding the Court. Members of the media shall enter the Courthouse through its main entrance and through Court Security. Upon entrance, members of the media shall proceed to Court Administration to "sign-in" with the Clerk of the Court and to verify that they provided twenty-four hours advanced notice to the Court. In the event members of the media have phones, cameras, or other audio-visual recording devices or other devices utilized by members of the media in their professional capacity, Court Security shall hold all such equipment until those members of the media have verified to Court Security that they signed-in with the Clerk of the Court. Members of the media are prohibited from filming, photographing, interviewing, or engaging in related activity, in the Court's hallways, lobbies and elevator foyers without authorization from the Clerk of the Court. The media's coverage of Court proceedings is governed by Rule 23-107. The press may conduct interviews outside the Courthouse on Courthouse grounds but shall not impede ingress and egress from the Courthouse. Media outlets that fail to comply with this policy will be escorted from the Courthouse and off Courthouse grounds as determined by Court Security. Once the media has completed their activities in the Courthouse, they shall sign-out with the Clerk of the Court.

cc: Second Judicial District Court Judges
Second Judicial District Court Employees
Sgt. Javier Madrid, BCSO Court Security