

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac Street Centennial, Colorado 80112	<b>EFILED Document</b> <b>CO Arapahoe County District Court 18th JD</b> <b>Filing Date: Jun 26 2009 2:49PM MDT</b> <b>Filing ID: 25860367</b> <b>Review Clerk: N/A</b>
STATE OF COLORADO, ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL,  Plaintiff,  v.  COLORADO HUMANE SOCIETY & S.P.C.A., INC.; MARY C. WARREN, an individual; ROBERT WARREN, an individual; and STEPHENIE L. GARDNER, an individual;  Defendants.	<p style="text-align: center;">▲ <b>COURT USE ONLY</b> ▲</p> <hr/> Case No.: 2008 CV 2659 Div: 404
<b>ORDER RE: REQUEST FOR EXPANDED MEDIA COVERAGE</b>	

THIS MATTER comes before the Court for consideration of the Petitioner's (KWGN-TV) request for expanded media coverage of the civil contempt proceedings presently scheduled for July 9, 2009. The Court has reviewed the motions and briefs from the parties and rules as follows:

**Standards for Authorizing Coverage**

Canon 3(8)(b) of the Colorado Code of Judicial Conduct provides the standard of authorizing extended media coverage. In determining whether expanded media coverage should be permitted, a Judge shall consider the following factors:

1. Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial.
2. Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum, and dignity of the Court; and

3. Whether expanded media coverage would create adverse effects that would be greater than those caused by traditional media coverage.

### **Discussion / Analysis**

The Petitioner(s) seek expanded media coverage in this case for the civil contempt hearing set on July 9, 2008. After consideration of the above listed 3 factors, this Court believes that limited expanded media coverage should be permitted. However, this Court will require strict adherence to the parameters outlined in Canon 3(a)(8) of the Colorado Code of Judicial Conduct. As a reminder to the Petitioners, the Court highlights the following limitations of expanded media coverage:

(c) **Limitations on Expanded Media Coverage.** Notwithstanding this authorization to conduct expanded media coverage, there shall be no:

- (I) Expanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments;
- (II) Expanded media coverage of jury Voir Dire;
- (III) Audio recording or “zoom” close up photography of bench conferences;
- (IV) Audio recording or close up photography of communications between counsel and client or co-counsel;
- (V) Expanded media coverage of in camera hearings;
- (VI) Close up photography of members of the jury.

This Order only authorizes expanded media coverage for the Court’s ruling with regard to the contempt proceedings which may or may not occur on the day of the hearing and for the imposition of any sanction should such be imposed, both with the full compliance of all applicable restrictions. This expanded media coverage order shall not apply to any statements by either counsel or witnesses. This Order shall not apply to any other proceedings, at this time.

(d) **Authority to Impose Restrictions on Expanded Media Coverage.** A Judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the Court or to protect the parties, witnesses, or jurors. A Judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this Canon or additional rules

imposed by the Judge have been violated; or (2) substantial rights of individual participants or rights to a fair trial will be prejudiced by such coverage if it is allowed to continue.

Thus the expanded media coverage granted for July 9, 2009 is subject to revocation by this Court.

**This Court's Conditions for Coverage.** Expanded media coverage shall be conducted only under the following conditions. The Judge maintains final approval of all arrangements:

Equipment limitations.

1. Video. The media shall be given access to this Court Room, and the Petitioners shall be responsible for pooling pursuant to the arrangements outlined below should other media outlets seek coverage. There shall be only one such camera in the Court Room from which the proceedings may be viewed. Only one person shall be permitted to operate the one videotape, television, or motion picture camera. The camera operator may use a tripod, but shall not change location while Court is in session, and must be behind the first row of seats in the gallery at all times.
2. Audio. No audio recording of any kind shall be permitted at any time in the Courtroom.
3. Still Cameras. Only one still photographer shall be permitted in the Court Room. The still photographer may use a tripod, but regardless of whether a tripod is used he/she shall not change location while Court is in session, and must be behind the first row of seats in the gallery at all times.
4. Lighting. No movie lights, flash attachments, or sudden lighting changes shall be permitted. No modification or addition of lighting equipment shall be allowed.
5. Operating Signals. No visible or audible light or signal (tally light) shall be used on any equipment.

***Pooling Arrangements.*** The media shall be solely responsible for designating one media representative to conduct each of the categories of expanded media coverage listed above, and for arranging an open and impartial distribution scheme with a distribution point located outside of the Courthouse. If no agreement can be reached on either of these matters, there shall be no expanded

media coverage of that type. Neither Judges no other Court personnel shall be called upon to resolve any disputes concerning pooling arrangements.

**Conduct of Media Representatives.**

1. Persons conducting expanded media coverage shall handle themselves in a manner consistent with the decorum and dignity of the Courtroom. The following practices shall apply:
2. Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction;
3. Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment. Persons operating such equipment shall not wear clothing bearing any such identifying information; and
4. No equipment used to provide expanded media coverage shall not be placed in, or removed from, the Courtroom Room while Court is in session. No film, videotape, or lens shall be changed within a Court Room while Court is in session.

**ACCORDINGLY**, this Court hereby GRANTS the Petitioners request for extended media coverage for the Defendants Court's ruling and sentencing on July 9, 2009 or on any date to which such may be continued subject to the terms and conditions of Canon 3(a)(8) of the Colorado Code of Judicial Conduct and this Order.

Copies of this Order to be provided to counsel of record and Petitioners.

SO ORDERED THIS 29<sup>TH</sup> DAY OF JUNE, 2009.

BY THE COURT:



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Charles M. Pratt  
District Court Judge