

STATE OF NEW MEXICO
COUNTIES OF LOS ALAMOS, RIO ARRIBA, AND SANTA FE
FIRST JUDICIAL DISTRICT

April 24, 2024

D-101-CV-1977-052749

IN THE MATTER OF ELECTRONIC
DEVICE USE IN THE DISTRICT
COURTS AND MAGISTRATE
COURTS OF THE FIRST JUDICIAL
DISTRICT

AMENDED ORDER

THIS MATTER came before the Court upon its own motion to consider the use of electronic devices in the District Courts and Magistrate Courts of the First Judicial District for recording and other purposes. On January 9, 2024, the Court entered an Order in the above-captioned cause. The Court now finds it necessary to amend the January 9, 2024 Order. Therefore, being otherwise fully advised, the Court hereby adopts the following amended policy for the District Courts and Magistrate Courts within the First Judicial District.

- I. Scope: Santa Fe County Courthouse, 225 Montezuma Ave, Santa Fe, New Mexico, 87501; Rio Arriba County Courthouse, 7 Main Street, Tierra Amarilla, NM 87575; Los Alamos County Courthouse, 2500 Trinity Drive, Suite D, Los Alamos, NM 87544; Santa Fe County Magistrate Court, 2056 Galisteo Street, Santa Fe, NM 87505; Rio Arriba County Magistrate Court, 1127 Santa Clara Peak Road, Española, NM 87532; Rio Arriba County Magistrate Court – Circuit Court, 2332 Highway 17, Chama, NM 87520; Los Alamos County Magistrate Court, 2500 Trinity Drive, Suite D, Los Alamos, NM 87544.
- II. Authority: Rule 23-109(B)(1), (B)(6), (B)(18) NMRA; Rule 23-107 NMRA; Rule 1-090 NMRA; Rule 1-092 NMRA; Rule LR1-106 NMRA; Rule LR1-117 NMRA;

NMSA 1978, § 35-1-37 (2021); NMSA 1978, § 35-7-1 (2021); Rule 2-102 NMRA; Rule 6-102 NMRA.

- III. Duration: Indefinite.
- IV. Effective Date: Immediate.
- V. Objective: The objectives of this policy are as follows: (a) to ensure that parties are afforded a fair and impartial hearing; (b) to ensure that individuals with business at the Courts conduct themselves in a manner befitting the dignity of the Courts; (c) to ensure that the operations of the Courts are conducted safely, transparently, without undue interruption or interference, and with no impediment to open public access; and, (d) to address security issues that electronic devices and recordings may pose.
- VI. Policy:
 - a. Use of Electronic Devices in the Courthouse.
 - i. Cell phones with cameras, and any other device capable of photographing or recording video or audio (“electronic devices”), are permitted within the courthouse.
 - ii. However, no electronic device may be used to broadcast, televise, photograph, or record in the courthouse, unless the individual—including a member of the news media—seeking to broadcast, televise, photograph, or record has received express permission from either: (1) the Chief Judge of the First Judicial District Court if the event occurs within a District Courthouse; or, (2) the Presiding Magistrate of the applicable Magistrate Court if the event occurs within a Magistrate Courthouse.
 - iii. The Chief Judge of the First Judicial District Court or the Presiding Magistrate of the applicable Magistrate Court may deny a request for permission to broadcast, televise, photograph, or record with or without stated cause. Request for permission to broadcast, televise, photograph, or record must be made at least one (1) business day in advance of the event.
 - iv. For purposes of subsections VI.a.ii and VI.a.iii above, the Court hereby grants express permission to credentialed members of news media outlets identified in the attached Court’s Appendix 1 such that they are authorized to broadcast, televise, photograph, or record events in public, non-restricted

areas where there is no expectation of privacy (*e.g.*, general lobby areas and publically accessible corridors to a courtroom) of First Judicial District courthouses on an ongoing, standing basis.

- v. The Court reserves the right to impose reasonable time, manner, and place limitations on any broadcasting, televising, photographing, or recording of an event or events in First Judicial District courthouses. In the instance of an event or events expected to receive heightened media attention, the Court will notify media outlets of any time, manner, and place limitations in advance of the event or events through a public information officer of the New Mexico Administrative Office of the Courts or a court official from the First Judicial District.
 - vi. This subsection does not apply to the use of electronic devices in a physical or remote courtroom, which is addressed below.
- b. Use of Electronic Devices in Physical and Remote Courtrooms.
- i. Attendees of in-person or remote proceedings may possess electronic devices in a physical or remote courtroom. However, all electronic devices must be set to silent mode and not used in any manner that disrupts a courtroom proceeding. *See, e.g.*, Rule LR1-106 NMRA, Rule 1-090 NMRA, Rule 2-102 NMRA.
 - ii. While electronic devices such as cell phones may be present in a physical or remote courtroom, individuals are not authorized to broadcast, televise, photograph, or record in-person or remote judicial proceedings pursuant to Rule 23-107(F) NMRA. *See also* Rule LR1-117 NMRA.
 - iii. Nonjudicial proceedings, such as weddings or other ceremonies, may be broadcasted, televised, photographed, or recorded with the permission and under the supervision of the judge presiding over the nonjudicial proceeding.
 - iv. Members of the news media shall follow Rule 23-107 NMRA and Rule LR1-117 NMRA when seeking to broadcast, televise, photograph, or record in-person or remote court judicial proceedings.

c. Analog Devices.

- i. An individual seeking to use an analog device—such as a camera employing film photography—to broadcast, televise, photograph, or record in either the courthouse, or in a physical or remote courtroom, must follow this policy as though the analog device were an electronic device.


d. Exceptions.

- i. This policy does not apply to members of law enforcement engaged in recording via lapel cameras or other means in connection with their official duties.
- ii. This policy does not apply to any closed-circuit video monitoring or recording of courthouses conducted by law enforcement or the Administrative Office of the Courts.
- iii. This policy does not apply to any court staff, such as court monitors, engaged in recording authorized by a presiding judge.

e. Violations of Policy.

- i. Use of electronic devices or analog devices in violation of this policy or other court rule may result in the imposition of sanctions by the court including, but not limited to, removal from the courthouse, fines levied, being held in contempt of court, and denial of the motion or relief requested at a hearing.

IT IS SO ORDERED.



BRYAN BIEDSCHEID
CHIEF DISTRICT COURT JUDGE
DIVISION VI
FIRST JUDICIAL DISTRICT

Court's Appendix 1
to April 24, 2024 Amended Order in
In the Matter of Electronic Device Use in the District Courts and Magistrate Courts
of the First Judicial District, Cause No. D-101-CV-1977-052749

Santa Fe New Mexican Santa Fe Reporter Albuquerque Journal Rio Grande Sun KOB-TV KOAT-TV KRQE-TV KLUZ-TV New Mexico PBS The Associated Press Reuters Courthouse News Service Source NM New Mexico Political Report New Mexico In Depth City Desk ABQ Searchlight New Mexico Albuquerque Business First The Paper Rio Rancho Observer Daily Lobo Valencia County News-Bulletin Edgewood Independent KUNM KSFR-FM KKOB-AM KTRC KBAC KVSF	Taos News Las Vegas Optic Las Cruces Bulletin Roswell Daily Record Quay County Sun Eastern New Mexico News Gallup Independent Hobbs News-Sun Artesia Daily Press Silver City Daily Press Tri-City Record Gannett Newspapers in NM <ul style="list-style-type: none">○ Las Cruces Sun-News○ Carlsbad Current-Argus○ Alamogordo Daily News○ Farmington Daily Times○ Ruidoso News
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