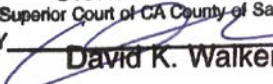


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FILED

March 13, 2023

Clerk of the Court
Superior Court of CA County of Santa Clara
BY  DEPUTY
David K. Walker

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA**

**STANDING ORDER
USE OF RECORDING DEVICES IN COURTHOUSE FACILITIES
AND OVER AUDIO OR VIDEO PLATFORMS**

This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

It is well settled that while the media has the right to attend and report on open judicial proceedings, there is no constitutional right to photograph or otherwise electronically record them. (See *Marin Independent Journal v. Municipal Court* (1993) 12 Cal.App.4th 1712, 1718 [“Electronic recording of judicial proceedings is subject to the discretion of the court”], citing *Nixon v. Warner Communications, Inc.* (1978) 435 U.S. 589, 610.) Furthermore, a courthouse facility qualifies as a nonpublic forum. (See, e.g. *United States v. Grace* (1983) 461 U.S. 171, 178.)

Consistent with case law, California Rules of Court, rule 1.150 and Superior Court of California, County of Santa Clara General Court and Administration Rules, Rule 2, unless permitted upon proper Order of the Court, no photographs, video recordings or audio recordings may be taken with any device capable of photographing, recording or broadcasting (1) anywhere

1 in any courthouse facility; or (2) of court proceedings over any audio or video platform. Taking
2 photographs, video recordings or audio recordings in any courthouse facility or of a court
3 proceeding over any audio or video platform without proper Order of the Court may be considered
4 a violation of various statutes and rules and may be referred for prosecution. (See Penal Code
5 §632.) This order supersedes every prior order related to use of recording devices in courthouse
6 facilities.

7 IT IS SO ORDERED.

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9 Dated: March 13, 2023



10 Presiding Judge Beth McGowen
11 Santa Clara County Superior Court
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