

Maryland Judicial Ethics Committee

Opinion Request Number: 1979-02

Date of Issue: March 12, 1979

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Induction Ceremonies May Be Photographed and Televised by News Media

On behalf of X Court you have requested our opinion concerning news media coverage of the ceremony [f]or induction of new judges. The ceremony is held in a courtroom as a special meeting of [the Court] with attending judges robed. You advise permission is often sought to photograph or televise the event. Such permission has been denied by your [Court], while other circuits have so allowed. Further, you call our attention to the exceptions of Rule 11 concerning the words “investiture” and “ceremonial”.

Generally, there is no prohibition by the Canons and Rules of Judicial Ethics to the photographing, televising or broadcasting in or from any courtroom or any courtroom with judges meeting therein, robed or not.

Specifically, when there is a “judicial proceeding” or just before or after same, in or near a courtroom then the Maryland Canons and Rules of Judicial Ethics would apply as follows:

Canon XXXIV, Improper Publicizing of Court Proceedings provides:

“Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the courtroom, during sessions of the court or recesses between sessions, and the broadcasting or televising of court proceedings detract from the essential dignity of the proceedings, distract participants and witnesses in giving testimony, and create misconceptions with respect thereto in the mind of the public and should not be permitted.

“Provided that this restriction shall not apply to the broadcasting or televising, under the supervision of the court, of such portions of naturalization proceedings (other than the interrogation of applicants) as are designed and carried out exclusively as a ceremony for the purpose of publicly demonstrating in an impressive manner the essential dignity and the serious nature of naturalization. (Adopted 1971.)” ...

Rule 11 of Judicial Ethics provides:

“A judge shall not permit any photograph or moving picture to be taken or radio or television broadcast, transmission, or recording during judicial proceedings, during recess or before or after proceedings, in the courtroom, or in adjoining corridors or offices.

This rule applies to all judicial proceedings but is not applicable to investiture, ceremonial, or naturalization proceedings. (Adopted 1971; revised and renumbered 1974.)” ...

The legal definitions, by the authority of Bouvier’s Law Dictionary, Rawle’s Third Edition, are as follows:

“Proceedings) In its general acceptation, the form in which actions are to be brought and defended, the manner of intervening in suits, of conducting them, the

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mode of deciding them, of opposing judgments, and executing.”

“Judicial Proceedings) That which takes place in or under the authority of a court of justice, or which relates in some way to the administration of justice, or which legally ascertains any right or liability.”

By these definitions, neither your bench meeting nor the inductions would be considered a legal or judicial proceeding. Further support is based on [Opinion Request No. 1975-07], issued May 28, 1975, on the question of taping a mock trial, which provides:

“That the participation by the judge was not proscribed by either the Maryland Canons of Judicial Ethics or the Maryland Rules of Judicial Ethics, and that his appearance on such a program, which was later to be televised, might even be encouraged by Maryland Canon XXII.”

This opinion, and [Opinion Request Nos. 1973-05 and 1974-09] state “that the tape could not be used in support of an appeal for funds nor could it be directly sponsored by an advertiser.”

Maryland Canon XXII, Legislation:

“A judge should contribute to the public interest by advising, suggesting, and supporting rules and legislation which, from his judicial observation and experience, will improve the administration of justice. (Adopted 1971) Cross Reference: Md. Rule 1226a.” (See also [Opinion Request No. 1975-11]).

Judges have a duty to inform and educate the public within the limitations of Canon IV, Avoidance of Impropriety which provides:

“A judge’s official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach. (Adopted 1971).”

There is a need to encourage the public to know more about the judiciary and the judicial system. Accordingly, appropriate publicity should be given to investiture ceremonies and other court events which are not “judicial proceedings.”

We conclude the answer to your question is the induction ceremonies would not violate Rule 11 or any other Rule or Canon of Judicial Ethics.