

No. 81-300

STATE OF MINNESOTA

IN SUPREME COURT

In Re

Modification of Canon 3A(7) of the
Minnesota Code of Judicial Conduct

WCCO Radio, Inc.; WCCO Television, Inc.;
WCCO FM, Inc.; WTCN Television, Inc.;
United Television, Inc.-KMSP-TV; KTTC
Television, Inc.; Hubbard Broadcasting,
Inc.; Minneapolis Star and Tribune Company;
Minnesota Public Radio, Inc.; Twin Cities
Public Television, Inc.; Minnesota
Broadcasters Association; Minnesota News-
paper Association; Radio and Television
News Directors Association, Minnesota
Chapter; and Sigma Delta Chi/Society of
Professional Journalists, Minnesota Chapter;
and Northwest Publications, Inc.

PETITION FOR
MODIFICATION OF
CANON 3A(7) OF
THE MINNESOTA
CODE OF JUDICIAL
CONDUCT

Petitioners.

Petitioners allege as follows:

1. WCCO Radio, Inc. is a Minnesota corporation which
operates an AM radio station in the metropolitan Twin Cities
area.

2. WCCO Television, Inc. is a Minnesota corporation which
operates a television station in the metropolitan Twin Cities
area.

3. WCCO FM, Inc. is a Minnesota corporation which operates
an FM radio station in the metropolitan Twin Cities area.

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- 1 4. WTCN Television, Inc. is a Minnesota corporation which
2 operates a television station in the metropolitan Twin
3 Cities area.
- 4 5. United Television, Inc.-KMSB-TV is a Minnesota corporation
5 which operates a television station in the metropolitan Twin
6 Cities area.
- 7 6. KTTC Television, Inc. is a Minnesota corporation which
8 operates a television station in the Rochester, Minnesota area.
- 9 7. Hubbard Broadcasting, Inc. is a Minnesota corporation
10 which owns and operates a television station and AM and FM
11 radio stations in the metropolitan Twin Cities area, under
12 the call letters KSTP.
- 13 8. Northwest Publications, Inc. is a Minnesota corporation
14 which publishes The St. Paul Pioneer Press and The St. Paul
15 Dispatch, both daily newspapers.
- 16 9. Minneapolis Star and Tribune Company is a Delaware cor-
17 poration which publishes The Minneapolis Star and The
18 Minneapolis Tribune, both daily newspapers.
- 19 10. Minnesota Public Radio, Inc. is a Minnesota non-profit
20 corporation which operates seven public, non-commercial
21 radio stations throughout Minnesota.
- 22 11. Twin Cities Public Television, Inc. is a Minnesota non-
23 profit corporation which operates two public, non-commercial
24 television stations in the metropolitan Twin Cities area.
- 25
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1 12. The Minnesota Broadcasters Association is a Minnesota
2 non-profit corporation which represents the interests of
3 radio and television stations located throughout Minnesota.

4 13. The Minnesota Newspaper Association is a Minnesota
5 non-profit corporation which represents the interests of
6 approximately 300 daily and weekly newspapers.
7

8 14. Radio and Television News Directors Association, Minnesota
9 Chapter, is an unincorporated voluntary association of news
10 directors of many Minnesota radio and television stations.

11 15. Sigma Delta Chi/Society of Professional Journalists,
12 Minnesota Chapter, is an unincorporated voluntary association
13 of Minnesota journalists.
14

15 JURISDICTION

16 16. Pursuant to Article VI of the Constitution of the State
17 of Minnesota, and the provisions of Minn.Stat. §§480.05 and
18 480.051, this Court has the power to prescribe, amend and
19 modify the rules of practice before it, and to regulate the
20 practice and procedure in all courts of this state.

21
22 17. Petitioners seek an Order modifying the Code of Judicial
23 Conduct, promulgated by this Court, and, in order to present
24 this issue to the Court for its determination, seek a suspen-
25 sion of the rules of practice, and seek further proceedings
26 as this Court may see fit.

27 ///

28 ///

1 PRESENT LANGUAGE OF CANON 3A(7)

2 18. The Code of Judicial Conduct was adopted by this Court
3 on February 20, 1974. All judges of the State of Minnesota
4 are required to comply with it.

5
6 19. Canon 3A(7) reads as follows

7 (7) A judge should prohibit broadcasting, televising,
8 recording, or taking photographs in the courtroom and areas
9 immediately adjacent thereto during sessions of court or
10 recesses between sessions, except that a judge may authorize:

11 (a) the use of electronic or photographic
12 means for the presentation of evidence, for the
13 perpetuation of a record, or for other purposes
14 of judicial administration;

15 (b) the broadcasting, televising, recording,
16 or photographing of investitive, ceremonial, or
17 naturalization proceedings;

18 (c) the photographic or electronic recording
19 and reproduction of appropriate court proceedings
20 under the following conditions:

21 (i) the means of recording will not
22 distract participants or impair the dignity
23 of the proceedings;

24 (ii) the parties have consented, and
25 the consent to being depicted or recorded
26 has been obtained from each witness appearing
27 in the recording and reproduction;

28 (iii) the reproduction will not be
exhibited until after the proceeding has been
concluded and all direct appeals have been
exhausted; and

 (iv) the reproduction will be exhibited
only for instructional purposes in educational
institutions.

20. By its terms, the Canon prohibits broadcasting, televising,
recording or photographing in the courtroom and adjacent areas
during sessions of court.

21. There are certain exceptions to this prohibition which are
narrowly defined, and which do not apply to the news media.

///

1 22. Photographic and electronic broadcast coverage of
2 judicial proceedings by the news media would enhance the
3 public's understanding of and respect for the judicial system.

4
5 REQUEST FOR MODIFICATION

6 WHEREFORE, Petitioners respectfully request that Canon 3A(7)
7 be modified to permit photographic and electronic broadcast
8 coverage of judicial proceedings by the news media, subject
9 to such reasonable restrictions as are necessary to insure
10 fairness and to preserve the dignity and decorum of those
11 proceedings. Specifically, Petitioners request:

12 a. That Canon 3A(7) be amended by adopting
13 the proposed Canon and Guidelines attached
14 to this Petition as Exhibits "A" and "B";

15 b. In the event this Court feels that more
16 information concerning the effects of photo-
17 graphic and electronic broadcast coverage on
18 judicial proceedings is necessary, that the
19 proposed rule be adopted on an experimental
20 basis for a two-year period for the purpose
21 of gathering such additional information;

22 c. In the event the above requests are not
23 granted, that this Court fashion and adopt
24 its own amendment to Canon 3A(7) which would
25 permit photographic and electronic broadcast
26 coverage of judicial proceedings by the news
27 media, subject to such reasonable restrictions
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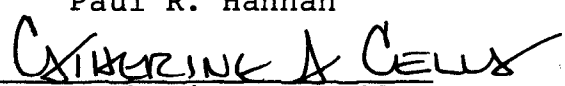
as are necessary to insure fairness and to
preserve the dignity and decorum of those
proceedings.

Respectfully submitted,

Dated: March 18, 1981

OPPENHEIMER, WOLFF, FOSTER,
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Petitioners.

PETITIONERS'
BRIEF IN SUPPORT
OF PETITION FOR
MODIFICATION OF
CANON 3A(7) OF
THE MINNESOTA
CODE OF JUDICIAL
CONDUCT

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1 perspective, to exercise that authority to allow photographic
2 and broadcast coverage of trial court proceedings.

3
4 II. HISTORICAL PERSPECTIVE

5 The American legal profession began to be truly concerned about
6 the effect of cameras and voice recording devices used during
7 court proceedings in 1935 during the trial of Bruno Hauptmann,
8 the man convicted for the kidnap and murder of Charles
9 Lindberg's young son.

10
11 Most commentators agree that Hauptmann's trial was conducted in
12 a circus-like atmosphere. Hundreds of media representatives
13 descended on the small town of Flemington, New Jersey, to cover
14 the trial. See, State v. Hauptmann, 115 N.J.L. 412, 180 A. 809
15 (1935), cert. denied, 296 U.S. 649 (1935).

16
17 Although the appeals court in Hauptmann didn't feel that the
18 press was out of line in its coverage of the trial, remarking
19 that "The press and public were entitled to reports of the daily
20 happenings, and it was quite proper for the trial judge to
21 afford reasonable facilities for sending such reports..." 180
22 A. at 827, some members of the legal profession were not pleased
23 with the media's coverage. In response to the perceived
24 indecorum of the Hauptmann trial the Judicial Section of the
25 American Bar Association reported to the 1935 Bar Convention
26 that it had unanimously adopted a resolution on judicial

1 decorum. The resolution contained the following statement:
2 "...No court should permit its sessions to be interrupted by
3 broadcasting or by the taking of photographs or moving
4 pictures." The Judicial Section also recommended that the
5 Canons of Judicial Ethics be amended to incorporate the
6 resolution. 60 A.B.A. Reports 121-122 (1935).

7
8 In January of 1936 the American Bar Association appointed a
9 Special Committee on Cooperation Between the Press, Radio and
10 Bar to study the issue of trial publicity. The Committee
11 contained not only lawyers but also representatives from the
12 American Newspaper Publishers Association and the American
13 Society of Newspaper Editors. The Special Committee refused to
14 adopt a resolution banning cameras and audio equipment from the
15 courtroom. 62 A.B.A. Reports 851-866 (1937).

16
17 When the Special Committee's report and recommendations were
18 given at the 1937 Bar Convention, there was some discussion of
19 the Committee's recommendation supporting the use of cameras in
20 the courtroom. Two days later, however, at the same convention,
21 the House of Delegates adopted without discussion the
22 recommendations of the Committee on Professional Ethics and
23 Grievances, which included the adoption of Canon 35 of the
24 Canons of Judicial Ethics. Canon 35 provided that:

25 "..."the taking of photographs in the courtroom, ...and
26 the broadcasting of court proceedings are calculated
to detract from the essential dignity of the
proceedings, degrade the court and create

1 misconceptions with respect thereto in the mind of
2 the public and should not be permitted."

3 Id. at 350-352, 761-767.

4 There was apparently no discussion by the House of Delegates of
5 the fact that the Special Committee and the Professional Ethics
6 Committee reached opposite conclusions about the propriety of
7 cameras and voice recording equipment in a court of law.
8

9 In 1952, in recognition of the fact that television was now a
10 medium of mass communication, Canon 35 was amended to include a
11 ban on "televising" court proceedings as well. Ironically, the
12 Canon was also amended to specifically allow the broadcasting or
13 televising of the ceremonial portions of naturalization
14 proceedings "for the purpose of publicly demonstrating in an
15 impressive manner the essential dignity and the serious nature
16 of naturalization."
17

18 Although Canon 35 had no binding effect on the courts, it was
19 adopted by many states. By 1965 when the celebrated Estes v.
20 Texas case was decided by the United States Supreme Court, only
21 Colorado, Texas and possibly Oklahoma permitted the
22 broadcasting of trials. Rule 53 of the Federal Rules of
23 Criminal Procedure, adopted in 1946, prohibited taking pictures
24 or broadcasting during federal criminal court proceedings and
25 the Judicial Conference of the United States went on record in
26

1 1962 condemning the taking of pictures and the broadcasting by
2 radio, television or other means during any proceedings in
3 Federal Court.

4
5 The fervor against picture taking and radio and television
6 broadcasting of court proceedings came to a head in Estes
7 v. Texas, 381 U.S. 532 (1965). Billie Sol Estes, a well-known
8 financier, was convicted in Texas for swindling. His trial was
9 taped, over his objection, for re-broadcast by both radio and
10 television. He appealed his conviction on the ground that the
11 broadcasting of his trial deprived him of his right to due
12 process. The Texas appeals court rejected Estes' arguments and
13 affirmed his conviction. The Supreme Court of the United
14 States, in a 5-4 decision with six separate opinions, reversed
15 his conviction and held that the broadcasting of his trial did
16 deprive Estes of his right to due process.

17
18 Four members of the majority in Estes felt that the broadcasting
19 of criminal trials was inherently a denial of due process. Id.
20 at 540. Mr. Justice Harlan, the fifth member of the majority,
21 made it very clear in his concurring opinion that he would go no
22 further than to hold that in a notorious, highly sensational,
23 heavily publicized trial such as Estes', broadcasting of the
24 trial deprived the defendant of his right to due process. Id. at
25 590-591. This limitation on the majority's ruling was
26 specifically pointed out by Mr. Justice Brennan in his brief

1 dissent. He stated, "Thus today's decision is not a blanket
2 constitutional prohibition against the tele-vising of state
3 criminal trials." Id. at 617 (emphasis in the original).
4

5 All three majority opinions stressed that the fact that the
6 policy against the broadcasting of court proceedings was
7 followed by the vast majority of the states, adopted by the
8 Federal Rules of Criminal Procedure, endorsed by the United
9 States Judicial Conference and approved by the American Bar
10 Association was the most telling argument in favor of the
11 Court's opinion. Id. at 544, 580-583, 594.
12

13 Despite the efforts of Justices Harlan and Brennan to make it
14 clear that the Court's decision in Estes was not a complete ban
15 on the broadcasting of criminal trials, it was largely treated
16 as such and after 1965 only Colorado continued to permit the
17 broadcasting of court proceedings.
18

19 The American Bar Association replaced the Canons of Judicial
20 Ethics with the Code of Judicial Conduct in 1972. Canon 35 was
21 replaced by Rule 3A(7). 1/
22
23

24
25 1. The full text of Rule 3A(7) can be found in Petitioner's
26 Petition.
27

1 In 1978, after a year's study, the American Bar Association
2 Committee on Fair Trial--Free Press recommended that the Bar
3 change certain of its fair trial - free press standards. The
4 Committee, stating that audio-visual coverage of court
5 proceedings is not per se inconsistent with a fair trial,
6 proposed permitting such coverage under such rules and
7 supervision as local judges might require, provided the
8 coverage would be unobtrusive and would not affect the conduct
9 of the trial. ABA Standards Relating to Fair Trial - Free Press,
10 (1978 Draft). Although this proposal was endorsed by the ABA
11 Committee on Standards for Criminal Justice and by the Committee
12 on Criminal Justice and the Media, the proposal was rejected by
13 the House of Delegates at the February, 1979 convention. 65
14 A.B.A. J. 304 (1979).

15
16 While the American Bar Association was still unwilling to
17 countenance broadcasting equipment in the country's courtrooms,
18 other groups were not convinced that allowing media coverage of
19 court proceedings would necessarily detract from the dignity of
20 those proceedings. In August of 1978, the Conference of State
21 Chief Justices, by a vote of 44-1, adopted a resolution allowing
22 the highest court of each state to promulgate guidelines
23 regulating media coverage of court proceedings. By late 1978,
24 19 states allowed the broadcast of court proceedings under some
25 conditions. In 17 other states organizations were actively
26 working to change the rules regarding broadcast coverage of

1 court proceedings. White, Cameras in the Courtroom: A
2 U.S. Survey, Journalism Monographs (1979).

3
4 One of the states that experimented with media coverage of its
5 courtrooms was Florida. In 1975 the Florida Supreme Court
6 authorized a limited experiment in media coverage of court
7 proceedings. In 1977, the experiment was expanded to permit
8 broadcast coverage of all Florida courts for one year with no
9 requirement that participants in the proceedings consent.
10 After the conclusion of the experimental period, the Florida
11 Supreme Court reviewed numerous reports, briefs, comments,
12 exhibits, surveys and studies of the broadcast experiment. In
13 April of 1979, the court in a very thorough, thoughtful opinion
14 ruled that Florida's Canon 3A(7) should be permanently amended
15 to permit media access to all courtrooms of the state, subject
16 to any standards promulgated by it and subject to the authority
17 of the presiding judge to control the proceedings before him.
18 Petition of the Post-Newsweek Stations, Florida, Inc., 370
19 So.2d 764 (Fla. 1979).

20
21 During the time that Florida was experimenting with broadcast
22 coverage of its courts, Noel Chandler and Robert Granger, two
23 Miami Beach policemen, were tried and convicted of various
24 crimes relating to the breaking and entering of a well-known
25 Miami Beach restaurant. Although the defendants objected to
26 media coverage of their trial, several portions were taped and

1 about 3 minutes were actually broadcast. The defendants
2 appealed their conviction alleging that because of the media
3 broadcast they had been denied a fair trial.

4
5 The case was eventually appealed by the defendants to the United
6 States Supreme Court, offering the Court an opportunity to
7 comment on the continued viability of Estes in light of the
8 Florida broadcasting experiment.

9
10 The Supreme Court handed down its decision in Chandler on
11 January 26, 1981. In its opinion the Court stated,

12 Estes is not to be read as announcing a
13 constitutional rule barring still
14 photographic, radio and television
15 coverage in all cases under all
16 circumstances. It does not stand as an
absolute ban on state experimentation with
the evolving technology...
Chandler v. Florida, ____ U.S. ____, 49
U.S.L.W. 4141, 4145.

17 After discussing the various arguments used to oppose broadcast
18 coverage and not finding enough empirical evidence to support
19 them, the Court stated that the U.S. Constitution does not
20 prohibit broadcast coverage of court proceedings and therefore
21 "the states must be free to experiment." Id. at 4147.

22
23 By August of 1980, when briefs were being filed in the Chandler
24 case, 28 states had permitted some form of broadcast coverage of
25 their court proceedings and 12 other states were actively
26 studying the possibility of such coverage. Joint Brief for

1 Amici Curiae Radio Television News Directors Association, et
2 al., pp. 23-24. See the Association's detailed report of the
3 applicable laws in all 50 states and the District of Columbia as
4 of August, 1980, attached hereto as Exhibit C.

5
6 Even in the two months since the Chandler decision was
7 published, several states have taken steps to authorize or
8 expand broadcast coverage in their courtrooms. In California, a
9 one year coverage experiment slated to end July 30, 1981 was
10 amended to remove the requirement of obtaining the defendant's
11 consent to broadcast a criminal trial. In South Dakota, a state
12 which has consistently prohibited broadcast coverage, a bill
13 has been introduced which would permit such coverage at the
14 trial judge's discretion. Texas, which since 1976 has allowed
15 coverage of appellate proceedings, is now drafting broadcast
16 coverage guidelines for all its courts which will be submitted
17 to the Texas Supreme Court. Virginia, another state which
18 currently prohibits all broadcast coverage of its courts, has a
19 bill in the state legislature which would authorize the Virginia
20 Supreme Court to draft rules on broadcast coverage.

21
22 Since the middle 1970's the trend is very clear. More and more
23 states have permitted broadcast coverage of trial proceedings.
24 In the six years since Florida began its experimental coverage,
25 the majority of states has permitted some type of broadcast
26 coverage in their courts and the Supreme Court of the United

1 States has declared state experimentation in the area to be
2 proper.

3
4 Minnesota exhibited its usual progressive attitude toward these
5 issues and efforts to change Minnesota's rule against broadcast
6 coverage began in 1977. In that year the Minnesota State Bar
7 Association appointed a Joint Bar, Press, Radio and T.V.
8 Committee to study proposed changes in the media coverage of
9 Minnesota courts. The Joint Committee formulated a series of
10 recommendations which it presented to both the Bar
11 Association's Board of Governors and informally to the Supreme
12 Court.

13
14 Although it had no formal petition before it, on January 27,
15 1978, the Minnesota Supreme Court issued an Order allowing
16 coverage of its proceedings, subject to certain guidelines, on
17 an experimental basis. In less than a month the first appellate
18 proceeding was broadcast.

19
20 In June of 1978 at its annual convention, the Minnesota Bar
21 Association adopted a resolution calling for the experimental
22 coverage of the Supreme Court's proceedings to be made
23 permanent. At the same convention the Bar debated a resolution
24 expressing "overwhelming opposition" to any other change or
25 modification of Canon 3A(7). The resolution was not adopted.
26 However, the Bar did adopt a resolution recommending that the

1 Canon not be changed "pending detailed analysis" of the
2 broadcast experiments in other states by the Joint Committee.

3
4 The Joint Committee was not in a position to make a report of
5 broadcast experiments in other states by the 1979 bar
6 convention, but promised to do so by the 1980 convention. Prior
7 to the 1980 convention, the Joint Committee filed a majority
8 report and two minority reports with the bar's Board of
9 Governors. A voluminous report on experimental coverage in
10 other states was also filed. The majority report proposed a Code
11 of Rules allowing broadcast coverage of Minnesota court
12 proceedings. The Code required notice by the news media of
13 their intent to cover a proceeding as well as the consent of the
14 attorneys, witnesses and jurors. No recommendation for
15 adoption was included in the majority report. When the Board of
16 Governors considered the majority report prior to the 1980
17 convention, it resolved, by a very close vote, that the report
18 be disapproved.

19
20 Of the two minority reports filed by the Joint Committee, one
21 was more liberal in its approach to the broadcast issue than the
22 majority report and the other was more conservative. The more
23 liberal report endorsed the Code of Rules proposed by the
24 majority report but struck out the strict consent rules it
25 contained and substituted a provision allowing any party to
26 object to a broadcast of the proceedings, but only for cause.
27 The more conservative report opposed any change in Canon 3A(7).

1 At the 1980 bar convention, a motion was made to adopt the
2 majority report and its Code of Rules. An amendment to that
3 motion was introduced, calling instead for the adoption of the
4 minority report opposing any change in Canon 3A(7). The amended
5 motion was approved. A proposal to defer the issue until 1981 to
6 allow time to study the action of the U.S. Supreme Court in
7 Chandler was defeated.

8
9 Minnesota was in the vanguard of states when it allowed
10 broadcast coverage of its appellate proceedings in 1978.
11 However, since that time Minnesota has fallen out of step with
12 the rest of the nation. Minnesota is also far behind its
13 Midwestern sister states in allowing broadcast coverage of its
14 courts. Iowa and Wisconsin courts currently permit such
15 coverage and the South Dakota legislature has introduced a bill
16 allowing its courts to do the same.

17
18 The Supreme Court of the United States has endorsed the concept
19 of experimentation with broadcast coverage of the courts,
20 recognizing that only by free experimentation will we ever truly
21 know whether such coverage has any effect on our system of
22 justice. The Minnesota courts cannot refuse to confront this
23 issue.

1 III. CONSIDERATIONS FAVORING BROADCAST
2 COVERAGE OF THE COURTS.

3 Petitioners are not arguing that there is a constitutional right
4 to record or broadcast events which take place in the courtroom.
5 Chandler v. Florida, _____ U.S. _____, 49 U.S.L.W. 4141 (1981);
6 Nixon v. Warner Communications, Inc., 435 U.S. 589 (1977).

7
8 However, the lack of a constitutional mandate does not lessen
9 the impact of the considerations favoring broadcast coverage of
10 our courts. Those considerations are serious and compelling,
11 and are rooted in the basic tenets of our democratic society.

12
13 In Richmond Newspapers, Inc. v. Virginia, _____ U.S. _____, 65
14 L.Ed.2d 973 (1980), Mr. Chief Justice Berger painstakingly
15 recited the common law history of the openness of our judicial
16 process. He came to this conclusion:

17 From this unbroken, uncontradicted history,
18 supported by reasons as valid today as in
19 centuries past, we are bound to conclude that a
 presumption of openness inheres in the very
 nature of a criminal trial under our system of
 justice.

20 Id., 65 L.Ed.2d at 987. 2/

21
22 2. The Supreme Court found a presumption that
 criminal trials remain open. By implication, it
 extended this holding to civil trials as well.

23 "Whether the public has a right
24 to attend trials of civil cases
25 is a question not raised by this
26 case, but we note that
27 historically both civil and
 criminal trials have been
 presumptively open." Richmond
 Newspapers,, supra, 65 L.Ed.2d
 at 992, Fn. 17.

1 Mr. Justice Douglas may have stated the point more succinctly.

2 The trial is a public event. What transpires in
3 the court room is public property.
4 Craig v. Harney, 331 U.S. 367, 374 (1947).

5 In deciding the present issue, the reasons for the presumption
6 of open courtrooms are instructive.

7 The educative effect of public attendance is a
8 material advantage. Not only is respect for the
9 law increased and intelligent acquaintance
10 acquired with the methods of government, but a
11 strong confidence in judicial remedies is
12 secured which could never be inspired by a
13 system of secrecy. 6 J. Wigmore, Evidence §
14 1834, at p. 435 (Chadbourne rev. 1976).

15 The process of dispute resolution in our civil courts and the
16 protections afforded an accused by the criminal process require
17 that the community understand and support the events which occur
18 in our courts and abide by their decisions. Open trials
19 facilitate this knowledge and understanding.

20 As we have shown...the historical evidence
21 demonstrates conclusively that at the time when
22 our organic laws were adopted, criminal trials
23 both here and in England had long been
24 presumptively open. This is no quirk of
25 history; rather, it has long been recognized as
26 an indispensable attribute of an Anglo-American
27 trial. Both Hale in the 17th century and
28 Blackstone in the 18th saw the importance of
openness to the proper functioning of a trial;
it gave assurance that the proceedings were
conducted fairly to all concerned, and it
discouraged perjury, the misconduct of
participants, and decisions based on secret bias
or partiality. Richmond Newspapers, supra, 65
L.Ed.2d at 984.

29 Recently, the role of the press in enhancing the public's
30 respect for the judicial process has expanded. This role was
31 recognized by Mr. Justice Frankfurter in Maryland
32 v. Baltimore Radio Show, Inc., 338 U.S. 912, 920 (1950).

1 One of the demands of a democratic society is
2 that the public should know what goes on in
3 courts by being told by the press what happens
4 there, to the end that the public may judge
5 whether our system of criminal justice is fair
6 and right.

7 Broadcast coverage will assist in disseminating information to
8 the public. This will increase public confidence in the
9 judicial system which is so necessary for its existence.

10 In addition to common law and Sixth Amendment principles, access
11 to trials is also a constitutional right to be enjoyed by the
12 public.

13 In guaranteeing freedoms such as those of speech
14 and press, the First Amendment can be read as
15 protecting the right of everyone to attend
16 trials so as to give meaning to those explicit
17 guarantees. Richmond Newspapers, supra, 65
18 L.Ed.2d at 98.

19 This right of access afforded to the public is, by and large,
20 exercised through the press as a surrogate for the public. This
21 Court will merely extend and broaden the enjoyment of that right
22 of access, by providing the broadcast media with the ability to
23 bring the events transpiring in the courtroom directly to the
24 public. In a sense, such a ruling by this Court will simply
25 acknowledge the fact that the broadcast media have greatly
26 increased their presence in our homes, and will continue to be a
27 major source of information for the public.

1 Finally, the commitment of the State of Minnesota to openness in
2 government is an additional motivation prompting the presence
3 of broadcast coverage in our courts. Examples of such a
4 commitment are found in the Minnesota Data Practices Act, Minn.
5 Stat. §§15.1611 to 15.1698, and in the Open Meeting Law, Minn.
6 Stat. §471.705. The philosophy espoused by this State is to
7 grant its citizens the greatest possible access to government
8 information consistent with the efficient functioning of that
9 government. This commitment can only be strengthened by
10 allowing its citizens to see and hear the judicial process at
11 work.

12
13 IV. PETITIONERS' RESPONSE TO ARGUMENTS RAISED
14 BY OPPONENTS OF BROADCAST COVERAGE OF THE COURTS.

15 The arguments favoring broadcast coverage are intangible. They
16 stem from general principles of legal and social history. They
17 are not readily quantifiable. On the other hand, those
18 arguments raised against broadcast coverage of the courts are
19 described as practical in scope. Or at least, so they may seem.
20 But, these arguments are not only non-quantifiable, the premise
21 behind them is false.

22 A. Broadcast Coverage of the Courts
23 will not Physically Disrupt the Proceedings.

24 The technology which contributed to the Hauptmann, Sheppard and
25 Estes debacles is no longer a part of the modern broadcast
26 experience. Still and electronic cameras are noiseless and
unobtrusive. Garish lighting is no longer necessary. Audio

1 systems in most courts are easily adaptable to broadcast needs.
2 The experiences in Florida and Colorado allowing broadcast
3 coverage of the courts make these facts apparent.
4 Petition of the Post-Newsweek Stations, Florida, Inc. 370
5 So.2d 764 (Fla. 1979); In re Hearing Concerning Canon 35, 296
6 P.2d 465 (Colo. 1956). In fact, this Court need look no further
7 than its own courtroom, the legislature and countless public
8 meeting rooms to test this proposition.

9
10 The proposed Guidelines presented to this Court remove another
11 possible source of disruption. Pooling arrangements among the
12 media decrease the potential dangers of their competition.
13 Specific conditions on broadcasting techniques provide further
14 safeguards. Obviously, a judge's control of his courtroom will
15 eliminate any potential disruption.

16 B. Broadcast Coverage will not Cause
17 Psychological "Disruption" of Court Participants.

18 There is no empirical evidence to prove that witnesses or jurors
19 will be adversely affected by the presence of broadcast media in
20 the courtroom. A survey commissioned by the Florida Supreme
21 Court, and attached as Exhibit D, demonstrates that witnesses
22 and jurors not only suffered few debilitating effects from a
23 media presence, but found that the presence of the media made
24 them slightly more attentive.

1 This is precisely the effect sought from the conduct of judicial
2 business in open courtrooms, which historically "discouraged
3 perjury, the misconduct of participants, and decisions based on
4 secret bias or partiality." Richmond Newspapers, supra, 65
5 L.Ed.2d at 984.

6
7 As Justice Rogosheske observed in State v. Schmidt, 273 Minn.
8 78, 139 N.W.2d 800, 806-807 (1966):

9 The presence of an audience does have a
10 wholesome effect on trustworthiness since
11 witnesses are less likely to testify
12 falsely before a public gathering.

13 Some have feared that the media presence would cause judges or
14 counsel to become more flamboyant. The experiences in Florida
15 and Colorado demonstrate that this fear never materialized. In
16 fact, the Colorado hearings found that participants were more
17 careful of their conduct in the presence of media. In re Hearing
18 Concerning Canon 35, supra, 296 P.2d at 469.

19 Newsworthy events will continue to draw the interest of the
20 public and presence of the press. The significance of those
21 events may well have a psychological impact on the participants
22 in a trial. However, there is no evidence that the presence of
23 broadcast coverage creates incremental stress of measurable
24 proportions. This Court must presume that citizens will
25 continue to act in a responsible manner as they participate in
26 the judicial process.

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C. Broadcast Coverage is not Commercial Exploitation of the Judicial Process.

Broadcast news continues to mature, as more funds are provided for its support, and as the public expectation of thoughtful and analytical treatment of the occurrences in the community grows. To continue to raise this argument debases our citizens, who somehow are thought to be unable to differentiate between the commercials and newscasts to which they are exposed. In addition, this argument ignores the superb broadcasts generated by the public, non-commercial stations which are petitioners before this Court.

D. Prejudicial Publicity will not Result from Broadcast Coverage of the Courts.

The broadcasting of the events of a trial is not a per se denial of due process. Chandler v. Florida, ____ U.S. ____, 49 U.S.L.W. 4141, 4145 (1981).

An absolute constitutional ban on broadcast coverage of trials cannot be justified simply because there is a danger that, in some cases, prejudicial broadcast accounts of pretrial and trial events may impair the ability of jurors to decide the issue of guilt or innocence uninfluenced by extraneous matter.

There are numerous curative devices available to prevent publicity of any sort from prejudicing the rights of criminal defendants. See, Nebraska Free Press Association v. Stuart, 427 U.S. 539, 563-565 (1975). Even in a trial as publicized as the Watergate trials, the voir dire examination of the jurors was found to adequately protect the rights of the defendants.

1 United States v. Haldeman, 559 F.2d 31 (D.C.Cir. 1976), cert.
2 denied, 431 U.S. 933 (1977).

3
4 V. CONCLUSION

5
6 One of the basic tenets of the American judicial system is the
7 openness of its trials. The public attends trials to observe
8 the system generally and to see how justice is meted out in
9 particular cases. The media have reported on trials because of
10 their intrinsic newsworthiness and as surrogates for those
11 citizens who cannot personally attend the trials.

12
13 Traditionally, the news media reported on trials by using their
14 notes to reconstruct the story of the trial. As broadcast
15 technology became more advanced, it was only natural that the
16 news media brought it into the courtroom. Cameras and audio
17 equipment began to bring proceedings directly to the public's
18 attention.

19
20 Change is often hard to accept. Use of technology in the
21 courtroom has been debated over the last 50 years. Finally, in
22 the last few years, the courts in a majority of states have
23 admitted this technology into their courtrooms. In doing so,
24 these states have recognized that the constitutional and
25 historical commitment to open and fair trials is entirely
26 consistent with and enhanced by the news media's commitment to

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report truthfully and accurately on events of public concern.
Minnesota's commitment to open government and the interest of
its citizens in the important events occurring in their
communities will be strengthened by the admission of
photographic and broadcast technology into Minnesota's courts.

Dated: March 18, 1981

Respectfully submitted,
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ATTORNEYS FOR PETITIONERS

EXHIBIT A
AMENDED CANON 3A(7)

Subject at all times to the authority of the presiding judge to (i) control the conduct of proceedings before the court, (ii) ensure decorum and prevent unnecessary distractions, and (iii) ensure the fair administration of justice in the pending cause, still photography and electronic broadcast coverage of public judicial proceedings in this court and the trial courts of this state shall be allowed in accordance with standards of conduct and technology promulgated by the Supreme Court of Minnesota.

EXHIBIT B

PROPOSED STANDARDS OF CONDUCT AND TECHNOLOGY
GOVERNING STILL PHOTOGRAPHY, ELECTRONIC AND
BROADCAST COVERAGE OF JUDICIAL PROCEEDINGS

1. Equipment and personnel.

(a) Not more than one portable television camera [film camera--16mm sound on film (self blimped) or videotape electronic camera], operated by not more than one person, shall be permitted in any trial court proceeding.

(b) Not more than one still photographer, utilizing not more than two still cameras with not more than two lenses for each camera and related equipment for print purposes shall be permitted in any proceeding in any trial court.

(c) Not more than one audio system for radio broadcast purposes shall be permitted in any proceeding in any trial court. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court. If no technically suitable audio system exists in the court, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the chief judge of the judicial district or county in which the court is located.

(d) Any "pooling" arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the presiding judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the

absence of advance media agreement on disputed equipment or personnel issues, the presiding judge shall exclude from a proceeding all media personnel who have contested the pooling arrangement.

2. Sound and light.

(a) Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. Excepting modifications and additions made pursuant to Paragraph 5 below, no artificial, mobile lighting device of any kind shall be employed with the television camera.

(b) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. Specifically, such still camera equipment shall produce no greater sound or light than a 35 mm Leica "M" Series Rangefinder camera, and no artificial lighting device of any kind shall be employed in connection with a still camera.

(c) It shall be the affirmative duty of media personnel to demonstrate to the presiding judge adequately in advance of any proceeding that the equipment sought to be utilized meets the sound and light criteria enunciated herein. A failure to demonstrate that these criteria have been met for specific equipment shall preclude its use in any proceeding. If these Guidelines should include a list of equipment approved for use, such equipment need not be the object of such a demonstration.

3. Location of equipment and personnel.

(a) Television camera equipment shall be positioned in such location in the court as shall be designated by the chief judge of the judicial district or county in which such court is situated. The area designated shall provide reasonable access to coverage. When areas which permit reasonable access to coverage are provided all television camera and audio equipment shall be positioned only in such area. Videotape recording equipment which is not a component part of a television camera shall be located in an area remote from the court.

(b) A still camera photographer shall position himself or herself in such location in the court as shall be designated by the chief judge of the judicial district or county in which such court is situated. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed position within the designated area and, once a photographer has established himself or herself in a shooting position, he or she shall act so as not to call attention to himself or herself through distracting movement. Still camera photographers shall not be permitted to move about in order to obtain photographs of court proceedings.

(c) Broadcast media representatives shall not move about the court facility while proceedings are in session.

4. Movement of equipment during proceedings.

News media photographic or audio equipment shall not be placed in or removed from the court except prior to commencement or after adjournment of proceedings each day, or during a recess. Microphones or taping equipment once positioned as required by 1.(c)

above shall not be moved from their position during the pendency of the proceeding. Neither television film magazines nor still camera film or lenses shall be changed within a court except during a recess in the proceeding.

5. Courtroom light sources.

When necessary to allow news coverage to proceed, modifications and additions may be made in light sources existing in the facility, provided such modifications or additions do not produce distracting light and are installed and maintained without public expense. Such modifications or additions are to be presented to the chief judge of a judicial district or county for review prior to their implementation.

6. Conferences of counsel.

To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences which occur in a court between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding judge held at the bench.

7. Impermissible use of media material.

None of the film, videotape, still photographs or audio reproductions developed during or by virtue of coverage of a judicial proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any retrial or appeal of such proceedings.

8. Appellate review.

Review of an order: (i) excluding the electronic media from access to any proceeding, (ii) excluding coverage of a particular participant or (iii) upon any other matters arising under these standards, shall be pursuant to Rule 121, Minnesota Rules of Civil Appellate Procedure.

**Narrative Description of State Rules on
Coverage of Courts by
Electronic and Photographic Media**

In this Appendix, the *amici curiae* describe the courtroom coverage rules of the 50 States and the District of Columbia and, where possible, furnish official citations to those rules. For purposes of this Appendix, the term "coverage" refers to audio and/or visual coverage of courtrooms by the electronic media and still photographers — whether on behalf of television, radio, or the print media — for news purposes. To the best of our knowledge and belief, these descriptions of rules are objective and accurate as of August 1, 1980.

A number of allusions are made in this Appendix to similar American Bar Association ("ABA") provisions on courtroom coverage regulation. This is done as a short-hand means of describing State rules. Canon 3A(7) of the ABA Code of Judicial Conduct is set forth at the end of this Appendix. Descriptions of the coverage rules of the 50 States and the District of Columbia follow.

(1) *Alabama* — On December 15, 1975, the Supreme Court of Alabama adopted Canons of Judicial Ethics to be effective February 1, 1976. Canon 3A(7A) and (7B) provides that trial and appellate courtroom coverage is permissible if the Supreme Court of Alabama has approved a plan for the courtroom in which coverage will occur. The plan must contain certain safeguards to assure that coverage will not detract from or degrade court proceedings, or otherwise interfere with a fair trial. If such a plan has been approved, a trial judge may, in the exercise of "sound discretion", permit coverage if: (1) in a criminal

proceeding, all accused persons and the prosecutor give their written consent and (2) in a civil proceeding, all litigants and their attorneys give their written consent. Following approval of their coverage plans, appellate courts may authorize coverage if the parties and their attorneys give their written consents. In both trial and appellate contexts, the court must halt coverage during any time that a witness, party, juror, or attorney expressly objects. In an appellate setting, it must also halt coverage during any time that a judge expressly objects to coverage. *Authority:* Canon 3A(7), 3A(7A), and 3A(7B), Alabama Canons of Judicial Ethics, ALA. CODE, Vol. 23 (Rules of the Alabama Supreme Court).

(2) *Alaska* — By order No. 324 (August 24, 1978), the Alaska Supreme Court permitted experimental coverage of the proceedings of the Supreme, Superior, and District Courts in the Anchorage court facility effective September 15, 1978. By Order No. 387 (September 27, 1978), the Alaska Supreme Court amended Canon 3(A)(7)(c) of the Alaska Code of Judicial Conduct to permit coverage of trial and appellate proceedings effective November 1, 1979. Prior to such coverage, a plan must be approved by the Supreme Court and must include safeguards to ensure that coverage will not distract participants, impair the dignity of court proceedings, or interfere with a fair trial. For trial proceedings, permission for coverage must be expressly granted by the judge and by the attorneys for all parties. Witnesses, jurors, or parties who object shall neither be photographed nor have their testimony broadcast or telecast. For coverage of Supreme Court proceedings, only the permission of the Court is required. *Authority:* Canon 3(A)(7), Alaska Code of Judicial Conduct, Alaska Rules of Court Procedure and Administration, Vol. IIA.

(3) *Arizona* — Canon 3(A)(7) of the Arizona Code of Judicial Conduct parallels the current ABA Canon. By order dated April 16, 1979, however, the Supreme Court of Arizona suspended this Canon to permit coverage of its proceedings and the proceedings of the State Courts of Appeals for the one-year period beginning May 31, 1979 and ending May 31, 1980. Subsequently, by order dated April 22, 1980, this experimental coverage was extended for one year (until May 31, 1981). Under this experiment, coverage must not detract from the dignity of court proceedings. *Authority:* Canon 3(A)(7), Arizona Code of Judicial Conduct, adopted by Rule 45, Rules of the Arizona Supreme Court, ARIZ. REV. STAT., Vol. 17A (as modified by above-referenced orders).

(4) *Arkansas* — Canon 3(A)(7) of the Arkansas Canons of Judicial Ethics follows the current ABA Canon. The Arkansas Bar Association has petitioned the Arkansas Supreme Court for a coverage plan requiring the consent of all parties and attorneys as well as the court. *Petition of Arkansas Bar Association for Modification of Code of Judicial Conduct*, No. 79-307. Witnesses would not be depicted or recorded unless their consents were obtained; jurors would not be covered at all. On November 5, 1979, the Arkansas Supreme Court requested comments on this proposal which had resulted from a report of the Arkansas Bar Association's Special Committee on Cameras in the Courtroom. The Chief Justice of the Arkansas Supreme Court has stated that the Court intends to act on the petition before the end of 1980. Several Arkansas trial judges, including Faulkner Circuit Judge George F. Hartje, Jr. and Little Rock Circuit Judge Lowber Hendricks, have permitted coverage of certain courtroom proceedings. See also *Moore v. State*, 229 Ark. 335, 315 S.W.2d 907 (1958)

(motion for continuance of trial not warranted where media photographed trial from outside the courtroom). *Authority:* Canon 3A(7), Arkansas Canons of Judicial Ethics, Supreme Court of Arkansas Manual of Rules and Committees (Judicial Department of Supreme Court of Arkansas).

(5) *California* — Rule 980 of the California Rules of Court forbids coverage; Rule 980.1 of those rules permits coverage studies if approved by the California Judicial Council. On May 10, 1980, the Judicial Council of California added Rules 980.2 and 980.3 to permit experimental coverage and experimental educational coverage of trial and appellate courts in California for the period July 1, 1980 through June 30, 1981. These rules were the result of a prolonged study conducted prior to and after the Judicial Council of California had, on December 2, 1978, approved the concept of a one-year experimental coverage program. Under the rules, the coverage must not be distracting or interfere with court proceedings. The judge must consent to coverage and, in trial court proceedings in criminal cases, written consents of the prosecutor and defendant must be obtained. The court may exercise its discretion concerning coverage of objecting witnesses. Due to the notation of probable jurisdiction by the Supreme Court of the United States in *Chandler v. Florida*, the Judicial Conference of California amended these experimental rules in two respects. First, it delayed the beginning of the experiment by one month. Second, it amended Rule 980.2 to require the consent of the defendants and the prosecutors in criminal trial proceedings. *Authority:* Rules 980, 980.1, 980.2, and 980.3, California Rules of Court, CAL. [Civil and Criminal Court Rules] CODE, Vol. 23, Part 2, 1979 Supp. Pamph. (West). ¶

(6) *Colorado* — Canon 3(A)(7) through (10) of the Colorado Code of Judicial Conduct permits coverage of trial

and appellate courts in Colorado. These rules were the result of hearings ordered by the Colorado Supreme Court on December 12, 1955. Following hearings in late January and early February, 1956, the referee (Justice Otto Moore) issued a report. That report, dated February 20, 1956, favored coverage and was adopted by the Colorado Supreme Court on February 27, 1956. *In re Hearings Concerning Canon 35 of the Canons of Judicial Ethics*, 132 Colo. 591, 296 P.2d 465 (1956). Coverage must not detract from the proceedings, degrade the court, distract witnesses, or otherwise interfere with a fair trial. Trial judges may permit coverage by order. No coverage is permitted of criminal proceedings unless the defendant consents. Also, no witness or juror in attendance under court order or by subpoena shall be covered if he or she expressly objects. *Authority:* Canon 3(A)(7), 3(A)(8), 3(A)(9), 3(A)(10), Colorado Code of Judicial Conduct, COLO. REV. STAT., Vol. 7A (Court Rules), Appendix to Chapter 24.

(7) *Connecticut* — Canon 3(A)(7) of the Connecticut Code of Judicial Conduct is similar to ABA Canon 3(A)(7). The media have requested that coverage be permitted and have provided the Judicial Assembly (all State judges) with demonstrations of coverage, including tapes of mock trials. The Connecticut Bar Association Task Force, including attorneys and judges, are expected to submit recommendations on coverage to the Connecticut Supreme Court around July of 1980. *Authority:* Canon 3(A)(7), Connecticut Code of Judicial Conduct, Connecticut Practice Book (1978 Revision), Vol. 1.

(8) *Delaware* — Canon 3(A)(7) of the Delaware Judges' Code of Judicial Conduct is similar to the current ABA Canon. Rule 169 of the Rules of the Delaware Court of Chancery applies this code to its proceedings. Rule 53 of the Delaware Superior Court Criminal Rules, Rule 53 of

the Delaware Court of Common Pleas Criminal Rules, and Rule 31 of the Criminal Rules of Delaware Courts of Justices of the Peace forbid coverage. The Delaware Bar/Bench/Press Committee, appointed by the Delaware Supreme Court on September 30, 1975, is scheduled to issue a report on coverage shortly. *Authority:* Canon 3(A)(7), Delaware Judges' Code of Judicial Conduct, adopted by Rule 74, Rules of the Delaware Supreme Court, DEL. CODE, Vol. 16; Rule 53, Delaware Court of Common Pleas Civil Rules, DEL. CODE, Vol. 16; Rule 53, Delaware Superior Court Criminal Rules, DEL. CODE, Vol. 16; Rule 31, Delaware Courts of Justice of the Peace, Criminal Rules, DEL. CODE, Vol. 16. *See also* Rule 169, Rules of the Delaware Court of Chancery, DEL. CODE, Vol. 16.

(9) *District of Columbia* — Canon 35 of the District of Columbia Canons of Judicial Ethics parallels the provisions of former Canon 35 of the ABA Canons of Judicial Ethics. In the District of Columbia, Rule 53(b) of the Superior Court Rules of Criminal Procedure, Rule 203(b) of the Superior Court Rules of Civil Procedure, Superior Court Neglect Proceedings Rule 24(b), Superior Court Juvenile Proceedings Rule 53(b), and Superior Court Domestic Relations Rule 203(b) forbid coverage in trial proceedings. *Authority:* All provisions cited in the foregoing paragraph are contained in D.C. Code Encycl. (Court Rules - D.C. Courts) (West).

(10) *Florida* — A coverage experiment was initiated by the Florida Supreme Court in *Petition of Post-Newsweek Stations, Florida, Inc.* on January 27, 1976. 327 So. 2d 1. Initially, the experiment was not statewide and required that parties, jurors, and witnesses consent to coverage of their participation. This requirement was deleted, however, when the Florida courts met with total failure in ob-

taining the needed consents. On April 7, 1977, the Supreme Court ordered a one-year experiment from July 1, 1977 until June 30, 1978 (347 So. 2d 402) and adopted standards of conduct and technology (347 So. 2d 404). Prior approval by the Supreme Court of proposed standards and technology governing coverage was required. On April 12, 1979 in *Petition of Post-Newsweek Stations, Florida, Inc.*, 370 So. 2d 764, the Florida Supreme Court amended Canon 3A(7) of the Florida Code of Judicial Conduct to permit coverage of trial and appellate courts effective May 1, 1979 and repealed Florida Rule of Criminal Procedure 3.110. Coverage is subject only to the authority of the presiding judge to control court proceedings, prevent distractions, maintain decorum, and assure fairness of the trial. *Authority:* Canon 3A(7), Florida Code of Judicial Conduct, Florida Rules of Court (West 1980). *See also* Article X, Integration Rule of the Florida Bar, Florida Rules of Court (West 1980) (applicability of code to members of the Florida Bar).

(11) *Georgia* — On May 12, 1977, the Supreme Court of Georgia amended the Georgia Code of Judicial Conduct by adding Canon 3A(8). 238 Ga. 855. (The Code had previously been adopted on December 17, 1973, effective January 1, 1974. 231 Ga. A-1.) Under Canon 3A(8), coverage of Georgia courts is permitted if a plan is approved in advance by the Supreme Court and if the affected court permits coverage. The Supreme Court is explicitly empowered to make rules to assure that the dignity and decorum of the proceedings remain unimpaired. Plans approved by the Supreme Court, including the plan for coverage of its own proceedings, have required consent of the attorneys and the parties and — in the trial context — of witnesses. *Authority:* Canon 3A(7) and 3A(8), Georgia Code of Judicial Conduct, referenced in GA. CODE ANN. § 24-4542 (Rule 42, Rules of the Georgia Supreme Court).

(12) *Hawaii* — Canon 3A(7) of the Hawaii Code of Judicial Conduct follows the current ABA Canon. *Authority:* Canon 3A(7), Hawaii Code of Judicial Conduct, adopted by Rule 16, Rules of the Supreme Court of the State of Hawaii (Appendix B) (Supreme Court of Hawaii).

(13) *Idaho* — By order dated September 27, 1976, the Idaho Supreme Court adopted a Code of Judicial Conduct to replace the Canons of Judicial Ethics which were previously in effect. Canon 3A(7) of the Idaho Code of Judicial Conduct specifies that judges shall comply with any coverage rule promulgated by the Idaho Supreme Court. By order dated October 18, 1978, the Idaho Supreme Court approved a plan for experimental coverage of its Boise proceedings for the period December 4, 1978 through June 30, 1979. Coverage was subject to the Court's discretion. By order dated August 27, 1979, the Idaho Supreme Court authorized coverage of its Boise proceedings for an indefinite period. The Idaho Supreme Court retains discretion to forbid coverage when it would interfere with "the proper administration of justice." On August 27, 1979, the Idaho Supreme Court also authorized one year (October 9, 1979 through October 8, 1980) of experimental coverage — subject to the Court's discretion — of its proceedings outside the Boise area. *Authority:* Canon 3A(7), Idaho Code of Judicial Conduct, Idaho State Bar Desk Book.

(14) *Illinois* — Rule 61(c)(24) of the Rules of the Illinois Supreme Court parallels the provisions of former ABA Canon 35 as originally adopted in 1937. Illinois Revised Statutes, Chapter 51, § 57 specifies that no witness shall be compelled to testify in any court in the State if any portion of his testimony is to be covered. A petition of the Illinois News Broadcasters Association to amend Illinois Supreme

Court Rule 61(c)(24) was denied by the Illinois Supreme Court on May 26, 1978. *Authority:* Rule 61(c)(24), Rules of the Illinois Supreme Court, ILL. REV. STAT. Ch. 110A; ILL. REV. STAT. Ch. 51, § 57.

(15) *Indiana* — Canon 3A(7) of the Indiana Code of Judicial Conduct is based on the current ABA provision. Coverage of a number of trial proceedings has occurred in Indiana but ceased after the Chief Justice of the Indiana Supreme Court notified State judges of the requirements of Canon 3A(7). *Authority:* Canon 3A(7), Indiana Code of Judicial Conduct, IND. CODE ANN. (Court Rules, Book 2) (Burns).

(16) *Iowa* — Canon 3A(7) of the Iowa Code of Judicial Conduct is similar to the present ABA Canon. On June 25, 1979, the Iowa Supreme Court ordered a public hearing on the coverage question. Following a hearing on September 18, 1979, that Court, by order dated November 21, 1979, suspended Canon 3A(7) for a one-year period beginning January 1, 1980 and substituted a revised provision which enumerates technical guidelines and which permits coverage of trial and appellate courts subject to the affected court's prior permission. In determining whether to grant permission, judges are to allow coverage unless, upon objection and showing of good cause, it would "materially interfere" with a fair trial. Consents of the parties are not required except in "juvenile, dissolution, adoption, child custody or trade secrets cases". *Authority:* Canon 3A(7), Iowa Code of Judicial Conduct, adopted by Rule 119, Rules of the Iowa Supreme Court, IOWA CODE (Court Rules), Vol. III.

(17) *Kansas* — Canon 3A(7) of the Kansas Code of Judicial Conduct is premised on the current ABA provision. *Authority:* Canon 3A(7), Kansas Code of Judicial

Conduct, adopted by Rule 601, Rules of the Kansas Supreme Court, KAN. STAT. § 20-176.

(18) *Kentucky* — Canon 3A(7) of the Kentucky Code of Judicial Conduct parallels the present ABA provision. The Kentucky Code of Judicial Conduct was adopted in its entirety on October 24, 1977 to be effective January 1, 1978, and rendered inoperative an August 23, 1977 resolution of the Jefferson Circuit Court (30th Judicial Circuit). Under this resolution, the signatory judges agreed to permit coverage of their trial proceedings unless it became disruptive or except in certain sensitive trial situations involving children and matters of domestic relations. *Authority*: Canon 3A(7), Kentucky Code of Judicial Conduct, adopted by Rule 4.300, Rules of the Kentucky Supreme Court, KY. REV. STAT. (Rules), Vol. 18.

(19) *Louisiana* — Canon 3A(7) of the Louisiana Code of Judicial Conduct follows the current ABA provision. On February 23, 1978, the Louisiana Supreme Court Conference authorized one year of experimental coverage in a trial court — Division B of the Ninth Judicial District Court for Rapides Parish. Under the guidelines, written permission of the parties and their counsel was required and, in criminal cases, this included the consents of the victim and the District Attorney. A report, dated March 30, 1979, by the trial judge recommended extension of the experiment and, on May 3, 1979, the Supreme Court of Louisiana extended the experiment for one year from the date of its order. Shortly thereafter, on July 13, 1979, Section 4164 of Title 13 of the Louisiana Revised Statutes became law. It permits coverage of court proceedings pursuant to any motion and stipulation, agreed to by all parties and approved by the judge. In *Fitzmorris v. Lambert*, 377 So. 2d 65 (1979), the Louisiana Supreme Court held that this statute and Canon 3A(7) did not necessarily con-

flict as long as a trial judge, in exercising his authority under the statute, complies with the requirements of the Canon. On May 9, 1980, Judge Douglas M. Gonzales, Division L of the Nineteenth Judicial District for East Baton Rouge Parish requested the Louisiana Supreme Court to authorize a one-year experiment permitting coverage of civil trials in that division. The proposed experiment would use the same guidelines employed in the Ninth Judicial District and was the result of several years of study conducted by a Bench-Bar-Media Committee for the Nineteenth District. *Authority*: Canon 3A(7), Louisiana Code of Judicial Conduct, LA. REV. STAT. ANN., Vol. 8 (Appendix) (West); LA. REV. STAT. ANN. § 13-4164 (West).

(20) *Maine* — Rule 53 of the Maine Rules of Criminal Procedure bars coverage in criminal cases. Likewise, Rule 53 of the Maine District Court Criminal Rules forbids coverage in district court criminal cases. The Maine Code of Judicial Conduct deletes Canon 3A(7). Maine Rules of Court, Desk Copy (West 1979). Accordingly, Maine has no provision barring coverage of civil cases. At present, an advisory committee appointed by the Maine Supreme Court is studying the coverage issue. *Authority*: Rule 53, Maine Rules of Criminal Procedures, Maine Rules of Court, Desk Copy (West 1979); Rule 53, Maine District Court Criminal Rules, Maine Rules of Court, Desk Copy (West 1979).

(21) *Maryland* — Canon XXXIV of the Maryland Canons of Judicial Ethics is based on ABA Canon 35 following the 1963 amendments. Rule 11 of the Maryland Rules of Judicial Ethics also forbids coverage. Currently, a petition to modify Canon XXXIV is pending before the Maryland Court of Appeals. *Petition of WBAL Division* (Sept. 25, 1979). Experimental coverage has been recom-

mended by a Judges' Committee and by the Special Committee on Cameras in the Courtroom of the Maryland State Bar Association. Under the proposal, coverage of civil and criminal trial proceedings in Maryland would be permitted for an 18-month experimental period where the parties consent to coverage. Appellate court coverage would be allowed on a non-experimental basis. On June 24, 1980, the Maryland Court of Appeals heard oral argument on the proposal. *Authority:* Canon XXXIV, Maryland Canons of Judicial Ethics, adopted by Rule 1231, MD. ANN. CODE (Maryland Rules of Procedure), Vol. 9C.

(22) *Massachusetts* – Canon 3A(7) of the Massachusetts Code of Judicial Conduct is similar – but not identical – to the current ABA provision. On March 21, 1980, the Supreme Judicial Court suspended this canon effective April 1, 1980 for an experimental one-year period. Appellate court coverage of civil and criminal cases began April 1, 1980; coverage of public, non-jury trials (civil and criminal) commenced May 1, 1980; and coverage of public jury trials (civil and criminal) was permitted as of June 1, 1980. As a general rule, coverage is to be allowed unless the court finds that there is “a substantial likelihood of harm to any person or other serious harmful consequence” resulting from such coverage. *Authority:* Canon 3A(7), Massachusetts Code of Judicial Conduct, adopted by Rule 3:25, Rules of the Massachusetts Supreme Judicial Court, Massachusetts Rules of Court, Desk Copy (West 1980) (as modified by above-referenced order).

(23) *Michigan* – Canon 3A(7) of the Michigan Code of Judicial Conduct forbids coverage except as authorized by the Michigan Supreme Court. To date, no coverage authorization has been given. *Authority:* Canon 3A(7),

Michigan Code of Judicial Conduct, Michigan Court Rules (West 1979).

(24) *Minnesota* – Canon 3A(7) of the Minnesota Code of Judicial Conduct parallels the current ABA provision. By order dated January 27, 1978, the Minnesota Supreme Court permits Canon 3A(7) to be waived for experimental purposes in cases pending before that tribunal. The experiment is for an indefinite period, and waiver of the rules is at the discretion of the Court. *Authority:* Canon 3A(7), Minnesota Code of Judicial Conduct, MINN. STAT. ANN. (Court Rules), Vol. 52 (West) (as modified by above-referenced order).

(25) *Mississippi* – Canon 3A(7) of the Code of Judicial Conduct of Mississippi Judges is the operative provision and parallels the current ABA Canon. The coverage issue is currently being studied by a committee of the Mississippi Conference of Judges. *Authority:* Canon 3A(7), Code of Judicial Conduct of Mississippi Judges, contained in Code of Professional Responsibility, Code of Judicial Conduct, Ethics Opinions (Mississippi State Bar).

(26) *Missouri* – Canon 3A(7) of the Missouri Code of Judicial Conduct is based on the current ABA provision. On November 19, 1979, the Board of Governors of the Missouri Bar submitted a proposal to the Missouri Supreme Court recommending that coverage of appellate proceedings be permitted with the consent of the parties. That proposal is currently pending before the Missouri Supreme Court. *Authority:* Canon 3A(7), Missouri Code of Judicial Conduct, adopted by Rule 2, Rules of the Missouri Supreme Court, Mo. ANN. STAT. (Rules, Vol. 1) (Vernon).

(27) *Montana* – On February 3, 1978, the Montana Supreme Court suspended Canon 35 of the Montana

Canons of Judicial Ethics, which was premised on ABA Canon 35 following its amendment in 1952, to allow for a two-year experiment commencing April 1, 1978. *In the Matter of Canon 35 of the Montana Canons of Judicial Ethics*. Experimental Canon 35 required trial and appellate courts in Montana to permit coverage unless coverage in a particular case was deemed to "substantially and materially interfere with the primary function of the court to resolve disputes fairly." In such cases, the court was required to record its reasons for forbidding coverage. On April 18, 1980, the Montana Supreme Court amended Canon 35 of the Montana Canons of Judicial Ethics, effective immediately, to allow coverage of trial and appellate courts in that State. The terms of the amended canon are identical to those of the experimental canon. *Authority*: Canon 35, Montana Canons of Judicial Ethics, 144 Mont. xxii (1964), amended by order of April 18, 1980 (5 MONTANA LAWYER 12-13).

(28) *Nebraska* — Canon 3A(7) of the Nebraska Code of Judicial Conduct, adopted on April 18, 1973, is the same as ABA Canon 3A(7). *Authority*: Canon 3A(7), Nebraska Code of Judicial Conduct (no official citation or publication).

(29) *Nevada* — Canon 3A(7) of the Nevada Code of Judicial Conduct specifies that a court shall — on its own motion, the motion of any attorney, or the request of a witness testifying under subpoena — prohibit coverage by minute order. Chapters 1.220 and 178.604 of the Laws of Nevada, captioned "Court may prohibit broadcasting, televising, motion pictures, of proceedings," reflected the same rule but were repealed by Assembly Bill No. 571, on March 21, 1979. By order dated February 6, 1980, the Nevada Supreme Court suspended Canon 3A(7) of the Nevada Code of Judicial Conduct to permit one year of experimental coverage of trial and appellate courts effective

April 7, 1980. *In the Matter of Rules Setting Forth the Standards of Conduct and Technology Governing Electronic Media and Still Photo Coverage of Judicial Proceedings*, ADKT 26. The experimental rule does not require consent of the participants but subjects coverage to the judge's authority to ensure decorum, prevent distractions, and assure a fair trial. Prior to the effective date of the experimental rule, however, both trial and appellate coverage had been permitted on a sporadic basis. *Authority*: Canon 3A(7), Nevada Code of Judicial Conduct, adopted as Part IV of the Rules of the Nevada Supreme Court, NEV. REV. STAT., Vol. 1 (as modified by above-referenced order).

(30) *New Hampshire* — Rule 29 of the Rules of the Supreme Court of New Hampshire, issued December 6, 1977, and effective January 1, 1978, permits coverage of that Court's proceedings subject to the Court's consent. Canon 3A(7) of New Hampshire Supreme Court Rule 25 was, by order dated October 12, 1977, amended to permit the New Hampshire Superior Court to issue rules governing coverage effective January 1, 1978. Rule 78(A) of the Rules of the New Hampshire Superior Court, also effective January 1, 1978, forbids coverage except as provided in those rules or by order of the Presiding Justice. Interim guidelines for that rule permit coverage and state that the Presiding Justice may forbid coverage on his motion or on the motion of an attorney, party, or any witness called to testify. They also require prior express approval of the Presiding Justice in order to cover the jury in criminal cases. *Authority*: Rules 25 and 29, Rules of the New Hampshire Supreme Court, State of New Hampshire Court Rules and Directory (Equity); Rule 78(A), Rules of the New Hampshire Superior Court, State of New Hampshire Court Rules and Directory (Equity). These rules were formerly published as Appendices to N.H. REV. STAT.

(31) *New Jersey* — Rule 1:14 of the Rules of General Application to the Courts of New Jersey states that the ABA Code of Judicial Conduct, as amended and supplemented by the New Jersey Supreme Court, governs the conduct of New Jersey judges. By order dated November 21, 1978, the New Jersey Supreme Court ordered relaxation of Canon 3A(7) of the New Jersey Code of Judicial Conduct for the purpose of allowing coverage of its proceedings on December 12, 1978. On March 15, 1979, that Court ordered further relaxation of the Code of Judicial Conduct to permit coverage for an experimental period lasting one year or until six trials had been covered. The experiment commenced May 1, 1979. Under the experiment, coverage of New Jersey's appellate courts was permitted, and coverage of trial courts was allowed in Atlantic and Bergen Counties. Consents of participants were not required, but coverage of trials was banned in juvenile court cases or cases involving rape, child custody, divorce or matrimonial disputes, and trade secrets. Trial courts were also explicitly empowered to prohibit coverage where coverage would substantially increase the threat of harm to any participant or interfere with a fair trial or the fair administration of justice. On April 30, 1980, the New Jersey Supreme Court extended the experiment for an additional six months (until November 1, 1980) and expanded the experiment to permit trial coverage in all counties of the State. With these exceptions, the original experimental guidelines remain the same. *Authority*: Canon 3A(7), New Jersey Code of Judicial Conduct, Rules of General Application to the Courts of New Jersey, Part I (Appendix), New Jersey Court Rules (Pressler) (as modified by above-referenced orders); Rule 1:14, Rules of General Application to the Courts of New Jersey, New Jersey Court Rules (Pressler).

(32) *New Mexico* — The New Mexico Supreme Court, by order dated August 14, 1978, permitted coverage of a criminal trial proceeding. *In the Matter of Photographs, Radio and Television Coverage in State of New Mexico v. Richard Miller, Cause No. 30581-Criminal, Bernalillo County, New Mexico*, 8000 Misc. By order dated April 28, 1980, the New Supreme Court withdrew Canon 3A(7) of the New Mexico Code of Judicial Conduct, which parallels the current ABA provision, and substituted a provision authorizing coverage of district (trial) courts and appellate courts in New Mexico for an experimental period of one year beginning July 1, 1980. Under the experiment, appellate court coverage is not contingent upon the consent of the parties or their counsel although the court may impose limitations on coverage. In the trial courts, coverage may be authorized by the court acting within its discretion except that judges shall not permit coverage of any witness or juror who objects and who is in attendance under subpoena or court order. Coverage is prohibited in criminal cases unless the defendant gives consent. Photographic coverage of individual jurors is banned except in cases where the court and the jurors consent. For victims of sex crimes and their families, police informants, undercover agents, relocated witnesses, and juveniles, photographic coverage is absolutely forbidden. Under the experiment, coverage of courts other than appellate and district courts (*e.g.*, magistrate courts) is forbidden. Rule 4 of the Rules of the New Mexico Supreme Court, Rule 90 of the Rules of Civil Procedure for New Mexico District Courts, Rule 31 of the Rules of Criminal Procedure for New Mexico Magistrate Courts, and Rule 49 of the Rules of Criminal Procedure for New Mexico District Courts either explicitly permit coverage or allow coverage upon express approval of the Supreme Court. Rule 28 of the Rules of Civil Procedure for New Mexico Magistrate

Courts continues an express prohibition on coverage. *Authority:* Canon 3A(7), New Mexico Code of Judicial Conduct, N.M. STAT. ANN., Vol. 2 (Judicial Volume). Other rule citations furnished above are contained in N.M. STAT. ANN., Vol. 1 (Judicial Volume).

(33) *New York* — Canon 3A(7) of the New York Code of Judicial Conduct is similar to the current ABA provision. The Code of Judicial Conduct specifies, however, that its rules are subordinate to those of the Administrative Board of the Judicial Conference. The Administrative Board's rule, 22 NYCRR § 33.3(a)(7), specifies that coverage is prohibited unless permission is first obtained from the Chief Judge of the Court of Appeals or the Presiding Justice of the Appellate Division in which the court is located. By order dated August 16, 1979, the New York Court of Appeals authorized coverage of its proceedings on a one-day experimental basis. This coverage occurred on October 16, 1979. A Media Advisory Committee, appointed by the Chief Judge of the New York Court of Appeals on December 6, 1979, submitted its report to the Court on May 30, 1980. After studying the one-day experiment in the Court of Appeals and the experience in other States, the Committee recommended that coverage of appellate proceedings be permitted on a permanent basis. Such coverage would not be conditioned on the consent of the participants although the court could impose limitations on a finding of good cause. The Committee also recommended experimental trial court coverage for one year or at least twenty trials. In view of the decision of the Supreme Court of the United States to review *Chandler v. Florida*, the Committee requested that the experiment be limited to civil proceedings. Under its recommendation, consent of participants would not be a

precondition to coverage. A similar recommendation, suggesting permanent rules on appellate court coverage and an experiment with civil and criminal trial court coverage in which consents would not be an absolute pre-condition, was made on April 7, 1980 by the Special Committee on Communications Law of the Association of the Bar of the City of New York. *Authority:* Canon 3A(7), New York Code of Judicial Conduct, N.Y. [Judiciary] LAW, Book 29 (Appendix) (McKinney); 22 NYCRR § 33.3(a)(7), reported in New York Civil Practice Annual (Court Rules) (Bender 1978-79) (as modified by above-referenced order).

(34) *North Carolina* — Canon 3A(7) of the North Carolina Code of Judicial Conduct parallels the present ABA provision. Rule 15 of the General Rules of Practice for the Superior and District Courts of North Carolina bans coverage except on ceremonial occasions. *Authority:* Canon 3A(7), North Carolina Code of Judicial Conduct, N.C. GEN. STAT., Vol. 4A (Appendix VII - A); Rule 15, General Rules of Practice for the Superior and District Courts of North Carolina, N.C. GEN. STAT., Vol. 4A (Appendix I).

(35) *North Dakota* — On December 1, 1978, the North Dakota Supreme Court amended Canon 3A(7) of the North Dakota Code of Judicial Conduct, which previously paralleled the current ABA provision, to permit coverage of its proceedings subject to guidelines. In that order, the Supreme Court announced that experimental coverage of its proceedings would be permitted for a one-year period beginning February 1, 1979. The Court retained the right to prohibit coverage of certain proceedings, but coverage was not conditioned on consents of the parties or their counsel. *Petition For An Administrative Order Providing An Exception To Canon 3A(7) Of The Code Of Judicial Conduct Allowing A Period Of Ex-*

perimental Electronic Media And Photographic Coverage Of Certain Cases And Proceedings Before The North Dakota Supreme Court, AO 1-1978. See note to N.D. CENT. CODE § 27-01-02. By order dated January 24, 1980, the North Dakota Supreme Court extended the experiment for a period of five months (until July 1, 1980) and announced that, on May 6, 1980, it would hold a hearing to evaluate the experiment. *Electronic And Photographic Coverage Of Supreme Court Cases Extended To July 1, 1980*, AO 1-1980. On May 16, 1980, the North Dakota Supreme Court amended Canon 3A(7) of the North Dakota Code of Judicial Conduct to permit coverage of its proceedings on a permanent basis effective July 1, 1980. This coverage is subject to the same rules used during the experiment. *Electronic And Photographic Coverage Of Supreme Court Hearings*, AO 1A-1980. Rule 53 of the North Dakota Rules of Criminal Procedure prohibits coverage of criminal trial proceedings. *Authority*: Canon 3A(7), North Dakota Code of Judicial Conduct, Manual of North Dakota Supreme Court (North Dakota Supreme Court); Rule 53, North Dakota Rules of Criminal Procedures, N.D. CENT. CODE, Vol. 5B (Rules of Procedure).

(36) *Ohio* — On July 31, 1978, the Ohio Supreme Court published proposed draft amendments to Canon 3A(7) of the Ohio Code of Judicial Conduct, Superintendence Rule 11 of the Ohio Supreme Court, and Rule 9 of the Rules of Superintendence for Municipal Courts. These provisions had previously precluded coverage of Ohio courts, and the proposed amendments would have eliminated that ban. Following the period allowed for comments on the proposals, the Supreme Court adopted experimental provisions to be effective for a one-year period beginning June 1, 1979. Under these provisions, coverage of trial and appellate courts in Ohio is permitted subject to the court's

power to preclude coverage when it would be distracting; impair the dignity of the proceedings, or interfere with a fair trial. Coverage is not contingent on consent of participants, although the court may ban coverage of objecting witnesses or victims provided it determines there is reasonable cause for the objection. By order dated May 22, 1980, the Ohio Supreme Court extended the experiment until further order to permit continued coverage pending the Court's study of the experiment. *Authority*: Canon 3A(7) and the rules cited in this paragraph are contained in OHIO REV. CODE ANN. (Rules Governing the Courts of Ohio) (Page 1979).

(37) *Oklahoma* — By order dated October 25, 1978, the Oklahoma Supreme Court withdrew Canon 3A(7) of the Oklahoma Code of Judicial Conduct — which paralleled the current ABA provision — and substituted a revised Canon 3A(7) to be effective for one year beginning January 1, 1979. Under the experimental provision, trial and appellate coverage is permitted subject to consent of the court. Coverage of objecting witnesses, jurors, or parties is not permitted and, in a criminal trial, the defendant must consent to coverage. By order dated December 27, 1979, the Oklahoma Supreme Court extended the experiment for another year commencing January 1, 1980. *Authority*: Canon 3A(7), Oklahoma Code of Judicial Conduct, Oklahoma Court Rules and Procedures, Desk Copy (West 1979-80) (as modified by order of December 27, 1979).

(38) *Oregon* — Canon 3A(7) of the Oregon Code of Judicial Conduct parallels the present ABA provision. Experimental coverage was proposed by the Public Information Committee of the Oregon Judicial Conference on April 1, 1980, but the Oregon Judicial Conference tabled the proposal on April 29, 1980. This action followed dis-

cussions in which notation of probable jurisdiction by the Supreme Court of the United States in *Chandler v. Florida* was cited as a reason for delaying immediate action. The Oregon Supreme Court, however, has since decided against dropping the coverage issue completely. *Authority:* Canon 3A(7), Oregon Code of Judicial Conduct, Oregon State Bar Desk Book (Oregon State Bar).

(39) *Pennsylvania* — By order dated September 20, 1979, the Pennsylvania Supreme Court amended Canon 3A(7) of the Pennsylvania Code of Judicial Conduct to permit experimental coverage of non-jury civil trial proceedings for a one-year period beginning October 1, 1979. *In Re WTAE-TV*, No. 51 (W. D. Misc. Docket 1978). Previously, the Pennsylvania canon paralleled the current ABA provision. Coverage is also forbidden by Rules 27 and 328 of the Pennsylvania Rules of Criminal Procedure and Rule 7 of the Rules Governing Standards of Conduct of Justices of the Peace. Under the experiment, non-jury civil trial proceedings do not include support, child custody, or divorce proceedings. Permission of the court must be received prior to coverage, and coverage of objecting witnesses or parties is not permitted. In May, 1980, a supplementary petition was filed in the *WTAE-TV* proceeding. In the supplementary petition, the Pennsylvania Supreme Court is requested to expand the experiment to allow coverage of criminal trial proceedings and civil jury proceedings. Alternatively, the supplementary petition suggests that the existing experiment be extended six months. By order dated June 26, 1980, the Pennsylvania Supreme Court deferred action on the supplementary petition until its September, 1980 session. *Authority:* The provisions cited in this paragraph are contained in Pennsylvania Rules of Court, Desk Copy (West 1980).

(40) *Rhode Island* — Canon 30 of Rhode Island's Canons of Judicial Ethics prohibits broadcasting or televising of court proceedings as well as the taking of photographs or sketching in the courtroom. Rule 53 of the Rules of Criminal Procedure of the Rhode Island Superior Court contains a similar prohibition. Rule 53 of the Rules of Criminal Procedure of Rhode Island's District Court is identical except that no prohibition on sketching is included. A special committee has been appointed by the Rhode Island Supreme Court to study the coverage question. *Authority:* Canon 30, Rhode Island Canons of Judicial Ethics, adopted by Rule 48, Rules of the Rhode Island Supreme Court, R.I. GEN. LAWS, Vol. 2B (Court Rules); Rule 53, Rhode Island Superior Court Rules of Criminal Procedure, R.I. GEN. LAWS, Vol. 2B (Court Rules); Rule 53 Rhode Island District Court Rules of Criminal Procedure, R.I. GEN. LAWS, Vol. 2B (Court Rules).

(41) *South Carolina* — Canon 3A(7) of the South Carolina Judicial Conduct is similar to the present ABA provision. Coverage has been permitted by at least one trial judge, Wade S. Weatherford, Jr. of the Seventh Circuit, in a non-jury matter. Judge Weatherford was later informed of the requirements of Canon 3A(7), and coverage ceased as a result. *Authority:* Canon 3A(7), South Carolina Code of Judicial Conduct, adopted by Rule 33, Rules of the South Carolina Supreme Court, S.C. CODE, Vol. 22 (Court Rules).

(42) *South Dakota* — Canon 3A(7) of the South Dakota Code of Judicial Conduct is similar to the present ABA provision. The South Dakota Broadcasters Association has made coverage presentations to the South Dakota Supreme Court and its Advisory Committee. *Authority:*

Canon 3A(7), South Dakota Code of Judicial Conduct, S.D. COMPILED LAWS ANN. § 16-2 (Appendix).

(43) *Tennessee* — By order dated May 24, 1978, the Tennessee Supreme Court amended Canon 3A(7), contained in Rule 43 of its rules, to adopt an interim provision allowing coverage of its proceedings subject to the objection of participating counsel. *In re Rule 43, Canon 3A(7) — Code of Judicial Conduct*. On February 22, 1979, the Tennessee Supreme Court ordered the amendment of Canon 3A(7) to permit coverage of trial and appellate proceedings in Tennessee. Under the amendment, appellate courts may adopt rules permitting coverage subject to certain guidelines, including the injunction that coverage shall not detract from court proceedings. Trial courts are also authorized to permit coverage in accordance with plans which must be approved by the Tennessee Supreme Court. In criminal trial proceedings, the defendant must consent to coverage. In all trial proceedings, objections by a witness or juror will suspend coverage as to that person while objections by an attorney or party will suspend all coverage. By its terms, the Tennessee Supreme Court's order had no applicability to criminal proceedings until such time as the Tennessee legislature approved amendments to the Tennessee Rules of Criminal Procedures. *In re Rule 43, Canon 3A(7) — Code of Judicial Conduct*. Effective August 15, 1979, Rule 53 of those rules — which prohibited coverage of criminal proceedings — was withdrawn. *Authority*: Canon 3A(7), Tennessee Code of Judicial Conduct, adopted by Rule 43, Rules of the Tennessee Supreme Court, TENN. CODE ANN., Vol. 5A (Court Rules).

(44) *Texas* — By order dated November 9, 1976, the Texas Supreme Court amended Canon 3A(7) of the Texas

Code of Judicial Conduct to permit coverage of appellate proceedings. The prior consent of the court (or the Chief Justice or Presiding Judge) must be obtained, and the coverage must not distract participants or impair the dignity of proceedings. *Authority*: Canon 3A(7), Texas Code of Judicial Conduct, TEX. REV. CIV. STAT., Vol. 1A, Title 14 (Appendix B) (Vernon).

(45) *Utah* — Canon 3A(7) of the Utah Code of Judicial Conduct is similar to the present ABA provision. A petition requesting experimental coverage is pending before the Utah Supreme Court and was argued in November, 1979. *In re Petition of Society of Professional Journalists*, Case No. 16140. *Authority*: Canon 3A(7), Utah Code of Judicial Conduct, Utah State Bar Desk Book (Utah State Bar).

(46) *Vermont* — Canon 3A(7) of the Vermont Code of Judicial Conduct parallels the current ABA provision. Rule 53 of the Vermont Rules of Criminal Procedure prohibits coverage in criminal cases except as allowed by order of the Vermont Supreme Court. At present, a committee of the Vermont Bar Association is expected to present its recommendations concerning experimental coverage to the Vermont Supreme Court in September, 1980. *Authority*: Canon 3A(7), Vermont Code of Judicial Conduct, VT. STAT. ANN., Title 12, Appendix VIII, Administrative Order No. 10.

(47) *Virginia* — Canon 3A(7) of the Virginia Canons of Judicial Conduct is similar, but not identical, to the present ABA provision. See 215 Va. 859, 931 (1975); 216 Va. 914, 1134 (1976). Coverage of criminal proceedings is also forbidden under Section 19.2-266 of the Virginia Code and Supreme Court Rule 3A:34 (VA. CODE, Vol. 2 - Rules of Court). Supreme Court Rule 1:14 (VA. CODE, Vol. 2 -

Rules of Court) precludes coverage of all judicial proceedings. *Authority:* Canon 3A(7), Virginia Canons of Judicial Conduct, Virginia Supreme Court Rules (Part VI, Section III - Integration of the State Bar), VA. CODE, Vol. 2 - Rules of Court. *See also* citations provided in paragraph above.

(48) *Washington* — Acting upon a recommendation of the Bench-Bar-Press Committee of Washington, the Supreme Court of Washington, on November 28, 1973, authorized experimental courtroom coverage. This coverage first occurred in a criminal trial proceeding on December 2, 1974. *State v. Fetter*, Case No. 69484 (King County). Following its review of the results of that experiment, the Washington Supreme Court, by order dated July 23, 1976, amended Canon 3(A)(7) of the Washington Code of Judicial Conduct effective September 20, 1976. *In the Matter of the Adoption of Amendments to Code of Judicial Conduct, Canon 3(A)(7)*. Under that amendment, coverage of trial and appellate proceedings in Washington is permitted if the court grants permission and if coverage will not distract participants or impair the dignity of the proceedings. No coverage of witnesses, jurors, or parties who express prior objections is permitted. *Authority:* Canon 3(A)(7), Washington Code of Judicial Conduct, Washington Court Rules Annotated, Vol. 1, Part 1 (Bancroft-Whitney).

(49) *West Virginia* - Canon 3A(7) of the West Virginia Judicial Code of Ethics parallels the current ABA provision. By letter dated November 14, 1978, the Chief Justice of the West Virginia Supreme Court of Appeals authorized the Seventeenth Judicial Circuit (Monongalia County) to permit coverage of its trial proceedings subject to certain guidelines. Under those guidelines, the trial court was empowered both to decide whether coverage should be

permitted in particular cases and to terminate existing coverage when it would impede justice. Although parties, witnesses, or attorneys could object to coverage, the court was given the authority to rule on such objections. To obtain further experience under the experiment, the Chief Judge of the Seventeenth Judicial Circuit extended the experiment, which eventually began in January 1979, through the end of 1979. (The Chief Judge had originally recommended only a six-month experimental period.) The Chief Judge has also informed the Supreme Court of Appeals that, unless it objects, he will continue the experiment into 1980. *Authority:* Canon 3A(7), West Virginia Judicial Code of Ethics, W. VA. CODE, Vol. 1 (Constitutions), Appendix.

(50) *Wisconsin* — On December 23, 1977, the Wisconsin Supreme Court, suspended Rule 14 of the Wisconsin Code of Judicial Ethics to permit coverage of trial and appellate proceedings for a one-year experimental period beginning April 1, 1978. The Court also specified that it would permit coverage of its proceedings on January 3, 1978 and of its February 20, 1978 hearing to determine guidelines for the experiment. By order dated March 16, 1978, the Wisconsin Supreme Court promulgated these experimental guidelines. Under those guidelines, the courts were authorized to determine whether coverage should be permitted in particular cases or portions of particular cases. Upon a showing of cause, the courts could prohibit coverage on their own motions or on those of participants. The experiment was eventually extended through June 30, 1979, by order of the Wisconsin Supreme Court. Following a review of the April 1, 1979 "Report of the Supreme Court Committee to Monitor and Evaluate the Use of Audio and Visual Equipment in the Courtroom," the Wisconsin Supreme Court, on June 21, 1979, rescinded

Rule 14 of the Wisconsin Code of Judicial Ethics and permanently authorized trial and appellate coverage effective July 1, 1979. Under the permanent rule, courts retain authority to determine whether coverage should occur and, upon a finding of cause, to prohibit coverage. A presumption of validity attends objections to coverage of participants in cases involving the victims of crimes (including sex crimes), police informants, undercover agents, juveniles, relocated witnesses, divorce, trade secrets, and motions to suppress evidence. The Wisconsin Code of Judicial Ethics (Wisconsin Supreme Court Rules, Chapter 60) no longer refers to the coverage issue. Instead, Chapter 61 of the Wisconsin Supreme Court Rules contains the rules governing coverage. *Authority:* Chapter 61, Wisconsin Supreme Court Rules, WIS. STAT. ANN. (Supreme Court Rules) (West 1980 Special Pamphlet).

(51) *Wyoming* — By order dated September 4, 1973, the Supreme Court of Wyoming adopted the ABA Code of Judicial Conduct in its entirety with one minor exception not relevant here. Rule 50 of the Wyoming Rules of Criminal Procedure prohibits coverage of criminal proceedings. Rule 12 of the Uniform Rules for the District Courts of Wyoming likewise bars coverage. *Authority:* All of the provision cited in this paragraph are contained in Wyoming Court Rules Annotated (Michie 1979 Rev. Ed.).

* * * *

Canon 3A(7) of the ABA Code of Judicial Conduct reads as follows:

“A judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

(a) The use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

“Commentary: Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding.”

The terms of the predecessor to Canon 3A(7), Canon 35, as originally enacted in 1937 and as amended in 1952 and 1963, are set out in the Appendix to Mr. Justice Harlan's concurring opinion in *Estes v. Texas*, 381 U.S. 532, 596-601 (1965).

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A SAMPLE SURVEY OF THE ATTITUDES OF
INDIVIDUALS ASSOCIATED WITH TRIALS INVOLVING
ELECTRONIC MEDIA AND STILL PHOTOGRAPHY COVERAGE
IN SELECTED FLORIDA COURTS BETWEEN
JULY 5, 1977 AND JUNE 30, 1978

FILED
NOV 1 1978
CLERK SUPREME COURT

PREPARED BY:
THE JUDICIAL PLANNING COORDINATION UNIT
OFFICE OF THE STATE COURTS ADMINISTRATOR

EXHIBIT "D"

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I. Introduction

At 11:59 p.m. June 30, 1978, a one-year pilot program authorized by the Supreme Court of Florida allowing electronic media and still photography coverage of judicial proceedings ended. Subsequent to the termination of the pilot program, the Supreme Court surveyed the reactions of selected jurors, witnesses, attorneys and court personnel who had participated in or were associated with trials where such coverage occurred. This report delineates the results of that survey.

A. Evolution of the Pilot Program

The pilot program allowing photographic and electronic media coverage of judicial proceedings was a result of the Petition of Post-Newsweek Stations, Florida, Inc. for a change in the Code of Judicial Conduct. The petition, filed on January 24, 1975, sought to modify Canon 3A(7) of the Code ". . .to allow electronic equipment and cameras in the courtrooms, subject to certain controls."

Canon 3A(7) of the Code of Judicial Conduct states:

- (7) A judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:
 - (a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, or for other purposes of judicial administration;
 - (b) the broadcasting, televising, recording or photographing of investitive, ceremonial or naturalization proceedings;
 - (c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:
 - (i) the means of recording will not distract participants or impair the dignity of the proceedings;
 - (ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;
 - (iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

- (iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

The Petitioner proposed that Canon 3A(7) be replaced with the following rule:

PROPOSED RULE

Television cameras, electronic sound devices and photographic equipment shall be allowed in courtrooms under such conditions as the presiding judge shall deem necessary to ensure decorum and to prevent distractions.

Trial judges may entertain objections to photography or recording from any party, juror or witness and, upon a showing of probable prejudice to such party, juror or witness, and upon a showing that there are no alternative means to remedy the problems raised, the trial judge may restrict the coverage as may be necessary to cure such specific objection.

Nothing in this rule shall be deemed to limit the following powers of judges: (1) To maintain discipline in the courtroom and require, where necessary, reasonable arrangements for pooling of cameras or electronic coverage; (2) To impose reasonable restrictions on microphones, lights, movement of personnel or other distractions; (3) To impose reasonable restrictions where deemed necessary, to protect courtroom proceedings of a private rather than a public nature such as the privacy of attorney/client relationships.

Post-Newsweek Stations were supported in their Petition by the Florida Association of Broadcasters, the Society of Professional Journalists, Sigma Delta Chi and Sunbeam Television Corporation. The Petition was opposed by the Florida Bar, the Conference of Circuit Court Judges, the Trial Lawyers Section of the Florida Bar and others.

On May 21, 1975, by interlocutory order, the Court construed, "The Petition to request (a) a re-examination of Canon 3A(7) as it now exists and (b) to adopt the proposed revised rule. . ." In its decision, the Court granted that portion of the Petition seeking re-examination of the Canon; denied the portion of the Petition seeking approval of the proposed substitute rule; reserved jurisdiction of the subject matter and the parties for the purpose of conducting a re-examination of the Canon and, if appropriate, make a revision thereof; and indicated that it would determine whether or not further hearings or a pilot program should be ordered or if changes should be made to the Canon.

After the above order, on January 28, 1976, the Court ascertained that to assist in the final disposition of the Petition, an on-site experimental program should take place. The program was to consist of one televised criminal trial and one televised civil trial in the Circuit Court of the Second Judicial Circuit of Florida (Tallahassee). The regulation of the televising of the trials was subject to the discretion of the judge and to the following six guidelines:

- "1. The parties to the litigation, jurors and witnesses must consent to the televising of their participation in the trial.
2. The television equipment in the criminal case shall be fully screened from view but in the civil case, with the consent of the parties, the television equipment may be in the open.
3. The trial judge shall have full authority to terminate the televising of all or any part of the proceedings which he deems would be an effective interference in the administration of the justice of the cause.
4. At the conclusion of each trial, the television film or tape shall be delivered to the trial judge for transmittal by him to this Court for filing as an exhibit in these proceedings. Neither the television file nor any copy thereof shall be used in any public newscast without prior permission of this Court.
5. The Supreme Court, either by a committee of its Justices or other monitors, from an unobtrusive location in the courtroom, will observe the proceedings and at the conclusion of each trial, the Court, through its designee or designees, will interview such of the participants as it deems appropriate, for their individual reactions in order to assist in determining the total effect of television coverage upon the conduct of the trials.
6. At the conclusion of the trials, request is made that the trial judge provide the Court with his analysis of the experiment."

On April 12, 1976, still camera coverage was permitted along with television coverage in the experiment.

As a result of difficulty in obtaining the consent of parties and counsel to televising their participation in trials, on September 17, 1976, the experiment was expanded to include two trials, under the guidelines previously defined, in the Orange County Circuit Court of the Ninth Judicial Circuit (Orlando).

Again, on December 21, 1976, because of difficulty in obtaining the consent of trial participants for the experiment, the Court expanded the program to the Fourth (Jacksonville) and Eighth (Gainesville) Judicial Circuits. Furthermore, the Court indicated that the experiment should commence on or before April 1, 1977. This expansion, likewise, did not yield the two anticipated experimental cases.

Consequently, on April 7, 1977, the Supreme Court of Florida evoked a one-year pilot program in which electronic media and still photographers could televise and photograph judicial proceedings in all courts of the state subject to standards to be later developed. The Court stated that it remained its view that such a test was necessary to ". . . a reasoned decision on the petition for modification of Canon 3A(7)."

B. The Program

The Supreme Court of Florida's supplemental interlocutory decision of April 7, 1977, and the order of June 14, 1977, delineated the purpose of the pilot project, its scope, the time frame and standards of conduct and technology governing electronic media and still photography coverage of judicial proceedings. (See Appendix E for copies of these orders.)

The program was to last one year, starting at 12:01 a.m., July 5, 1977, and ending 11:59 p.m., June 30, 1978. During this time, the electronic media and still photography coverage of all judicial proceedings could occur at the discretion of the media subject to the stated restrictions, and the orders and directions of the presiding judge.

The purpose of the project was to provide the court with additional data in reaching its decision on modifications to Canon 3A(7) of the Code of Judicial Conduct of the State of Florida.

Nine areas were identified as requiring standards of conduct and technology to be followed in conducting the program. These areas were as follows:

1. Equipment and personnel
2. Sound and light criteria
3. Location of equipment and personnel
4. Movement during proceedings
5. Courtroom light sources
6. Conferences of counsel
7. Impermissible use of media material
8. Appellate review
9. Evaluation of program

Each area was defined in detail. The actual wording of the standards are included in Appendix E.

The experimental program began and ended as scheduled. During the one-year period, numerous trials received electronic media and still photography coverage. Several of the cases had gavel-to-gavel radio and/or television coverage.

C. The Survey

At the termination of the pilot program, the Court determined to obtain additional information on the experience of various individuals associated with trials having electronic media and still photography coverage. The State Court Administrator's Office (OSCA) was directed to undertake an analysis of a sample of jurors, witnesses, attorneys and court personnel involved in such cases. The OSCA was provided with certain parameters within which to develop the survey. Those parameters which were identified and established were:

1. Responses would be sought only from individuals who had participated in or were associated with trials that had electronic media or still photography coverage.
2. Judges would not be included in the survey. (A survey of trial judges had previously been conducted by the Circuit Judges Conference).
3. All data would be collected by August 4, 1978.
4. All responses would remain anonymous.

Given the above constraints and the fact that the development of survey procedures and collection of data was a post hoc endeavor, it was apparent that the ideal analysis, one which would incorporate an experimental design to measure the impact of the presence of the media and photographers in the courtroom, was not feasible. Because the experimental research methods which could be considered were limited, it was decided that a survey study of each group of trial participants, e.g. jurors, witnesses, etc., could provide the most valuable and accurate information.

The final survey questionnaires evolved through an iterative process of review and modification by the Court, the parties, OSCA staff and interested academicians. The questionnaires were distributed to a sample of jurors, witnesses, court personnel and attorneys on July 19, 1978. A follow-up letter to the questionnaires was sent on July 28, 1978. The majority of the responses were received by August 4, 1978.

The remainder of this report consists of a description of that survey and the results which were obtained after its distribution.

It should be noted that, as indicated above, the Court did not wish to perform an experiment regarding the impact of the presence of electronic media and still photography coverage in the courtroom. Nor, could it have done so under the circumstances of the pilot program.

An experiment encompasses the isolation and testing of a new event upon a particular situation. It requires that the experimenter compare all aspects of the situation, both prior to and after the occurrence of the event, or through control groups, similar situations where the event occurred and did not occur.

This survey of selected trial participants cannot be considered an experiment. No attempt was made to determine the reactions of participants of trials which did not involve media coverage. The information which is contained in this document must be reviewed with this thought in mind to ensure that erroneous interpretations or invalid applications of the data do not result.

In addition to the previous note, the reader should be aware of the use of selected terms in the report. "Media" refers to any television, radio, newspaper or still photography present in the courtroom. The groups sampled were attorneys, witnesses, jurors and court personnel (bailiffs, court clerks and court reporters) that participated in a trial, within the courtroom, where any of the aforementioned media was present.

D. Acknowledgements

The survey was designed and implemented by Donna Braziel and Michael Peters, members of the Judicial Planning Coordination Unit in the Office of the State Courts Administrator, Tallahassee, Florida. Technical assistance was provided by Merica Granger, Billie Bivens and Peter Cotroneo, also of the Judicial Planning Coordination Unit.

Dr. Pauline Holden, University of Florida Criminal Justice Program, served in consultative capacity for reviewing the questionnaire format.

II. Structure of Survey

A. Survey Results

The survey frequencies are presented in three sections. Section one shows how each of the four groups responded to the same question.

Section two shows the responses to questions related to the behavior of attorneys within the courtroom when the media was present. Responses to the same questions were taken from three frames of reference: (1) court personnel; (2) attorney's view of the opposing attorney; and, (3) attorney's view of him/herself.

Section three gives the responses to questions related to the behavior of jurors, witnesses and judges in the courtroom when media was present. The responses were from questions that court personnel and attorneys were asked because they had a more comparative frame of reference to respond from. Since they had been involved in more than one court situation, it was felt that their answers would be more valid concerning certain behaviors than individuals who had only been involved with one trial.

II. Structure of Survey

A. Survey Results

1. Frequencies

Section One

Frequencies

1. Do you feel allowing television, photographic and radio coverage in the courtroom made you more informed about Florida's legal system?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	35.0%	1. Not at all	36.0%	1. Not at all	58.3%	1. Not at all	52.4%
2. Slightly	15.0%	2. Slightly	17.3%	2. Slightly	10.2%	2. Slightly	15.6%
3. Moderately	19.7%	3. Moderately	16.2%	3. Moderately	9.3%	3. Moderately	16.3%
4. Very	21.5%	4. Very	20.7%	4. Very	17.6%	4. Very	8.8%
5. Extremely	7.0%	5. Extremely	8.8%	5. Extremely	4.0%	5. Extremely	6.8%
average response	2.0	average response	2.5	average response	2.1	average response	2.1

2. Do you feel allowing television, photographic and radio coverage in the courtroom made you disrespectful towards Florida's courts?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	87.3%	1. Not at all	79.5%	1. Not at all	88.0%	1. Not at all	83.2%
2. Slightly	6.5%	2. Slightly	8.8%	2. Slightly	4.0%	2. Slightly	7.4%
3. Moderately	3.0%	3. Moderately	5.1%	3. Moderately	2.8%	3. Moderately	6.7%
4. Very	2.1%	4. Very	2.8%	4. Very	2.8%	4. Very	2.0%
5. Extremely	1.2%	5. Extremely	3.7%	5. Extremely	.9%	5. Extremely	.7%
average response	1.2	average response	1.4	average response	1.3	average response	1.3

3. Do you feel allowing television, photographic, and radio coverage in the courtroom made you more favorable towards the Florida courts?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	51.4%	1. Not at all	53.7%	1. Not at all	61.1%	1. Not at all	64.2%
2. Slightly	9.7%	2. Slightly	9.5%	2. Slightly	6.3%	2. Slightly	11.5%
3. Moderately	14.8%	3. Moderately	16.6%	3. Moderately	12.0%	3. Moderately	8.8%
4. Very	19.0%	4. Very	13.4%	4. Very	11.1%	4. Very	8.8%
5. Extremely	5.1%	5. Extremely	6.8%	5. Extremely	7.4%	5. Extremely	6.8%
average response	2.2	average response	2.1	average response	2.1	average response	1.9

4. How did the presence of television, photographers, photographic equipment or radio coverage in the courtroom affect the dignity of the courtroom proceedings?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Greatly increased	8.6%	1. Greatly increased	10.6%	1. Greatly increased	8.3%	1. Greatly increased	3.4%
2. Slightly increased	9.8%	2. Slightly increased	12.9%	2. Slightly increased	5.6%	2. Slightly increased	11.4%
3. No effect	66.9%	3. No effect	49.2%	3. No effect	54.6%	3. No effect	39.6%
4. Slightly decreased	11.3%	4. Slightly decreased	16.6%	4. Slightly decreased	23.1%	4. Slightly decreased	30.9%
5. Greatly decreased	3.4%	5. Greatly decreased	10.7%	5. Greatly decreased	8.3%	5. Greatly decreased	14.8%
average response	2.9	average response	3.05	average response	3.2	average response	3.3

5. To what extent did the presence of television, photographic, or radio coverage in the courtroom disrupt the trial?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	77.6%	1. Not at all	57.0%	1. Not at all	49.1%	1. Not at all	41.6%
2. Slightly	14.3%	2. Slightly	24.3%	2. Slightly	34.9%	2. Slightly	28.9%
3. Moderately	5.3%	3. Moderately	11.1%	3. Moderately	10.4%	3. Moderately	16.8%
4. Very	2.6%	4. Very	4.4%	4. Very	2.8%	4. Very	8.7%
5. Extremely	.2%	5. Extremely	3.3%	5. Extremely	2.8%	5. Extremely	4.0%
average response	1.3	average response	1.75	average response	1.65	average response	2.0

6. To what extent were you aware of the presence of television, photographic or radio coverage in the courtroom during the trial?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	19.5%	1. Not at all	20.0%	1. Not at all	3.8%	1. Not at all	12.7%
2. Slightly	55.1%	2. Slightly	39.4%	2. Slightly	44.3%	2. Slightly	39.3%
3. Moderately	11.9%	3. Moderately	15.8%	3. Moderately	20.8%	3. Moderately	15.3%
4. Very	9.0%	4. Very	16.0%	4. Very	18.0%	4. Very	21.3%
5. Extremely	4.5%	5. Extremely	8.8%	5. Extremely	12.3%	5. Extremely	11.3%
average response	2.3	average response	2.69	average response	2.7	average response	2.7

7. To what extent did the presence of television, photographic or radio coverage in the courtroom affect your ability to judge the truthfulness of the witness?

<u>Juror</u>		<u>Attorney</u>	
1. Greatly helped my ability to judge the truthfulness of witness	2.6%	1. Greatly helped my ability to judge the truthfulness of witness	1.4%
2. Slightly helped my ability to judge the truthfulness of witness	2.2%	2. Slightly helped my ability to judge the truthfulness of witness	2.0%
3. No effect	01.4%	3. No effect	78.2%
4. Slightly hindered my ability to judge the truthfulness of witness	2.6%	4. Slightly hindered my ability to judge the truthfulness of witness	12.2%
5. Greatly hindered my ability to judge the truthfulness of witness	1.2%	5. Greatly hindered my ability to judge the truthfulness of witness	0.1%
average response	3.0	average response	3.1

8. To what extent did the presence of television, photographic, or radio coverage in the courtroom affect you from concentrating on the testimony?

<u>Juror</u>	
1. Not at all	84.5%
2. Slightly	0.5%
3. Moderately	3.2%
4. Very	2.1%
5. Extremely	.7%
average response	1.2

9. To what extent did the presence of television, photographic or radio coverage in the courtroom make you self-conscious?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	66.8%	1. Not at all	46.4%	1. Not at all	42.5%	1. Not at all	37.3%
2. Slightly	21.6%	2. Slightly	24.7%	2. Slightly	27.4%	2. Slightly	36.7%
3. Moderately	3.0%	3. Moderately	12.5%	3. Moderately	13.2%	3. Moderately	13.3%
4. Very	4.2%	4. Very	9.8%	4. Very	14.2%	4. Very	8.0%
5. Extremely	3.5%	5. Extremely	6.6%	5. Extremely	2.8%	5. Extremely	4.7%
average response	1.5	average response	2.1	average response	1.8	average response	2.0

10. To what extent did the presence of television, photographic or radio coverage in the courtroom make you feel more responsible for your actions.

<u>Juror</u>		<u>Witness</u>	
1. Not at all	76.0%	1. Not at all	61.2%
2. Slightly	7.0%	2. Slightly	11.0%
3. Moderately	6.5%	3. Moderately	9.9%
4. Very	6.3%	4. Very	11.8%
5. Extremely	3.3%	5. Extremely	5.2%
average response	1.5	average response	1.92

11. To what extent did the presence of television, photographic or radio coverage in the courtroom make you nervous?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	74.7%	1. Not at all	53.4%	1. Not at all	65.1%	1. Not at all	60.0%
2. Slightly	17.9%	2. Slightly	26.3%	2. Slightly	21.7%	2. Slightly	26.7%
3. Moderately	2.8%	3. Moderately	8.0%	3. Moderately	5.7%	3. Moderately	8.0%
4. Very	1.4%	4. Very	6.6%	4. Very	4.7%	4. Very	3.3%
5. Extremely	3.2%	5. Extremely	5.8%	5. Extremely	2.8%	5. Extremely	2.0%
average response	1.4	average response	1.9	average response	1.49	average response	1.5

12. To what extent did the presence of television, photographic or radio coverage in the courtroom make you more attentive?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	80.1%	1. Not at all	64.2%	1. Not at all	61.0%	1. Not at all	70.0%
2. Slightly	9.8%	2. Slightly	16.6%	2. Slightly	18.1%	2. Slightly	19.3%
3. Moderately	4.8%	3. Moderately	9.4%	3. Moderately	9.5%	3. Moderately	6.7%
4. Very	3.8%	4. Very	6.7%	4. Very	3.8%	4. Very	3.3%
5. Extremely	1.4%	5. Extremely	3.1%	5. Extremely	7.6%	5. Extremely	.7%
average response	1.4	average response	1.7	average response	1.82	average response	1.5

13. To what extent did the presence of television, photographic or radio coverage in the courtroom distract you during the trial?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	77.0%	1. Not at all	60.6%	1. Not at all	57.0%	1. Not at all	40.7%
2. Slightly	18.7%	2. Slightly	23.3%	2. Slightly	29.0%	2. Slightly	34.0%
3. Moderately	2.2%	3. Moderately	6.7%	3. Moderately	7.5%	3. Moderately	11.3%
4. Very	1.0%	4. Very	5.5%	4. Very	3.7%	4. Very	8.7%
5. Extremely	1.2%	5. Extremely	3.9%	5. Extremely	2.8%	5. Extremely	5.3%
average response	1.3	average response	1.76	average response	1.6	average response	2.0

14. During the trial, to what extent did you want to see or hear yourself in the media?

<u>Juror</u>		<u>Witness</u>	
1. Not at all	72.3%	1. Not at all	62.5%
2. Slightly	18.6%	2. Slightly	18.5%
3. Moderately	5.7%	3. Moderately	12.5%
4. Very	2.9%	4. Very	4.2%
5. Extremely	.5%	5. Extremely	2.2%
average response	1.4	average response	1.68

15. During the trial, how did the presence of television, photographic or radio coverage in the courtroom affect your respect for the courts?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>	
1. Greatly increased	9.8%	1. Greatly increased	9.9%	1. Greatly increased	10.2%
2. Slightly increased	9.3%	2. Slightly increased	7.6%	2. Slightly increased	3.7%
3. No effect.	72.5%	3. No effect	66.0%	3. No effect	67.6%
4. Slightly decreased	5.3%	4. Slightly decreased	10.7%	4. Slightly decreased	13.9%
5. Greatly decreased	3.1%	5. Greatly decreased	5.8%	5. Greatly decreased	4.6%
average response	2.8	average response	2.98	average response	3.0

16. To what extent did you feel the presence of television, photographic or radio coverage in the courtroom during the trial made the case more important?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	52.0%	1. Not at all	41.9%	1. Not at all	55.1%	1. Not at all	20.1%
2. Slightly	20.5%	2. Slightly	18.6%	2. Slightly	12.1%	2. Slightly	16.1%
3. Moderately	13.9%	3. Moderately	18.8%	3. Moderately	17.8%	3. Moderately	26.8%
4. Very	9.6%	4. Very	11.8%	4. Very	7.5%	4. Very	23.5%
5. Extremely	4.0%	5. Extremely	8.8%	5. Extremely	7.5%	5. Extremely	13.4%
average response	1.9	average response	2.31	average response	2.0	average response	3.0

17. To what extent did you feel the presence of television, photographic or radio coverage in the courtroom during the testimony of witnesses made that testimony more important?

<u>Juror</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	73.5%	1. Not at all	72.6%	1. Not at all	44.9%
2. Slightly	10.1%	2. Slightly	11.3%	2. Slightly	14.3%
3. Moderately	6.6%	3. Moderately	5.7%	3. Moderately	17.0%
4. Very	7.7%	4. Very	5.7%	4. Very	13.6%
5. Extremely	3.1%	5. Extremely	4.7%	5. Extremely	10.2%
average response	1.5	average response	1.57	average response	2.4

18. Overall, would you favor or oppose allowing television, photographic or radio coverage in the courtroom?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Completely in Favor	49.1%	1. Completely in Favor	41.3%	1. Completely in Favor	36.1%	1. Completely in Favor	38.9%
2. Slightly in Favor	15.8%	2. Slightly in Favor	14.6%	2. Slightly in Favor	11.1%	2. Slightly in Favor	17.4%
3. No Opinion	8.8%	3. No Opinion	8.3%	3. No Opinion	11.1%	3. No Opinion	2.0%
4. Slightly Opposed	10.7%	4. Slightly Opposed	11.5%	4. Slightly Opposed	16.7%	4. Slightly Opposed	12.8%
5. Completely Opposed	15.6%	5. Completely Opposed	24.3%	5. Completely Opposed	25.0%	5. Completely Opposed	28.9%
average response	2.2	average response	2.61	average response	2.87	average response	2.57

19. To what extent were you concerned that someone may try to harm you in some way because of your appearance as a juror, witness, court staff person or attorney being on television?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	61.4%	1. Not at all	71.0%	1. Not at all	85.0%	1. Not at all	81.8%
2. Slightly	23.4%	2. Slightly	13.0%	2. Slightly	8.4%	2. Slightly	10.8%
3. Moderately	6.3%	3. Moderately	4.9%	3. Moderately	4.7%	3. Moderately	4.7%
4. Very	4.2%	4. Very	6.1%	4. Very	.9%	4. Very	1.4%
5. Extremely	4.7%	5. Extremely	5.0%	5. Extremely	.9%	5. Extremely	1.4%
average response 1.7		average response 1.6		average response 1.29		average response 1.25	

20. To what extent were you concerned that someone may try to harm you in some way because of your appearance as a juror, witness, court staff person or attorney being photographed?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	61.0%	1. Not at all	70.5%	1. Not at all	85.8%	1. Not at all	84.0%
2. Slightly	23.7%	2. Slightly	14.4%	2. Slightly	7.5%	2. Slightly	10.7%
3. Moderately	6.5%	3. Moderately	6.2%	3. Moderately	4.7%	3. Moderately	3.3%
4. Very	4.8%	4. Very	4.5%	4. Very	.9%	4. Very	1.3%
5. Extremely	4.1%	5. Extremely	5.3%	5. Extremely	.9%	5. Extremely	.7%
average response 1.7		average response 1.58		average response 1.29		average response 1.17	

21. To what extent were you concerned that someone may try to harm you in some way because of your appearance as a juror, witness, court staff person or attorney being in the newspapers?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	63.0%	1. Not at all	72.0%	1. Not at all	83.0%	1. Not at all	83.3%
2. Slightly	21.4%	2. Slightly	14.1%	2. Slightly	10.4%	2. Slightly	12.7%
3. Moderately	6.0%	3. Moderately	4.0%	3. Moderately	5.7%	3. Moderately	2.7%
4. Very	5.3%	4. Very	3.0%	4. Very	No Resp.	4. Very	.7%
5. Extremely	3.4%	5. Extremely	5.2%	5. Extremely	.9%	5. Extremely	.7%
average response 1.6		average response 1.55		average response 1.28		average response 1.16	

22. To what extent were you concerned that people would try to harm you in some way because of your appearance as a juror, witness, court staff person or attorney being on radio?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	76.3%	1. Not at all	78.8%	1. Not at all	88.7%	1. Not at all	89.8%
2. Slightly	14.7%	2. Slightly	11.8%	2. Slightly	8.5%	2. Slightly	8.2%
3. Moderately	4.1%	3. Moderately	3.0%	3. Moderately	1.9%	3. Moderately	1.4%
4. Very	2.9%	4. Very	3.0%	4. Very	No Resp.	4. Very	No Resp.
5. Extremely	1.9%	5. Extremely	2.4%	5. Extremely	.9%	5. Extremely	.7%
average response 1.4		average response 1.38		average response 1.18		average response 1.09	

23. a) To what extent were you concerned that people would know you were serving on a particular jury and try to influence your decision as a result of the television coverage of the trial?

Juror

- | | |
|---------------|-------|
| 1. Not at all | 81.0% |
| 2. Slightly | 9.8% |
| 3. Moderately | 4.5% |
| 4. Very | 1.7% |
| 5. Extremely | 2.1% |

average response 1.3

23. b) To what extent were you concerned that people would know you were a witness in a particular trial and try to influence your testimony as a result of the television coverage of the trial?

Witness

- | | |
|---------------|-------|
| 1. Not at all | 82.5% |
| 2. Slightly | 8.5% |
| 3. Moderately | 3.5% |
| 4. Very | 2.7% |
| 5. Extremely | 2.8% |

average response 1.35

24. a) To what extent were you concerned that people would know you were serving on a particular jury and try to influence your decision as a result of the photographic coverage of the trial?

Juror

- | | |
|---------------|-------|
| 1. Not at all | 84.2% |
| 2. Slightly | 9.0% |
| 3. Moderately | 3.3% |
| 4. Very | 1.4% |
| 5. Extremely | 2.1% |

average response 1.3

24. b) To what extent were you concerned that people would know you were a witness in a particular trial and try to influence your testimony as a result of the photographic coverage of the trial?

Witness

- | | |
|---------------|-------|
| 1. Not at all | 84.0% |
| 2. Slightly | 8.2% |
| 3. Moderately | 2.5% |
| 4. Very | 3.0% |
| 5. Extremely | 2.4% |

average response 1.32

25. a) To what extent were you concerned that people would know you were serving on a particular jury and try to influence your decision as a result of the radio coverage of the trial?

Juror

- | | |
|---------------|-------|
| 1. Not at all | 88.2% |
| 2. Slightly | 6.6% |
| 3. Moderately | 2.4% |
| 4. Very | 1.4% |
| 5. Extremely | 1.4% |

average response 1.2

25. b) To what extent were you concerned that people would know you were a witness in a particular trial and try to influence your testimony as a result of the radio coverage of the trial?

Witness

- | | |
|---------------|-------|
| 1. Not at all | 86.1% |
| 2. Slightly | 7.0% |
| 3. Moderately | 2.4% |
| 4. Very | 2.7% |
| 5. Extremely | 1.9% |

average response 1.27

26. a) To what extent were you concerned that people would know you were serving on a particular jury and try to influence your decision as a result of the newspaper coverage of the trial?

Juror

- | | |
|---------------|-------|
| 1. Not at all | 85.6% |
| 2. Slightly | 7.8% |
| 3. Moderately | 3.1% |
| 4. Very | 1.4% |
| 5. Extremely | 2.1% |

average response 1.2

26. b) To what extent were you concerned that people would know you were a witness in a particular trial and try to influence your testimony as a result of the newspaper coverage of the trial?

Witness

- | | |
|---------------|-------|
| 1. Not at all | 83.6% |
| 2. Slightly | 9.0% |
| 3. Moderately | 1.9% |
| 4. Very | 3.1% |
| 5. Extremely | 2.4% |

average response 1.3

27. To what extent did knowing that the proceedings may be televised affect your desire to participate in the trial?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	86.1%	1. Not at all	73.2%	1. Not at all	80.4%	1. Not at all	56.5%
2. Slightly	5.9%	2. Slightly	10.4%	2. Slightly	9.3%	2. Slightly	20.4%
3. Moderately	2.8%	3. Moderately	4.6%	3. Moderately	6.5%	3. Moderately	15.6%
4. Very	2.8%	4. Very	5.7%	4. Very	1.9%	4. Very	4.1%
5. Extremely	2.4%	5. Extremely	6.2%	5. Extremely	1.9%	5. Extremely	3.4%
average response 1.3		average response 1.63		average response 1.35		average response 1.74	

28. To what extent did knowing that the proceedings may be on radio affect your desire to participate in the trial?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	91.3%	1. Not at all	80.1%	1. Not at all	83.2%	1. Not at all	68.5%
2. Slightly	5.0%	2. Slightly	7.2%	2. Slightly	9.3%	2. Slightly	15.1%
3. Moderately	1.4%	3. Moderately	4.4%	3. Moderately	3.7%	3. Moderately	11.0%
4. Very	1.0%	4. Very	4.1%	4. Very	1.9%	4. Very	2.7%
5. Extremely	1.2%	5. Extremely	4.2%	5. Extremely	1.9%	5. Extremely	2.7%
average response 1.2		average response 1.46		average response 1.3		average response 1.5	

29. To what extent did knowing that the proceedings may be photographed affect your desire to participate in the trial?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	85.1%	1. Not at all	76.2%	1. Not at all	80.6%	1. Not at all	63.3%
2. Slightly	8.2%	2. Slightly	9.4%	2. Slightly	12.0%	2. Slightly	18.7%
3. Moderately	2.9%	3. Moderately	4.2%	3. Moderately	3.7%	3. Moderately	10.7%
4. Very	1.2%	4. Very	4.4%	4. Very	1.9%	4. Very	4.0%
5. Extremely	2.6%	5. Extremely	5.8%	5. Extremely	1.9%	5. Extremely	3.3%
average response	1.3	average response	1.55	average response	1.29	average response	1.6

30. To what extent did knowing that the proceedings may receive newspaper coverage affect your desire to participate in the trial?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorney</u>	
1. Not at all	87.6%	1. Not at all	78.3%	1. Not at all	80.1%	1. Not at all	65.3%
2. Slightly	6.2%	2. Slightly	8.4%	2. Slightly	6.5%	2. Slightly	15.3%
3. Moderately	4.5%	3. Moderately	5.7%	3. Moderately	4.6%	3. Moderately	13.3%
4. Very	.2%	4. Very	3.2%	4. Very	1.9%	4. Very	3.3%
5. Extremely	1.4%	5. Extremely	4.4%	5. Extremely	.9%	5. Extremely	2.7%
average response	1.2	average response	1.5	average response	1.2	average response	1.6

32. Please check the photographic equipment and personnel which were visible to you during the court proceeding.

<u>Juror</u>		<u>Witness</u>	
1. Still Camera	6.4%	1. Still Camera	6.8%
2. Movie/Television Camera	11.4%	2. Movie/Television Camera	10.1%
3. Still Camera Operators	1.0%	3. Still Camera Operators	1.8%
4. Movie/Television Camera Operators	6.1%	4. Movie/Television Camera Operators	4.3%
5. Cable and Electrical Cords	1.1%	5. Cable and Electrical Cords	2.0%
6. All of the above	13.0%	6. All of the above	20.3%
7. Combination of the above	60.1%	7. Combination of the above	54.7%

<u>Court Personnel</u>		<u>Attorney</u>	
1. Still Camera	2.8%	1. Still Camera	2.7%
2. Movie/Television Camera	2.8%	2. Movie/Television Camera	1.3%
3. Still Camera Operators	No Resps.	3. Still Camera Operators	.7%
4. Movie/Television Camera Operators	2.8%	4. Movie/Television Camera Operators	.7%
5. Cable and Electrical Cords	.0%	5. Cable and Electrical Cords	No Resps.
6. All of the above	55.6%	6. All of the above	55.7%
7. Combination of the above	34.3%	7. Combination of the above	38.0%

33. Was the presence of the equipment distracting to you personally?

<u>Juror</u>		<u>Witness</u>		<u>Court Personnel</u>		<u>Attorneys</u>	
1. No	89.0%	1. No	79.0%	1. No	74.0%	1. No	58.1%
2. Yes	11.0%	2. Yes	21.0%	2. Yes	26.0%	2. Yes	41.9%
average response	1.1	average response	1.3	average response	1.3	average response	1.39

Section Two

Frequencies

1. a. To what extent did the presence of television, photographic or radio coverage in the courtroom make the attorney's self-conscious?
- b. To what extent did the presence of television, photographic or radio coverage in the courtroom make the opposing attorney self-conscious?
- c. To what extent did the presence of television, photographic or radio coverage in the courtroom make you self-conscious?

a. Court Personnel

- | | |
|---------------|-------|
| 1. Not at all | 35.6% |
| 2. Slightly | 32.7% |
| 3. Moderately | 16.8% |
| 4. Very | 9.9% |
| 5. Extremely | 5.0% |

average response 2.1

b. Attorney's view of opposing attorney

- | | |
|---------------|-------|
| 1. Not at all | 42.5% |
| 2. Slightly | 32.1% |
| 3. Moderately | 17.9% |
| 4. Very | 4.5% |
| 5. Extremely | 3.0% |

average response 2.0

c. Attorney's view of him/herself

- | | |
|---------------|-------|
| 1. Not at all | 37.3% |
| 2. Slightly | 36.7% |
| 3. Moderately | 13.3% |
| 4. Very | 8.0% |
| 5. Extremely | 4.7% |

average response 2.0

2. a. To what extent did the presence of television, photographic or radio coverage in the courtroom make the attorney's actions flamboyant?
- b. To what extent did the presence of television, photographic or radio coverage in the courtroom make the opposing attorney's actions flamboyant?
- c. To what extent did the presence of television, photographic or radio coverage in the courtroom make your actions flamboyant?

a. Court Personnel

1. Not at all	44.3%
2. Slightly	30.2%
3. Moderately	17.0%
4. Very	4.7%
5. Extremely	3.8%

average response 1.9

b. Attorney's view of opposing attorney

1. Not at all	54.8%
2. Slightly	18.5%
3. Moderately	17.8%
4. Very	5.9%
5. Extremely	3.0%

average response 1.8

c. Attorney's view of him/herself

1. Not at all	70.3%
2. Slightly	14.7%
3. Moderately	4.7%
4. Very	1.3%
5. Extremely	0

average response 1.3

3. a. To what extent did the presence of television, photographic, or radio coverage in the courtroom make the attorney's more attentive?
- b. To what extent did the presence of television, photographic, or radio coverage in the courtroom make the opposing attorney more attentive?
- c. To what extent did the presence of television, photographic, or radio coverage in the courtroom make you more attentive?

a. Court Personnel

1. Not at all	46.0%
2. Slightly	25.0%
3. Moderately	15.0%
4. Very	9.0%
5. Extremely	5.0%

average response 2.1

b. Attorney's view of opposing attorney

1. Not at all	66.4%
2. Slightly	18.4%
3. Moderately	12.8%
4. Very	1.6%
5. Extremely	.8%

average response 1.6

c. Attorney's view of him/herself

1. Not at all	70.0%
2. Slightly	19.3%
3. Moderately	6.7%
4. Very	3.3%
5. Extremely	.7%

average response 1.5

4. a. To what extent did the presence of television, photographic or radio coverage in the courtroom make the attorney's nervous?
- b. To what extent did the presence of television, photographic or radio coverage in the courtroom make the opposing attorney nervous?
- c. To what extent did the presence of television, photographic or radio coverage in the courtroom make you nervous?

a. Court Personnel

- | | |
|---------------|-------|
| 1. Not at all | 52.9% |
| 2. Slightly | 32.4% |
| 3. Moderately | 6.9% |
| 4. Very | 4.9% |
| 5. Extremely | 2.0% |

average response 1.7

b. Attorney's view of opposing attorney

- | | |
|---------------|-------|
| 1. Not at all | 59.8% |
| 2. Slightly | 27.9% |
| 3. Moderately | 5.7% |
| 4. Very | 4.9% |
| 5. Extremely | 1.6% |

average response 1.5

c. Attorney's view of him/herself

- | | |
|---------------|-------|
| 1. Not at all | 60.0% |
| 2. Slightly | 26.7% |
| 3. Moderately | 8.0% |
| 4. Very | 3.3% |
| 5. Extremely | 2.0% |

average response 1.5

- 5. a. To what extent did the presence of television, photographic or radio coverage in the courtroom make the attorneys better prepared?
- b. To what extent did the presence of television, photographic or radio coverage in the courtroom make the opposing attorney better prepared?
- c. To what extent did the presence of television, photographic or radio coverage in the courtroom make you better prepared?

a. Court Personnel

- 1. Not at all 63.7%
- 2. Slightly 14.7%
- 3. Moderately 8.8%
- 4. Very 5.9%
- 5. Extremely 6.9%

average response 1.8

b. Attorney's view of opposing attorney

- 1. Not at all 78.1%
- 2. Slightly 15.6%
- 3. Moderately 3.0%
- 4. Very 1.6%
- 5. Extremely .8%

average response 1.4

c. Attorney's view of him/herself

- 1. Not at all 73.3%
- 2. Slightly 13.3%
- 3. Moderately 7.3%
- 4. Very 3.3%
- 5. Extremely 2.7%

average response 1.5

6. a. To what extent did the presence of television, photographic or radio coverage in the courtroom distract the attorneys?
- b. To what extent did the presence of television, photographic or radio coverage in the courtroom distract the opposing attorney?
- c. To what extent did the presence of television, photographic or radio coverage in the courtroom distract you?

a. Court Personnel

1. Not at all	53.3%
2. Slightly	36.2%
3. Moderately	4.8%
4. Very	2.9%
5. Extremely	2.9%

average response 1.6

b. Attorney's view of opposing attorney

1. Not at all	53.2%
2. Slightly	29.8%
3. Moderately	9.7%
4. Very	4.8%
5. Extremely	2.4%

average response 1.7

c. Attorney's view of him/herself

1. Not at all	40.7%
2. Slightly	34.0%
3. Moderately	11.3%
4. Very	8.7%
5. Extremely	5.3%

average response 2.0

Section Three

Frequencies

1. To what extent did the presence of television, photographic or radio coverage in the courtroom make the witnesses self-conscious?

Court Personnel		Attorney	
1. Not at all	14.6%	1. Not at all	24.1%
2. Slightly	36.9%	2. Slightly	28.4%
3. Moderately	33.0%	3. Moderately	19.1%
4. Very	5.8%	4. Very	16.3%
5. Extremely	9.7%	5. Extremely	12.1%
average response	2.5	average response	2.5

2. To what extent did the presence of television, photographic or radio coverage in the courtroom make the witnesses more cooperative?

Court Personnel		Attorney	
1. Not at all	79.2%	1. Not at all	83.2%
2. Slightly	10.9%	2. Slightly	9.8%
3. Moderately	4.0%	3. Moderately	4.2%
4. Very	5.0%	4. Very	2.1%
5. Extremely	1.0%	5. Extremely	.7%
average response	1.4	average response	1.3

3. To what extent did the presence of television, photographic or radio coverage in the courtroom make the witnesses more nervous?

Court Personnel		Attorney	
1. Not at all	22.3%	1. Not at all	24.8%
2. Slightly	43.7%	2. Slightly	32.6%
3. Moderately	19.4%	3. Moderately	16.3%
4. Very	6.8%	4. Very	13.5%
5. Extremely	7.8%	5. Extremely	12.8%
average response	2.2	average response	2.5

4. To what extent did the presence of television, photographic or radio coverage in the courtroom make the witnesses more attentive?

Court Personnel		Attorney	
1. Not at all	54.8%	1. Not at all	64.7%
2. Slightly	21.2%	2. Slightly	25.9%
3. Moderately	16.3%	3. Moderately	4.3%
4. Very	5.8%	4. Very	3.6%
5. Extremely	1.9%	5. Extremely	1.4%
average response	1.8	average response	1.6

5. To what extent did the presence of television, photographic or radio coverage in the courtroom make the witnesses act flamboyant?

Court Personnel		Attorney	
1. Not at all	65.4%	1. Not at all	68.1%
2. Slightly	19.2%	2. Slightly	17.0%
3. Moderately	10.6%	3. Moderately	9.0%
4. Very	2.0%	4. Very	3.5%
5. Extremely	1.9%	5. Extremely	1.4%
average response	1.5	average response	1.5

6. To what extent did the presence of television, photographic or radio coverage in the courtroom distract witnesses?

Court Personnel		Attorney	
1. Not at all	36.2%	1. Not at all	37.2%
2. Slightly	40.0%	2. Slightly	28.3%
3. Moderately	13.3%	3. Moderately	13.8%
4. Very	4.8%	4. Very	9.7%
5. Extremely	5.7%	5. Extremely	11.0%
average response	2.0	average response	2.2

7. To what extent did the presence of television, photographic or radio coverage in the courtroom inhibit witnesses?

Court Personnel		Attorney	
1. Not at all	44.6%	1. Not at all	44.1%
2. Slightly	40.6%	2. Slightly	21.0%
3. Moderately	7.9%	3. Moderately	14.7%
4. Very	4.0%	4. Very	11.9%
5. Extremely	3.0%	5. Extremely	8.4%
average response	1.7	average response	2.2

8. To what extent did the presence of television, photographic or radio coverage in the courtroom make the judge self-conscious?

Court Personnel		Attorney	
1. Not at all	60.4%	1. Not at all	42.3%
2. Slightly	25.5%	2. Slightly	21.2%
3. Moderately	3.8%	3. Moderately	18.2%
4. Very	7.5%	4. Very	8.8%
5. Extremely	2.8%	5. Extremely	9.5%
average response	1.5	average response	2.2

9. To what extent did the presence of television, photographic or radio coverage in the courtroom make the Judge more attentive?

Court Personnel		Attorney	
1. Not at all	66.0%	1. Not at all	45.7%
2. Slightly	17.0%	2. Slightly	27.1%
3. Moderately	7.5%	3. Moderately	16.4%
4. Very	5.7%	4. Very	6.4%
5. Extremely	3.8%	5. Extremely	4.3%
average response	1.7	average response	2.0

10. To what extent did the presence of television, photographic or radio coverage in the courtroom make the Judge nervous?

Court Personnel		Attorney	
1. Not at all	78.1%	1. Not at all	60.1%
2. Slightly	14.3%	2. Slightly	23.2%
3. Moderately	3.8%	3. Moderately	10.1%
4. Very	3.8%	4. Very	2.9%
5. Extremely	0	5. Extremely	3.6%
average response	1.3	average response	1.6

11. To what extent did the presence of television, photographic or radio coverage in the courtroom make the judge better prepared?

Court Personnel		Attorney	
1. Not at all	77.1%	1. Not at all	74.1%
2. Slightly	13.3%	2. Slightly	9.4%
3. Moderately	4.8%	3. Moderately	7.2%
4. Very	1.0%	4. Very	7.2%
5. Extremely	3.8%	5. Extremely	2.2%
average response	1.5	average response	1.6

12. To what extent did the presence of television, photographic or radio coverage in the courtroom distract the judge?

Court Personnel		Attorney	
1. Not at all	59.4%	1. Not at all	57.6%
2. Slightly	24.5%	2. Slightly	23.7%
3. Moderately	9.4%	3. Moderately	10.1%
4. Very	3.8%	4. Very	4.3%
5. Extremely	2.8%	5. Extremely	4.3%
average response	1.6	average response	1.7

13. To what extent did the presence of television, photographic or radio coverage in the courtroom make the jurors self-conscious?

Court Personnel		Attorney	
1. Not at all	29.0%	1. Not at all	32.6%
2. Slightly	36.0%	2. Slightly	26.4%
3. Moderately	18.0%	3. Moderately	17.8%
4. Very	11.0%	4. Very	12.4%
5. Extremely	6.0%	5. Extremely	10.9%
average response	2.3	average response	2.4

14. To what extent did the presence of television, photographic or radio coverage in the courtroom make the jurors more attentive?

Court Personnel		Attorney	
1. Not at all	55.1%	1. Not at all	55.4%
2. Slightly	21.4%	2. Slightly	26.9%
3. Moderately	11.2%	3. Moderately	14.6%
4. Very	8.2%	4. Very	2.3%
5. Extremely	4.1%	5. Extremely	.8%
average response	1.9	average response	1.7

15. To what extent did the presence of television, photographic or radio coverage in the courtroom make the jurors nervous?

Court Personnel		Attorney	
1. Not at all	41.0%	1. Not at all	42.7%
2. Slightly	29.0%	2. Slightly	28.2%
3. Moderately	15.0%	3. Moderately	15.3%
4. Very	9.0%	4. Very	7.6%
5. Extremely	6.0%	5. Extremely	6.1%
average response	2.0	average response	2.0

16. To what extent did the presence of television, photographic or radio coverage in the courtroom distract the jurors?

Court Personnel		Attorney	
1. Not at all	47.0%	1. Not at all	36.1%
2. Slightly	28.0%	2. Slightly	30.8%
3. Moderately	16.0%	3. Moderately	12.0%
4. Very	3.0%	4. Very	15.0%
5. Extremely	6.0%	5. Extremely	6.0%
average response	1.8	average response	2.2

II. Structure of Survey

A. Survey Results

2. Summary Question Responses

The following section represents a sample of responses to the Survey Summary Question. In this question, respondents were given an opportunity to express their personal views concerning cameras in the courtroom which may not have been covered in the questionnaire. While it was not feasible to note all the responses to summary questions individually, those that are presented are representative of the major areas of concern expressed by the respondents. Generally, the responses were able to be classified under one of the six following categories:

- a. Education; Responsibility to the Public
- b. Fear of Reprisal; Harrassment; Types of Trials
- c. Reporting by the Media; Behavior of the Media
- d. Behavior of Individuals in the Courtroom
- e. Political Ambition
- f. Interference with Law Enforcement Agencies

In addition to classifying the responses within one of the six categories, there is a notation before each response which indicates what subgroup the letter was from.

- A - Attorney
- W - Witness
- CP - Court Personnel
- J - Juror

a. Education; Responsibility to the Public

- J - In my opinion, complete media coverage of court proceedings serves to inform and educate the public. An informed and educated populace will react more intelligently to judicial proceedings.
- A - It gives the public a true picture of the judicial system and restores their faith that it is a good, workable system.
- W - I think the coverage is a real bonus. It will allow the public to see what really happens, good or bad. That is the essence of a free system. Remember the Russian trials, closed to the public.
- W - This writer feels that the media in the courtroom provides an education to the general public as to what transpires in a courtroom. This can be viewed in two forms. One, that the public can view the trial and judge for themselves if this is the type of justice they want. Two, it hinders the types and degrees of bargaining that can be done without creating a public outcry. All in all, I feel that the cameras in the courtroom is a good idea and provides a service to the public, so that they can judge their criminal justice system first hand.
- W - I believe that our justice system should not be a mysterious, scary and publically unaccountable experience. Since television reaches the greatest majority, I feel that television coverage would allow the greatest number to view various trials. I would also like to see a variety of trials - not just the spectacular ones.
- W - I feel the public should be educated in every way possible to the grave problem of crime. Perhaps the media can change the public's apathetic attitude and promote ideas for better laws, court proceedings and terms of rehabilitation and punishment.
- W - . . . My only suggestion would be that the cameras be allowed only from educational type stations. The WEDU coverage of the Zamora trial was excellent. The station wasn't just after the "blood and guts," and I believe this is what is needed.
- J - Jurors basically are ill equipped in background to make decisions in reference to serious crime and the high cost and judgements of civil courts in terms of money. Jurors cannot be objective in most cases and do not have the thought process of "what is just." A housewife or clerk is expected to make a decision he or she has never thought of before, thus is subject to much impulse, past opinions and lawyers pleas. T.V., radio, etc. would inform the

masses on procedures, needs and responsibilities they must face if they are called to jury duty. Also, would increase the seriousness and importance of one's actions and thoughts.

- A - I am totally opposed to allowing television and photographic coverage in the courtroom at any stage of the trial of a case. I have prosecuted and defended for many years, and it seems to me that the injection of television and photographic coverage in the courtroom is a disruption that will and has affected the rights of a defendant to a fair and impartial trial. My experience with human nature clearly indicates to me that the presence of a television camera in the courtroom focusing on the defendant, the jurors and the witnesses will consciously or unconsciously affect the person's ability to concentrate on every aspect of the trial and, in my opinion, help but make jurors and witnesses as well as counsel somewhat self-conscious.

Additionally, from what I have observed, the television camera does not educate the public or serve purpose inasmuch as the camera coverage on the local news programs tends to deal only with the sensational aspects of a trial and, therefore, is not the informative coverage that the proponents of courtroom television would suggest. . . I am most strenuously opposed to it and if it is allowed to continue, firmly believe that it will ultimately lead to error requiring reversals.

- J - Too much power already in the hands of the news media, etc. Stop this one.

On the case where I participated, there was little of this action (less than I had observed from other cases). Our judge explained how we were not to talk with anyone - at court, home or seek more information. I followed all instructions. It was an emotional time for me and others who were new and already frightened by the newness and seriousness of our business there. The more of the news released seemed to make all too much aware of our audience and their ideals for us. It seems to put judge, juror and all attorneys as much or more on trial! And, certainly, interferes with quiet, concentrated efforts to seek justice and judgement.

- W - I feel that it is important for the public to know why legal "tricks" will often gain an acquittal for the defendant. The more the public sees, the more they will want the "system" revised.
- W - As a citizen and taxpayer, I was extremely interested in the proceedings, etc., and watched as much as possible. . . . It would be a shame to stop this type of programming, as I think the citizens need to be more informed as to what is going on in this world of cops and robbers. It might even help to get some of the guilty convicted and sentenced.

W - I strongly feel that the presence of media coverage in courtroom activities is highly beneficial in many ways, not only in terms of the public's understanding of what happens in court, but also in that the court action becomes truly a matter of public record and because of such scrutiny can only tend to improve the quality and fairness of the justice system. I feel that all courts should be opened to all of the media including television, and that within certain constraints such as number of cameras, etc., the media should be able to choose whatever court actions they wish to make public. I would include in this the juvenile courts, the circuit courts, federal courts and even the Florida Supreme Court.

A - No freedom loving person can object to "sunshine in the courtrooms" of this state. Any person involved in the judicial system who cannot stand the "light" should get out of the same. Not only should cameras be allowed in courtrooms, but should be allowed into chambers where permissible without infringing on the right to a fair trial.

A - A certain amount of professional pride made myself and my adversaries somewhat more prepared, despite longer hours and later nights of trial preparation to present a curious public a better lawyer than the current diminished status our profession enjoys in the public eye. As a result, the client, the legal justice system and the public were better served.

Inherent human fear and distrust of the unknown plagues the "closed shop" society of trial attorneys. The entry of the mass media, in a quiet and orderly fashion under strict guidelines not to disrupt the proceedings, serves to dispel the fears, engender trust and more fully educate the public we serve.

A - I believe that jurors are more apt to consider public opinion in deciding the merits of the cause. It cannot help but increase the importance attached to the proceedings.

J - I feel that having movie or radio or media equipment in a courtroom makes one feel more responsible, and consider the facts of the case involved, in a more serious vein and come up with a more truthful decision.

J - I believe defendant lawyers will use this exposure to tie up the courts and get regrettable plea bargaining. I feel stiffer sentences should be metted out and judges should be made liable for letting dope pushers and murderers off with light sentences, instead of life or death as case might be.

b. Fear of Reprisal; Harrassment; Types of Trials

- W - I think cameras in the courtroom, still or movie, are an invasion of privacy and add confusion and another hassle witnesses and families have to cope with. Also, newspapers and other media haven't the right to reveal addresses to the public. I was subjected to mean and malicious post-cards from demented people as a result of my name and address being released, which only added to a traumatic and trying time. Witnesses and families should be given a choice.
- W - Opposed to televising state witnesses, especially citizens and police officers that are working in an undercover capacity. Such exposure could be a danger to the safety of these people and could also render them ineffective for any future work. Witnesses that are citizens may fear for their safety, and also may be reluctant to get involved in a case if they know it's going to be televised.
- A - One accomplice, turned states witness, refused to testify because he feared for his safety when returned to state prison if his photo appeared in the paper or on television. He later was persuaded to testify, but his demeanor was adversely affected or he appeared very nervous, forgot to testify about some material facts and was not persuasive in this trial. On another occasion, this same witness testified about the same facts in the trial of another co-defendant and was much more relaxed and convincing when cameras were not present.
- J - I feel that it is unfair and might endanger one's family or self to have to stand and state your name and address before the court and give your verdict with the T.V. cameras on you.
- W - I feel that televising a trial might be detrimental to witnesses testifying in cases involving organized crime. As a matter of procedure, certain exceptions should be allowed if televising court trials were to become law.
- A - . . . My objection to the presence of the camera during the criminal trial turned on the effect I believe it had on the jurors. I can in no way substantiate my feeling on this matter. However, the case involved the abduction and sexual battery of a young girl. It had received heavy and continuous news coverage in the community and over the entire State of Florida. Before the trial, the defense attorney believed that the presence of the cameras would require the jury to be more conscious of the instructions from the trial court. For that reason, we did not oppose cameras in the courtroom and, in fact, agreed during the early stages of the trial that the cameras should be permitted to remain. As the trial progressed, though, I began to believe that the lens of the camera was seen by

the jury as the eye of the community. Since the community was outraged by the crime, I believe that the camera communicated a good deal of community pressure on the jury. In other words, the jury needed little imagination to realize that a verdict of not guilty for the reason of insanity would have to be justified not only to their friends, neighbors and acquaintances, but to everyone who saw the trial on television.

- J - I think the media coverage should not include television or photographic coverage, or the use of jurors' names in the newspapers or on the radio. After the trial, I was approached by some who were elated at the verdict and another who highly disagreed. At the time of the trial, the coverage was of no concern at all to me, but later it occurred to me that this could be dangerous, not so much locally, but in larger cities where there is an element to contend with - namely, the mafia or syndicate. I'm certainly thankful that I'm not an Ohio resident, to be precise Cleveland, where the Danny Green case is in progress. To avoid such dangers, I think the coverage should be limited.
- W - I am against television coverage in the courtroom. My opinion is not based on my experience because my role in the trial where I was a witness was small. It is based, however, on watching television at home and watching the agony of some of the witnesses. I think the case that disturbed me the most was the case of the young girl scout that was kidnapped and raped. There was also the case of the school teacher that was kidnapped and raped. Surely, their ordeal was bad enough without the added trauma of knowing that their testimony was being televised.
- W - I feel that rape victims would undergo yet another humiliation by having to testify in court before a television or movie camera. This might cause some victims to refrain from reporting the crime or to be less than candid during their testimony. I also feel that witnesses with damaging testimony in a case might hesitate to testify where cameras are permitted for fear of reprisal or rejection by the community or someone in the community.
- W - Perhaps my main concern with the use of cameras in the courtrooms is that it may make witnesses reluctant to testify, or even to pursue charges, particularly in cases involving sexual assaults or other highly sensitive matters.
- W - Due to the nature of the trial, my daughter and my name could not be used in the media, nor could we be photographed. But, the fact that I could not be photographed or my name not used was not explained until just before the trial. This caused me a lot of undue grief and anxiety. I had known that my daughter's name or photo could not be used.

- W - . . .I will make one observation which I feel had no business on television. On one of my trials, a homicide, two female witnesses had to get on the stand and tell some private, personal matters which never should have been televised.
- W - In my case, I was a relative of the victim and I resented the case being broadcasted all over the country. I was afraid the cameras would affect the witnesses. Also, it seemed to be a trial thing, "If it works, good; if not - oh well." I felt like my personal griefs and misfortunes were being exploited. But, I think it was helpful to future victims and their families knowing that things are done; and, to the future murderers and trouble makers to see what will happen to them.
- W - In my opinion, this was of having cameras in the courtroom is exploiting those who are already deeply troubled, the defendant or his family, really both, and is not in any way related to metting out justice, which is the sole purpose of a trial. I think it is a travesty of justice, makes the whole thing resemble a three-ring circus, puts a heavy burden on the judge who is striving to maintain a court with dignity and decorum, and should never be permitted again in any courtroom.
- W - I vehemently recommend that trial judges have the ability to determine whether or not certain matters may be televised. Primarily, I am referring to the simple fact that under the experimental law, the trial judge would not have had the ability to exclude television coverage of a rape or sexual battery trial. The victim of a rape, in my opinion, should absolutely not be forced to go before a television audience and explain the circumstances of that crime. It would be in extremely poor taste to cause this type of thing to occur. Therefore, while I am for the public's right to know, I am against forcing an individual to undergo the kind of trauma that could result from televising the victim's testimony of a sex-related trial. Additionally, I do agree with the Honorable --- in that if the media are causing a particular proceeding to be publicized, the media should bear the financial expense that may be incident to televising that proceeding. This could definitely include sequestration of jurors.
- A - The coverage I have observed gives the public a greatly distorted view of the judicial process. The cases that are telecast on T.V. have been in my circuit the sensationalistic murders and rapes. The coverage of the proceedings are carefully edited to provide the viewer with a very distorted version of the trial. I believe this experiment deprives a defendant of due process of law and his fundamental right to a fair trial. I further believe it is unfair to the victims of serious crimes and their families to be subjected as witnesses to this exposure. I have

learned that the Sheppard Case and Estes Case decisions ring with a great degree of truth.

- A - The trial that I participated in was across the corridor from the Zamora trial. Because of the news media, the court area and the general situation seemed to be one of heightened importance and spectator sport. I would have to honestly state that I am against television coverage in the courtroom, as I feel though it can be properly and tastefully done, the possibility of abuse is too large.
- J - I feel that the court system has the duty of administering justice as its primary function, and that the whole concept of allowing TV cameras in the courtroom tends to create a "Show Biz" atmosphere which is demeaning to the traditional dignity of the occasion. The average juror serves with some degree of apprehension and should be spared from unnecessary distraction, even if that distraction is only in the form of knowing that they are "on camera" at any time during the trial proceedings.
- W - I feel that media covering any trial, especially a gruesome murder trial, is, in fact, itself a witness against the one on trial. In this case, I feel that my brother would probably not have been found guilty if the media had been left out. The television is the reason he was on trial any way, watching crimes committed on television and thinking he could get by. Television has ruined our nation and our home. Please don't let it ruin our courts.
- W - I am a 30 year-old mother of a 7 year-old daughter and a 9 year-old son. They were not aware of the fact that I was even involved in a trial as a witness at all until my photograph appeared in the front of the Sarasota Herald Tribune and on television. The particular case was witness to the abduction of a teenage girl. This publicity concerned me mainly because I have a daughter of my own. Also, I received several phone calls at my office from males who had never met me, but after the televised portions and picture in the paper, they knew what I looked like, where I worked, etc. My only concern was anyone malicious enough could have taken the same advantage of me or my family. Although I do feel the public has the right to be informed.

c. Reporting of the Media; Types of Trials

- CP - I feel the cameras are unfair to the defendant as he is innocent until proven guilty; unfair to the witnesses as they could be afraid to tell the truth without cameras present, but more so with them; unfair to the jury as they are only doing their civic duty and not there by choice; and, always the chance of danger to the jury members or their families.
- A - . . . I do not believe the news media are sincerely interested in televising trials for the purpose of educating the public, but televise portions and spectacles for the purpose of their viewing audience and earning themselves more income.
- W - The news media has a way sometimes of influencing its readers and viewers. Being a victim of such, I was placed by the media in an unfavorable and almost "guilty" position, thus making it extremely difficult to extricate myself from my most unfortunate and costly experience. This had a very damaging effect on my credit, credibility and position in the community.
- W - . . . My major concern about opening the courts to such coverage is whether the media will remain as responsible in the future as I believe they have during the "trial" period. I also tend to doubt the ultimate educational benefits such coverage can provide as I tend to believe the media will generally want to use the coverage to supplement their current coverage rather than to bring the entire process before the public.
- W - The only thing that bothered me was having to give my address on TV. As a result, I had quite a few crank calls: one woman called and told me she was going to write a book about the victim and wanted some background material; a man called to make obscene suggestions; several young people called, cursing me for my testimony. All referred to hearing my place of residence stated and got my phone number from that information. Incidentally, the phone number is in my husband's name - he is now deceased.
- A - Channel 2 (WESH) had a noisy mini-cam. During a recess, all left the courtroom except the defendant, his attorney and spouse. TV cameras came up, leaned over the railing and practically stuck a camera in his face, would not give him any peace and privacy. TV cameras and cables were all over the aisles in all three trials I had. You couldn't walk without tripping on it, plus it was literally blocking two of the four exits. All of the press personnel, especially camera operators, had an appearance that looked extremely seedy and, likewise, conducted themselves as though they had special priority.

CP - I believe that during the one year testing of having TV in the courtroom, the media went out of their way to be nice. But, I believe that once they have the right to be in the courts, they will be uncontrollable. The only way to control them is to have very tight regulation on them.

CP - I think the attorneys and everyone concerned took it very casually. The cameras made no noise and did not distract anyone. The first time I had to be televised reading verdicts made me nervous knowing it would be on TV, and I had a hard time starting and my voice quavered, but after that I stopped and I was tired at the time, and it was a serious charge and I felt that had something to do with it. Most jurors who were asked said the cameras would not bother them. I think the public should see what goes on in court. My friends and family enjoyed seeing me the many times I was on the TV and radio people were all courteous, and I'm proud to have worked with them and hope it all comes back. It did show that the court clerk does have an important and much underrated role in the courtroom, and added some excitement to the whole routine. I enjoyed seeing every minute.

W - The news media refused my requests not to photograph me. I am occasionally assigned to work undercover and, if a subject were to recognize me as the result of trial coverage, not only would I be exposed, but also the undercover officers working with me would be endangered. The media displayed respect for officers who work undercover full time, but any officer, especially minorities, are subject to being detached to work undercover assignments on a temporary basis.

W - The use of the above media in the courtroom does in no way foster or implement the system of justice intended for our court system. Witnesses are intimidated, distracted, held in fear that perhaps some individual seeing or hearing them as witness in the media may take it upon themselves to commit an aggressive act or do bodily harm. The witness cannot think clearly under the pressure of the media moving about and photographing for TV or newspapers, as well as those other participants who affect the witness such as prosecuting attorneys, defense attorneys and the judges. I can only project that any juror would be likewise affected by the effect that the media have on the participants and that a fair and just trial would not be held and true justice be served.

No fair outcome of a trial can result. From my observations, everyone involved in the trial were very much aware of the TV cameras and news cameras, from bailiffs to secretaries to other potential witnesses, defense and prosecution attorneys and the judge. I am very much opposed to this introduction of a new ingredient to the

courtroom that was not intended and from my own education would not have been approved or intended by those originally setting up our courtroom system. Educating the public is a farce since the average viewer looks upon the trial as no more than a TV "serial" or "soap" and the news as any other sensational source the papers could scrape together. The "public" is not educated. Their best education can be had by visiting the courtroom in person, or if as a potential juror or witness, listening carefully to instructions given by the court. They would then not be more interested in the sensational aspect of the proceedings, but rather the true purpose that they are participating in something basic to our American society and justice and that is that equal and fair justice be given to all under the law with as little outside influence as possible to maintain the purity of the courts.

- A - It is my personal opinion, based on hundreds of phone calls, letters and personal conversations, as a result of being defense counsel in the Zamora case (I hereby waive confidentiality) that cameras in the courtroom will prove to be beneficial to the public and not a deterrent to a fair trial for the parties because:
1. Televising a trial is the greatest educational tool the public has in understanding what happens in a courtroom. Judges and lawyers need a better public image; showing the public what we do can tear away the veil of mystery and sometimes fear that pervades the public mind concerning goings on in the courtroom.
 2. I personally believe from the response to the Zamora telecasts that a televised criminal trial can be a significant deterrent for young people not to get themselves caught up in the criminal justice system. Having learned what happens when an accused goes before the bar of justice faced with serious charges, the viewers that corresponded with this writer vowed to obey the law.
 3. The only objection to the televised trial proceedings in the Zamora case that I would call to your attention is that during one of the preliminary or pre-trial hearings in the case which was covered by the cameras, certain stipulations had to be made that could have affected any potential jurors that saw the proceedings. I would respectfully suggest that any pre-trial hearings that would necessarily reveal factual or legal testimony or representations should be allowed to be conducted in chambers so as not to interfere with a subsequent fair trial.

A - My office represents Darrell Agrella. Darrell Agrella was the co-defendant in the Ronney Zamora trial. As a result of the representation of young Agrella, I have formed strong reactions to the use of television in the courtroom. I believe that my position and the position of my client were unique, representing potential dangers that have not been fully discussed.

It is my bottom line conclusion, for reasons that I will set forth, that television cameras should not be permitted in the courtroom.

The Zamora case had international coverage at the time of trial, and has had repeated national coverage since the trial.

I had filed objections from the outset to television coverage of the trial. It was my contention, and I believe the facts bore out the premise, that the type of coverage of the case that was contemplated would necessarily affect a co-defendant not then being tried. A severance had been granted in the case. Among the purposes of a severance is the protection of one defendant from a trial with a co-defendant. Television coverage totally destroyed that specific value of a severance. The exposure that ultimately followed necessarily made it impossible for a fair trial to be secured for Agrella.

In every case, therefore, in which a co-defendant is involved, television coverage creates an awesome lessening of the possibility of a fair trial for the second defendant.

A second problem created by television coverage, where a co-defendant is involved, is the deprivation of the constitutionally protected right to a speedy trial.

In Agrella's case, or in the case of any co-defendant affected by a television trial, obviously, going to trial immediately following the television exposure would create an impossible situation. The anomalous situation is created where one is forced to waive speedy trial, but waive it under protest. Thus, the very purpose, or the very meaning, of a voluntary waiver is non-existent.

A third problem created by television exposure, of a co-defendant, is the forced necessity of seeking a change of venue. This cannot always be done, however. In this case, it was determined from the outset, that a change of venue would be impractical since we discovered that television coverage extended throughout the state. In addition to that, however, it must be considered that in any trial where finances are limited, a change of venue may be ineffective. Since the right to counsel involves the right to counsel's full ability; to try a case away

from home would practically necessitate moving an entire law office during the period of the trial. Lack of sufficient finances would thus make a change of venue equivalent to lack of full right to counsel.

Another problem with television coverage of trials is the horrendous possibility of what might result if a reversal took place and there had been such extensive coverage and pre-conditioning because of the first trial as to render the selection of a jury well nigh impossible.

I find the arguments concerning the educational factor of television coverage specious. If, in fact, television coverage is to be used for educational purposes, there is no reason why exposure of a trial cannot be permitted long after the event and long after appellate rights have terminated. Clearly, however, that would conflict with the economic interest of the media.

I also find the argument that the public will know how certain judges are acting to be fallacious. On the contrary, I believe that any judge (or any lawyer) who knows that he is being observed by the wide-spread community will not conduct his court as he normally would. The public will know, not how a judge acts, but how a judge acts under known exposure.

I believe, however, that the primary disadvantage of television coverage lies in the selection of a jury in the trial of the second defendant (or a re-tried defendant) after the first trial. Probably, most people would be unaware, or have forgotten, the name of a co-defendant at the time of the selection of a jury for the second trial.

Obviously, many persons will state, from the outset, that they are familiar with the case from the co-defendant's prior trial, and should not be on the jury. However, there are others who will truthfully state that they have no recollection of the case, do not know the defendant, and do not know the facts of the case. The problem lies in the real possibility that during the trial, a juror will suddenly recall that he has seen the situation enacted before in a prior television showing. Of those who regain recollection during the second trial, obviously, many completely honest persons will relate this recollection to the judge at that point. Unfortunately, however, it is equally conceivable that some jurors who recall the event during the second trial, will not make that announcement to the court for any of a number of reasons.

Still another effect, of a subliminal nature, exists which is, in fact, the most terrifying, from a due process point of view. The entire theory of subliminal advertising is that one does not know what has been presented, yet

the presentation has an effect without knowledge of the cause. The trial of a major case (and minor cases will certainly not be televised) could certainly result in many situations where all or part of a television showing may be completely forgotten, by the viewer, but the subconscious recognition may be present.

On the theory that no innocent person should be sacrificed, although many guilty might not be convicted, I respectfully submit that the evils of television coverage in any case where a co-defendant is involved, or where reversal is possible so that a second trial might take effect, far outweigh the benefits.

Another objection I find is the terrible fact that one can be acquitted by a jury and convicted by the public, so that an acquittal can still result in the destruction of a life or a future. A jury, properly, is denied access to much material that is considered inadmissible, but factually damaging to a defendant on trial. The public has access, therefore, to information that a jury is forbidden to see or hear.

I must reluctantly make the following remarks:

In my opinion, the responses of those persons who have been circularized, since they have participated, in one way or another in a televised case, should be taken with a grain of salt.

The peripheral use of the prosecutor's office as a path to political advancement, certainly is no secret. I would, therefore, submit that the majority of prosecutors in a television coverage case, in which the odds are with him for conviction, would certainly welcome extensive publicity through television. I say the "majority" because I certainly recognize the absolute dedication of many prosecutors.

I am forced also to state that it is my belief that in the state system where elections are always on the horizon, most judges would welcome television exposure. They can neither gain nor lose a case, but with the recognition that they are being exposed on a mass level, they certainly recognize the fact that they can gain the support of a good portion of the public.

d. Behavior of Individuals in the Courtroom

- J - The judge read strict rules regarding not watching the news or reading papers. It takes an extremely honest person to follow these directions.

A juror cannot make it known to friends that they are serving if it is not televised, but as in my experience, parts of the trial were shown on the A.M. and 6 P.M. news several days, and friends clearly saw me, and called to get the details, which I was instructed not to talk about, but friends just don't understand this position if they have never experienced court procedure. So, therefore, it brings about strained relationships between friends - (they feel that you don't completely trust them). Because of this, I will never serve (if I can help it) on another televised jury.

- W - State attorney and defense attorney made special attempts to stay clear of camera view and during questions, this officer found self staring at camera and losing concentration of matters at hand.
- A - From the experience I had in a recent homicide trial, television has absolutely no place in the courtroom. In addition to the continual flickering of the red "on the air" signal on one of multiple cameras, causing jurors to occasionally "peek" to see if "their" camera was on, the movement of reporters, cameramen and presence of cables, channel insignia, microphones and the effect on the galleries which resulted on a low hum of whispers and hubbub reduced the week-plus trial to a side show, especially because most of the coverage attached to the critical stage of the defendant's testimony in a first degree murder indictment, essentially diluting the jury's attention and diverting it from what I thought was the crucial point in this capital case. The jury returned a verdict of murder second degree.
- CP - I think the participants would all be inclined to be more flamboyant and also court favor with employees of the media.
- W - With coverage as above, the attorneys act as though they are competing for an emmy and witnesses get too nervous affecting testimony.
- W - It can be stated without doubt that as a result of TV, the prosecutor did a much better job preparing his case than otherwise. Putting both lawyers before public eye with TV means that they are better prepared for the trial.

- W - Felt lawyers became more ostentatious and prima donna-like to the detriment of their profession. They "acted" and appeared more concerned about "coverage" than the trial.
- A - . . . It has been my experience that as soon as the TV camera is rolled into a criminal courtroom, jurors become much more conscious about themselves, the case and their neighbors' thoughts. One of the great protections in our jury system is the anonymity that the average juror has when that juror is sitting on a criminal jury. Once the juror has become aware that his friends and neighbors are watching him on TV, his decision is then more carefully scrutinized and exposed to public criticism and peer pressure from his neighbors.

An interesting anecdote, along these lines would be that the case of Ronnie Zamora in Dade County, wherein during that trial, the jurors asked Judge Baker to allow themselves to watch themselves on the 6:00 p.m. news.

e. Political Ambition

- A - I feel that it is much better for the public to view what actually happens in a trial than it is for them to read some distorted and unintelligible report by some reporter who didn't understand what went on in the first place, and who had much rather print what he wanted to happen in the second place. The public will certainly get the message that we go to great lengths in this country to impart justice, and they need to know that it is not always like "Perry Mason."

Although I was not impressed with the importance of this trial being televised to me personally, I have practiced for some twenty-three years and have been trying to quit. If I were some young, ambitious attorney wanting to impress people with my ability, I am confident the fact that this trial was televised would have been very important to me. I think it is important to the public also to learn first-hand of a lawyer's ability to handle himself in the courtroom. Frankly, I don't see anything wrong with televising trials, except for the fact that the newsmen will only show the portions they choose to, but nothing is 100%.

- W - It could make people with political ambitions over present themselves in order to gain popularity at the public's expense.
- W - The basic question is the extent to which "interest groups" may utilize the media coverage as a technical tool in pursuing their situational objectives. More specifically, to what extent the substantive, political and institutional aspects of "The Court", as a program, will be affected in the long run.
- J - Media coverage in a courtroom is for the profit only by those covering the trial. The public can be kept informed by the written and spoken work. Media coverage would also cause the lawyers, judges and witnesses to use the trial as a means of advancing their ambition and causes.
- W - Attorneys will use media coverage to enhance their own reputations at the expense of others included. An essay could be written on that matter, but I will refrain. Actually, there are good points to such coverage, and I certainly feel courtrooms should be open to the public and to the media if the media can be fair and unbiased.

f. Interference with Law Enforcement Agencies

- W - The main problem for law enforcement officers is that any officer who is working undercover or wishes to do so in the future is jeopardizing the case he or she may be working on, or possibly jeopardize the lives of these officers because they have appeared before the public as officers through the media.
- A - As an Assistant State Attorney, I personally experienced witness reluctance due to the courtroom cameras. A case in point was a prosecution against police officers. Two main witnesses were police informants. They greatly feared reprisals from "the street" when their faces appeared on TV as police informants. Names given in the electronic or printed media do not have the same impact since very few informants are known on the street by anything other than nicknames or first names.
- W - I, as a police officer, sometimes like to make personal comments to the judge off the record before sentencing or if asked my opinion. But, in the trial I was involved, I felt it would cause more trouble because of the presence of the media.
- W - I am a thirteen year veteran police officer. I have no personal objection to media coverage of a trial; however, I believe it would affect some witnesses to the extent they would not want to participate in the trial. Should this happen, my job as a police officer would be harder.
- W - As a police officer, I feel that being photographed might in some respects be a disadvantage to both me and my department, as I may sometimes be called upon to perform an undercover function. This could possibly jeopardize my safety. Police informants face a far greater hazard, thereby making them more difficult to work with. If the police agency could be assured by the court that certain people could not be photographed, this program could work out fine to everyone's satisfaction.
- W - As a police officer, I had to move one time because persons I arrested found my home; not needed to be photographed and televised. Most police officers working certain homicide and narcotic cases prefer not to be televised. Also, their confidential informants will not be brought in to testify if the above equipment is in use.
- W - If the courts continually allow all news media to televise trials, it would possibly be harder for investigating agencies to accomplish the goals as far as witnesses are concerned. Witnesses would be very reluctant to testify in trials such as the "Zamora" fiasco that occurred in Dade County in recent months.

Attorney - BIOGRAPHICAL DATA

In general, your feelings about your court service prior to allowing cameras in the court were:

1. Very Favorable	59.1%
2. Favorable	37.4%
3. Undecided	2.6%
4. Unfavorable	.9%
5. Very Unfavorable	0

In general, your feelings about your court service where cameras, photographers and related equipment were present were:

1. Very Favorable	39.7%
2. Favorable	28.9%
3. Undecided	10.7%
4. Unfavorable	10.7%
5. Very Unfavorable	9.9%

Sex:

1. Male	94.0%
2. Female	6.0%

Age:

1. Under 25	.8%
2. 25-34	70.8%
3. 35-44	17.7%
4. 45-54	10.0%
5. 55 and over	.8%

Was this your first experience in a courtroom?

1. Yes	1.0%
2. No	99.0%

What type of cases do you normally represent?

1. Criminal	73.8%
2. Civil	10.0%
3. Both	16.2%

Witness - BIOGRAPHICAL DATA

In general, your feelings about your court service prior to allowing cameras in the court were:

1. Very Favorable	32.0%
2. Favorable	53.4%
3. Undecided	8.6%
4. Unfavorable	3.2%
5. Very Unfavorable	2.8%

In general, your feelings about your court service where cameras, photographers and related equipment were present were:

1. Very Favorable	24.8%
2. Favorable	41.7%
3. Undecided	13.6%
4. Unfavorable	14.9%
5. Very Unfavorable	5.0%

Sex: 1. Male	79.0%
2. Female	21.0%

Age: 1. Under 25	8.4%
2. 25-34	35.3%
3. 35-44	24.2%
4. 45-54	18.6%
5. 55 and over	13.5%

PREVIOUS COURT EXPERIENCE

Have you served as a witness prior to this time?

0. No	19.1%
1. Yes, 1 Time	10.9%
2. Yes, 2 Times	4.2%
3. Yes, 3 Times	3.8%
4. Yes, 4 Times	1.1%
5. Yes, 5 Times	2.4%
6. Yes, 6 Times	58.5%

Court Personnel - BIOGRAPHICAL DATA

In general, your feelings about your court service prior to allowing cameras in the court were:

1. Very Favorable	55.3%
2. Favorable	30.1%
3. Undecided	6.8%
4. Unfavorable	5.8%
5. Very Unfavorable	1.9%

In general, your feelings about your court service where cameras, photographers and related equipment were present were:

1. Very Favorable	40.8%
2. Favorable	24.3%
3. Undecided	10.7%
4. Unfavorable	16.5%
5. Very Unfavorable	7.8%

Sex: 1. Male	69.0%
2. Female	31.0%

Age: 1. Under 25	4.9%
2. 25-34	16.5%
3. 35-44	18.4%
4. 45-54	27.2%
5. 55 and over	33.0%

Was this your first experience in a courtroom?

1. Yes	5.0%
2. No	95.0%

What type of cases do you normally serve on?

1. Criminal	68.0%
2. Civil	6.8%
3. Both	25.2%

Juror - BIOGRAPHICAL DATA

In general, your feelings about your court service prior to allowing cameras in the court were:

1. Very Favorable	41.1%
2. Favorable	49.4%
3. Undecided	3.7%
4. Unfavorable	1.2%
5. Very Unfavorable	4.6%

In general, your feelings about your court service where cameras, photographers and related equipment were present were:

1. Very Favorable	34.7%
2. Favorable	43.2%
3. Undecided	7.7%
4. Unfavorable	9.8%
5. Very Unfavorable	4.6%

-Sex:	1. Male	46.0%
	2. Female	53.0%

Age:	1. Under 25	6.5%
	2. 25-34	16.4%
	3. 35-44	15.4%
	4. 45-54	23.6%
	5. 55 and over	38.1%

PREVIOUS COURT EXPERIENCE

0.	None	64.1%
1.	Yes, 1 Time	21.3%
2.	Yes, 2 Times	8.0%
3.	Yes, 3 Times	2.9%
4.	Yes, 4 Times	1.6%
5.	Yes, 5 Times	2.1%

II. Structure of Survey

B. Methodology

1. Sampling

The survey was conducted to measure individuals' attitudes towards media in the courtroom. While the survey intent was the same for all the individuals involved, four separate questionnaires were developed in order to address the issues relative to the frame of reference of each group, and to allow for inclusion of items specifically of interest to that subgroup. For example, several unique questions were directed at attorneys and court personnel because it was assumed that they had a more comparative frame of reference from which to answer. This was due to the fact they are in the courtroom more often than witnesses or jurors, who may be involved in a case only once.

Initially, 2,660 individuals were sampled in the survey study. 1,349 persons actually responded. The remaining participants either did not respond or the questionnaire was returned as undeliverable.

Sampling the individuals involved in the survey was achieved by randomly selecting twelve of the twenty Judicial Circuits. A memorandum was sent from Mr. John F. Harkness, Jr., State Courts Administrator, to the Circuit Court Administrators of the twelve selected judicial circuits requesting that they submit the names of individuals involved in cases where media was present in the courtroom. These cases were only those conducted during the previous one year experimental period. A total of 2,660 individuals were sampled in all four survey sub-groups. There was an overall response rate of 62%. Individual questionnaire sample sizes and response rates can be found in Appendix A. All responses to the questionnaires were strictly anonymous. Copies of the individual questionnaires can be found in Appendix C.

II. Structure of Survey

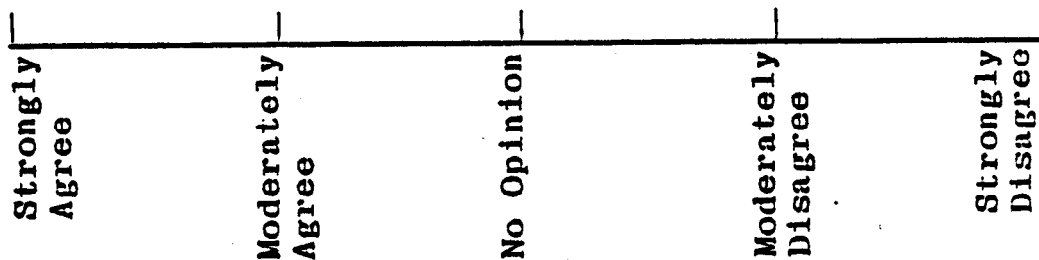
B. Methodology

2. Instrumentation

A five-point modified Likert Scale was developed to measure the attitudes of individuals involved in the cases where the media was present.

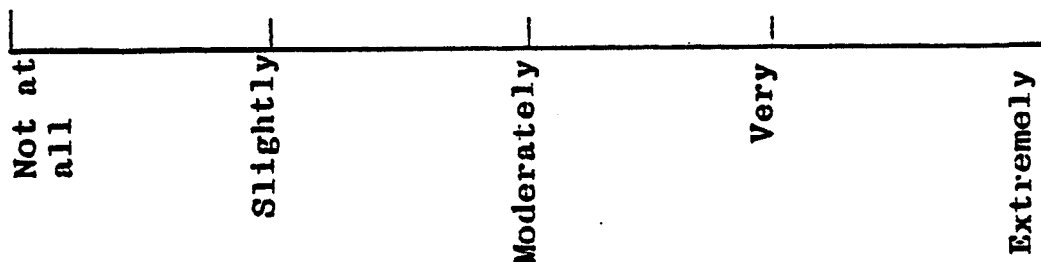
The Likert scale, which is typically used in a survey study questionnaire, identifies varying degrees or "weights" of agreement and disagreement, i.e. "I strongly agree" or "I strongly disagree" with the statement. For example:

a. John Doe has been an effective oil lobbyist.



The scale implemented in this survey was a modified Likert because it attempted to measure not only whether the individuals agree or disagree with a statement, but also the extent to which they agree or disagree. For example:

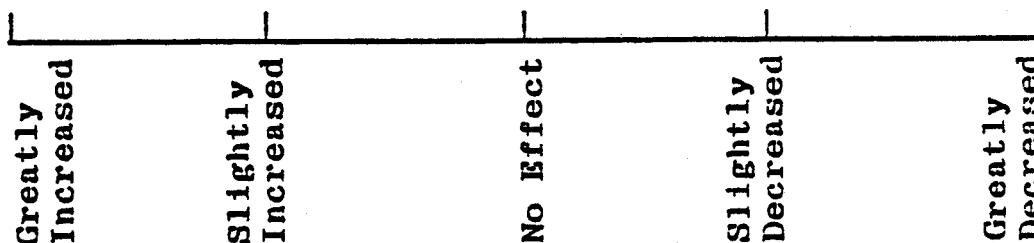
a. To what extent is the President of the United States an honest man?



2. Instrumentation (continued)

The scales for the majority of the statements had "weights" ranging from an opinion of "not at all" (positive) to "extremely" (negative). Those statements for which the weights were different had the same positive to negative range with the exception that the weights were changed to correspond to the statement. For example:

- a. To what extent did the presence of Mr. Rogers affect your desire to participate in the program?



The items selected for inclusion in the questionnaires focused on attempting to measure individuals' reactions towards having media in the courtroom during a trial. When the questionnaires were returned, in addition to the statistical analyses conducted, a measure of each questionnaire's reliability was made. Because measurement error is an issue in the implementation of any measurement method, investigations of reliability should be made when a new measure has been developed. Estimates of questionnaire reliability can be made based upon a basic statistical formula referred to as coefficient Alpha.

Coefficient Alpha is an index which is used to describe the reliability of a given questionnaire based upon the questionnaire's internal consistency. It determines the extent to which the items are measuring the same thing, i.e. reactions to cameras in the courtroom. In questionnaire development one of the major sources of measurement error occurs because of the item (question or statement) sampling of the content area. Coefficient Alpha is calculated in an effort to protect against this measurement error. If the coefficient is too low, statements or questions within the questionnaire can be identified and changed to more accurately reflect the content area. It is desirable for the Alpha coefficient to approximate 1.0 as closely as possible. Coefficients around .90 are considered good.

Coefficient Alpha was generated for each questionnaire. All four questionnaires had high reliability coefficients which can be found in Appendix A.

II. Structure of Survey

B. Methodology

3. Statistical Analyses

The statistical information generated from the survey data consisted of frequencies and percentages. The data is presented in the form of frequency of response or percentage of sample response to individual questions. More specifically, the data was compiled so as to reflect the total response to a question by indicating what percentage strongly agree to a statement, what percentage mildly agree to the statement, etc. The average response to each statement was also calculated. More complex statistical calculations would have been inappropriate, due to the nature of the questionnaire data. The information generated can be found in the survey results section of the report.

Appendix A

Response to Survey Questionnaire¹

	Number of Questionnaires Initially Mailed Out	Number of Questionnaires Returned Undeliverable by Date Deadline	Number of Questionnaires Returned by Date Deadline	Percentage ² Response
1. Witness	1,566	87	654	44%
2. Attorney	236	4	150	65%
3. Court Personnel	154	4	108	72%
4. Juror	704	29	437	65%
Combined Questionnaire Response Rate				62%

¹Additional questionnaires were returned after the August 4th deadline. However, since they were late they were not included in the survey and classified as not returned.

²When calculating the response rate, it is accepted practice to subtract the number of undeliverable questionnaires from the initial mail out number and base the percentage response rate on the adjusted mail out number.