

STATE OF MINNESOTA
IN SUPREME COURT
C7-81-300

OFFICE OF
APPELLATE COURTS
FILED
AUG 21 1985
WAYNE TSCHIMPERLE
CLERK

In Re Modification of Canon 3A(7) of the
Minnesota Code of Judicial Conduct to
Extend the Period of Experimental Audio
and Video Coverage of Certain Trial Court
Proceedings.

ORDER

WHEREAS, the Supreme Court, by order dated April 18, 1983, established a two-year period allowing audio and video coverage of trial court proceedings, thereby waiving Canon 3A(7) of the Minnesota Code of Judicial Conduct; and

WHEREAS, the experimental period has lapsed; and

WHEREAS, the Supreme Court has collected some information from persons who have participated in judicial proceedings which have been covered by electronic media regarding their impressions of such coverage, but needs more information regarding the subject; and

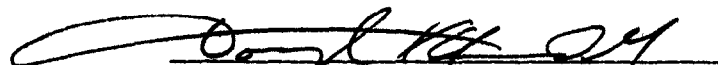
WHEREAS, the Supreme Court has not received information from media representatives regarding the results of their requests to cover judicial proceedings and wishes to have such information;

NOW, THEREFORE, IT IS HEREBY ORDERED that Canon 3A(7) of the Minnesota Code of Judicial Conduct be modified according to the terms and conditions attached to this Order until April 18, 1987; and

IT IS HEREBY FURTHER ORDERED that the experimental period as provided in this Order shall not be construed to preclude interested parties from petitioning this Court to provide alternative means for effecting experimental electronic coverage of trial court proceedings.

Dated: August 21, 1985.

BY THE COURT


Douglas K. Amdahl
Chief Justice

TERMS AND CONDITIONS OF AUDIO OR VIDEO COVERAGE

1. Subject to further order of this Court, an experimental program for audio and video coverage of trial court proceedings in this state is established in accordance with the rules provided in this order and in the Standards of Conduct and Technology attached hereto as Exhibit A and made a part of this order.

2. Participation by the court and the parties in this experimental program shall be voluntary. Consequently, there shall be no audio or video coverage of any trial court proceeding without the consent of the trial judge and all parties in writing or made on the record prior to the commencement of the trial.

3. There shall be no audio or video coverage of jurors at any time during the trial, including voir dire.

4. There shall be no audio or video coverage of any witness who objects thereto in writing or on the record before testifying.

5. Audio or video coverage of judicial proceedings shall be limited to proceedings conducted within the courtroom, and shall not extend to activities or events substantially related to judicial proceedings which occur in other areas of the court building.

6. There shall be no audio or video coverage within the courtroom during recesses or at any other time the trial judge is not present and presiding.

7. During or preceding a jury trial, there shall be no audio or video coverage of hearings which take place outside the presence of the jury. Without limiting the generality of the foregoing sentence, such hearings would include those to determine the admissibility of evidence, and those to determine various motions, such as motions to suppress evidence, for judgment of acquittal, in limine and to dismiss.

8. There shall be no audio or video coverage in cases involving child custody, marriage dissolution, juvenile proceedings, motions to suppress evidence, police

informants, relocated witnesses, sex crimes, trade secrets, and undercover agents.

9. No ruling of the trial court relating to the implementation or management of this experimental program shall be appealable until the trial has been completed, and then only by a party.

10a. In trials where this experimental program is used, the judges and lawyers involved are directed, and media personnel are requested, to report to this Court their impressions, particularly whether or not there were any difficulties which created special burdens for the presiding judge and any special problems with respect to counsel, witnesses, litigants, jurors or media representatives.

10b. Judges and media representatives are requested to inform this Court of instances where consent to audio or video coverage of court proceedings has been requested and denied and whether the denial was based upon lack of consent by a party or by the judge or by more than one of the persons whose consent is required.

EXHIBIT A

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--16 mm sound on film (self blimped) or video tape 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 trial court.

(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 trial 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 trial 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 trial 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 trial judge. 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 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 trial judge. 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 proceedings.

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 trial judge 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 video or audio pickup or broadcast of the conferences which occur in a court between attorneys and their client, co-counsel of a client, opposing counsel, or between counsel and the trial judge held at the bench. In addition, there shall be no video pickup or broadcast of work papers of such persons.

7. Impermissible use of media material.

None of the film, video tape, 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.