

No. 07-81-300

CX-89-1863

State of Minnesota
In Supreme Court

In re:

Proposed Amendments to
Minnesota Code of Judicial Conduct
Canon 3A(11), and Minnesota
General Rule of Practice 4

**PETITION OF MINNESOTA JOINT MEDIA COMMITTEE,
MINNESOTA NEWSPAPER ASSOCIATION, MINNESOTA
BROADCASTERS ASSOCIATION, AND SOCIETY OF
PROFESSIONAL JOURNALISTS, MINNESOTA CHAPTER**

OFFICE OF
APPELLATE COURTS

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No. _____

STATE OF MINNESOTA
IN SUPREME COURT

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INTRODUCTION

Petitioners Minnesota Joint Media Committee, Minnesota Newspaper Association, Minnesota Broadcasters Association, and Society of Professional Journalists, Minnesota Chapter, respectfully ask the Court to reconsider and revise portions of its rules that, for decades, have effectively prevented audio and video coverage of trial court proceedings by the state's news media.

Specifically, Canon 3A(11) of the Minnesota Code of Judicial Conduct prohibits such coverage by the media, unless permission is obtained not only from the trial judge, but from *all* of the parties as well. Comparable restrictions appear in Minn. Gen. R. Prac. 4. Because long experience demonstrates that the requirement of

unanimous consent will rarely be satisfied, Minnesota's trial courts have remained overwhelmingly closed to audio and video coverage.

Whether electronic coverage of civil and criminal proceedings should be more readily allowed is an issue that this Court has addressed before. However, its last formal deliberations on the subject occurred nearly 20 years ago. Since then, much has changed, particularly respecting two important factors having direct relevance to the issue—the character of recording technology, and the quantity of information about the impact of such coverage obtained in other states.

In recent decades, an ever-increasing number of jurisdictions have permitted cameras and similar recording devices in their courtrooms. In fact, only a few states currently appear to impose limitations on audio and video coverage that are comparable to, or more restrictive than, those found in Minnesota.

While many explanations for this trend may exist, the most plausible is that in those states where audio and video coverage is generally permitted, experience demonstrates that virtually all of the criticisms once leveled at such coverage are largely lacking in substance. Indeed, such coverage has been shown to produce distinct dividends, not simply for the news media but for the public and the courts as well.

Meanwhile, over the past 20 years or so, many technological improvements have occurred in the devices that can be used for recording court proceedings. Once bulky, noisy, and obtrusive, some are now so small and quiet as to be virtually

undetectable in the courtroom. Thus the potential they once posed for distracting from the proceedings has been dramatically reduced.

BASIS FOR PETITION

Petitioners submit that the time is ripe to reconsider the content and impact of Minnesota's rules governing electronic media coverage of trial court proceedings. The specific grounds supporting this Petition, and the relief sought, can be summarized as follows:

1. Petitioner Minnesota Joint Media Committee is a nonprofit corporation organized to foster exchanges among the state's diverse news media about issues of mutual concern, as well as to seek improvements in law and policy that might be of mutual benefit. Its members include representatives of nearly all the major media trade associations, news organizations, and journalism groups in the state.

2. Petitioner Minnesota Newspaper Association (MNA) is a voluntary trade association of all of the general-interest newspapers and most of the special-interest newspapers in the state. It is the principal representative of the organized press in Minnesota, with approximately 400 newspaper members.

3. Petitioner Minnesota Broadcasters Association is a voluntary trade association of virtually all of Minnesota's licensed radio and television stations. It is the principal voice of the broadcast industry in Minnesota.

4. Petitioner Society of Professional Journalists, the oldest, largest, and broadest-based organization of journalists in the U.S., was founded as Sigma Delta Chi in 1909. The Minnesota Chapter was founded in 1956.

5. Canon 3A(11) of the Minnesota Code of Judicial Conduct provides that “a judge shall prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recess between sessions.”¹ The current text of Canon 3A(11) appears at A-1; the revisions proposed by Petitioners are shown in red-lined format at A-2.

6. Minnesota Rule of General Practice 4 provides that no “pictures or voice recordings, except the recordings made as the official court record, shall be taken in any courtroom . . . during a trial or hearing of any case or special proceeding incident to a trial or hearing, or in connection with any grand jury proceedings.” The current text of Rule 4 appears at A-3; the revisions proposed by Petitioners are shown in red-lined format at A-4.

7. In essence, Petitioners suggest that audio and video coverage be presumptively allowed in most criminal and civil proceedings at the trial court level, subject, however, to the authority of individual trial judges to override the presumption in particular circumstances for good cause.

¹Canon 3A(11) encompasses restrictions on audio and video coverage formerly found in Canon 3A(7).

8. In 1983 and again in 1989, this Court issued Orders responding to previous petitions requesting modification of the rules restricting audio and video coverage. See *In re Modification of Canon 3(a)(7) of the Minnesota Code of Judicial Conduct*, No. C7-81-300 (Minn. Sup. Ct., April 18, 1983); *In re Modification of Canon 3(a)(7) of the Minnesota Code of Judicial Conduct*, No. C7-81-300 (Minn. Sup. Ct., May 22, 1989). As noted above, the only revision permitted by the Court as a result of those proceedings was an experimental program that required the consent of the trial judge and all of the parties, which in practice has established a nearly insuperable barrier to audio and video coverage.

9. Minnesota is currently identified as one of only a handful of states that impose total or near-total prohibitions on audio and video coverage of trial court proceedings. At A-7 is a compilation prepared by the Radio and Television News Directors Association (RTNDA) summarizing the status of such coverage in the 50 states.

10. Assessments of audio and video coverage of trial court proceedings have been conducted in the many jurisdictions where it is more readily permitted than in Minnesota. They suggest that the concerns and anxieties once surrounding electronic coverage of trial court proceedings are either groundless or considerably exaggerated. They also show that many benefits accrue to the public and the court system, as well as to the news media.

11. When this Court last considered a proposal to modify the restrictions on audio and video coverage, it denied the petition, identifying a litany of worries about the potential consequences:

[T]hat the reluctance of vulnerable individuals, including crime victims and witnesses, to testify will increase substantially given the likelihood of the public notoriety of their participation; that the rights of privacy of the same individuals are threatened by extensive exposure; that no matter how technologically advanced, the mere presence of the equipment is a distraction; that proceedings ancillary to the trial may be necessitated as a result of challenges to camera coverage, resulting in additional costs and use of judicial time and resources; and that, after the proceedings have been completed, it is virtually impossible to measure or quantify the nature and extent of any impact on the litigation process or the participants' entitlement to a fair trial and due process.

See Memorandum accompanying Order of May 22, 1989, *supra*. However, with the passage of time and the experience acquired in other jurisdictions, it can now be stated with confidence that each of these concerns has either been largely obviated, or can be accommodated without preventing nearly all electronic coverage.

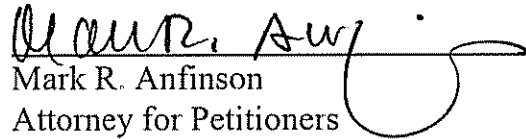
12. Indeed, over the past two decades, the courts themselves have increasingly embraced the use of audio and video recording for a variety of purposes. This further demonstrates that the technology used for such recording can be employed in courtrooms without unduly distracting from the proceedings.

Petitioners therefore respectfully request that, after due deliberation, this Court adopt the proposed amendments. Should the Court have additional questions or concerns, Petitioners stand ready and willing to address them, in whatever form and manner may be convenient for the Court.

DATED: March 8, 2007

Respectfully submitted,

MINNESOTA JOINT MEDIA COMMITTEE,
MINNESOTA NEWSPAPER ASSOCIATION,
MINNESOTA BROADCASTERS ASSOCIATION,
AND SOCIETY OF PROFESSIONAL
JOURNALISTS, MINNESOTA CHAPTER


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MINNESOTA CANONS OF JUDICIAL CONDUCT

CANON 3A(11)—CURRENT TEXT

3A(11). Except in the Supreme Court and the Court of Appeals, a judge shall prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recess between sessions. A judge may, however, 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 be 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.

MINNESOTA CANONS OF JUDICIAL CONDUCT

CANON 3A(11)—PROPOSED REVISIONS

(11) Except in the Supreme Court and the Court of Appeals, a judge shall prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recess between sessions. ~~A judge may, however, authorize:~~ shall be governed by Minn. Gen. R. Prac. 4.

~~(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;~~

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

MINNESOTA GENERAL RULES OF PRACTICE

RULE 4. PICTURES AND VOICE RECORDINGS—CURRENT TEXT

No pictures or voice audio or video recordings, except other than the recording made as the official court record, shall be taken in any courtroom, area of a courthouse where courtrooms are located, or other area designated by order of the chief judge made available in the office of the court administrator in the county, during a trial or hearing of any case or special proceeding incident to a trial or hearing, or in connection with any grand jury proceedings. This rule shall be superseded by specific rules of the Minnesota Supreme Court relating to use of cameras in the courtroom or use of videotaped recording of proceedings to create the official recording of the case.

MINNESOTA GENERAL RULES OF PRACTICE

RULE 4. AUDIO AND VIDEO RECORDINGS—PROPOSED REVISIONS

4.01. Electronic and Still Photographic Coverage Allowed. Subject at all times to the authority of the presiding judge to control the conduct of proceedings before the court, ensure decorum, prevent distractions, and ensure the fair administration of justice in the pending cause, electronic media and still photography coverage of public judicial proceedings in the trial courts of this state shall be allowed in accordance with the following standards of conduct and technology. Exclusion of the electronic media is permissible only where it is shown that the proceedings will be adversely affected because of technological factors unique to the electronic media, as compared to other forms of coverage.

4.02. Equipment and Personnel

(a) The number of permitted television cameras and still photographers shall be within the sound discretion and authority of the presiding judge in any trial proceeding.

(b) Not more than one audio system for radio broadcast purposes shall be permitted in any proceeding in a trial court. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility. If no technically suitable audio system exists in the court facility, 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 in which the court facility is located.

(c) 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.

4.03. Sound and Light Criteria

(a) Only television photographic and audio equipment that does not produce distracting sound or light shall be used to cover judicial proceedings. No artificial lighting device of any kind shall be used in connection with the television camera.

(b) Only still camera equipment that does not produce distracting sound or light shall be used to cover judicial proceedings. No artificial lighting device of any kind shall be used in connection with a still camera.

(c) At the request of the presiding judge, media personnel shall demonstrate to the presiding judge adequately in advance of any proceeding that the equipment sought to be used meets the sound and light criteria enunciated in this rule. In such cases, a failure to obtain advance judicial approval for equipment shall preclude its use in any proceeding.

4.04. Location of Equipment Personnel

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

(b) A still camera photographer shall be positioned in the courtroom as designated by the presiding judge. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed position within the designated area and, once established in a shooting position, shall act so as not to call attention to themselves through further 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 courtroom while proceedings are in session, and microphones or taping equipment once positioned shall not be moved during the pendency of the proceeding.

4.05. Movement During Proceedings. News media photographic or audio equipment shall not be placed in or removed from the courtroom except before commencement or after adjournment of proceedings each day, or during a recess.

4.06. Courtroom Light Sources. With the concurrence of the chief judge of a judicial district in which a court facility is situated, modifications and additions may be made in light sources existing in the facility, provided such modifications or additions are installed and maintained without public expense.

4.07. 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 that

occur in a court facility between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding judge held at the bench.

4.08. 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, in any proceeding subsequent or collateral thereto, or upon retrial or appeal of such proceedings.

4.09. Appellate Review. Review of an order excluding the electronic media from access to any proceeding, excluding coverage of a particular participant, or upon any other matters arising under these standards shall be pursuant to Minnesota Rule of Appellate Procedure 120.

RTNDA

Radio-Television News Directors Association & Foundation

EN ESPAÑOL

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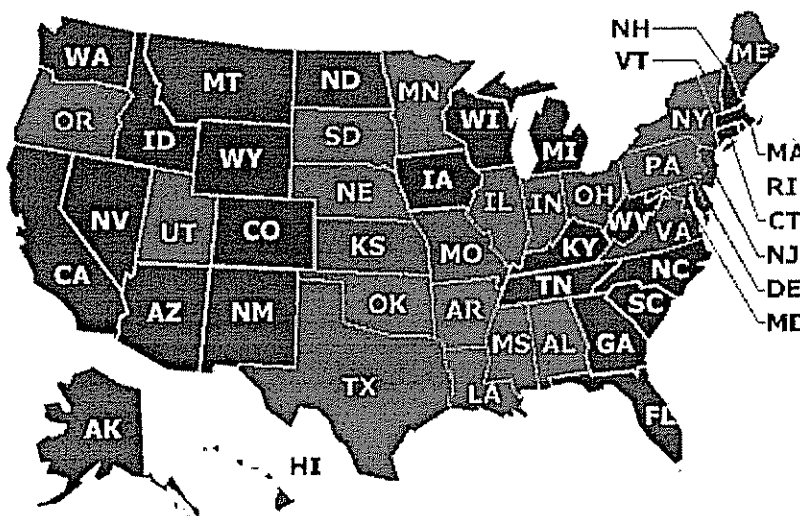
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FREEDOM OF INFORMATION

CAMERAS IN THE COURT: A STATE-BY-STATE GUIDE

- Click on your state to read the current law regarding cameras and microphones in the courtroom



The District of Columbia is the only jurisdiction that prohibits trial and appellate coverage entirely

Legend:

TIER I: States that allow the most coverage

- California - broad discretion in presiding judge
- Colorado - broad discretion in presiding judge
- Florida - "qualitative difference" test
- Georgia - broad discretion in presiding judge
- Idaho - broad discretion in presiding judge
- Kentucky - broad discretion in presiding judge
- Michigan - judge may prohibit coverage of certain witnesses
- Montana - broad discretion in presiding judge
- Nevada - broad discretion in presiding judge

A-7

New Hampshire - broad discretion in presiding judge
New Mexico - judge may prohibit coverage of certain witnesses
North Dakota - broad discretion in presiding judge
South Carolina - broad discretion in presiding judge
Tennessee - broad discretion in presiding judge/coverage of minors is restricted
Vermont - broad discretion in presiding judge
Washington - broad discretion in presiding judge
West Virginia - broad discretion in presiding judge
Wisconsin - broad discretion in presiding judge
Wyoming - broad discretion in presiding judge

TIER II: States with restrictions prohibiting coverage of important types of cases, or prohibiting coverage of all or large categories of witnesses who object to coverage of their testimony.

Alaska - requires sex offense victim consent
Arizona - coverage of juvenile/adoption proceedings prohibited
Connecticut - coverage of certain types of cases prohibited
Hawaii - coverage of certain cases and witnesses prohibited
Iowa - need victim/witness consent in sexual abuse cases
Kansas - consent of parties/attorneys not required, but coverage of many types of witness may be prohibited
Massachusetts - coverage of certain types of hearings prohibited
Missouri - coverage of certain cases and witnesses prohibited
North Carolina - coverage of certain cases/witnesses prohibited
New Jersey - coverage of various types of cases prohibited
Ohio - victims and witnesses have right to object to coverage
Oregon - witnesses discretion to object to coverage of certain cases
Rhode Island - coverage of certain proceedings, including criminal trials prohibited
Texas - no rules for criminal trial coverage, but such coverage allowed increasingly on a case by case basis
Virginia - coverage of sex offense cases prohibited

TIER III: States that allow appellate coverage only, or that have such restricting trial coverage rules essentially preventing coverage.

Alabama - consent of all parties/attorneys required
Arkansas - coverage ceases with objection by a party, attorney or witness

Delaware - appellate coverage only/currently experimenting with trial-level coverage of civil, non-jury cases in before certain courts
Illinois - appellate coverage only
Indiana - appellate coverage only
Louisiana - appellate coverage only
Maine - coverage only permitted in appellate proceedings, civil trials, criminal arraignments, sentencing and other non-testimonial criminal proceedings
Maryland - consent of all parties/attorneys required
Minnesota - consent of all parties required
Mississippi - coverage of certain types of cases and witnesses prohibited.
Nebraska - appellate coverage/audio trial coverage only
New York - appellate coverage only
Oklahoma - consent of criminal parties/attorneys
Pennsylvania - any witness who objects may not be covered, coverage of non-jury civil trials permitted

A-8

South Dakota - Supreme Court coverage only
Utah - appellate coverage/trial coverage - still photography only

Alabama

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. 23A (Rules of Alabama Supreme Court).

Alaska

The news media, which includes the electronic media, still photographers and sketch artists, may cover court proceedings in all state trial and appellate courts. Administrative Rule 50 permits media coverage anywhere in the state court facility and is not limited to courtrooms. Under the permanent rule, the media must apply for and receive the consent of the presiding judge prior to commencing coverage. Requests for coverage must be made 24 hours prior to the proceeding, and applications that are timely filed are deemed approved, unless otherwise prohibited. The consent of all parties is required for coverage of divorce, domestic violence, child custody and visitation, paternity or other family proceedings. Jurors may not be photographed, filmed or videotaped in the courtroom at any time.

Victims of a sexual offense may not be photographed, filmed, videotaped or sketched without the consent of the court and the victim. A procedure is prescribed for suspension of an individual's or an organization's media coverage privileges for a period of up to one year for violation of the media coverage plan.

Authority: Rule 50, Rules Governing the Administration of All Courts, Alaska Rules of Court.

Arizona

A-9

Electronic and still photographic coverage of proceedings in all state courts and "areas immediately adjacent thereto" is permitted, provided the media follow certain guidelines that set forth rules for coverage. Audio recording by media is also generally permitted, provided that the audio recording does not create a distraction in the courtroom and is only used as personal notes of the proceedings. Coverage of juvenile proceedings is prohibited, and the judge has sole authority to decide whether to permit coverage of all other matters. The photographing of jurors in a way that permits them to be recognized is strictly forbidden. Requests for coverage should be made to the judge of the particular proceeding "sufficiently in advance" of the sought-after coverage event. Only one television and one still camera are allowed in the courtroom at one time and the media are responsible for arranging pooling agreements. No flash bulbs or additional artificial lights of any kind are allowed in the courtroom without the notification and approval of the presiding judge.

Authority: Rule 122, Rules of the Arizona Supreme Court, Ariz. Rev. Stat., Vol. 17A.

Arkansas

A judge may authorize broadcasting, recording, or photographing in the courtroom and adjacent areas provided that "the participants will not be distracted, or will the dignity of the proceedings be impaired". An objection to the coverage by a party or attorney precludes media coverage of the proceedings and an objection by a witness precludes coverage of that witness. Coverage of juvenile, domestic relations, adoption, guardianship, divorce, custody, support and paternity proceedings is expressly prohibited. Similarly, coverage of jurors, minors without parental or guardian consent, sex crime victims, undercover police agents and informants is also prohibited. Only one television and one still camera are allowed in the courtroom at one time and the media are responsible for arranging pooling agreements.

Authority: Administrative Order Number 6, Rules of Civil Procedure.

California

Rule 980 of the California Rules of Court governs media coverage of State Court proceedings. Personal recording devices may be used with advance permission of the judge for personal note-taking only. Media coverage is permitted by written order of the judge following a media request for coverage filed at least five court days before the proceeding to be covered. Any such requests must be made on the official form provided by courts. Coverage of jury selection, jurors, spectators, proceedings held in chambers, proceedings closed to the public or conferences between an attorney and a client, witness or aide, between attorneys or between counsel and the judge is prohibited.

Effective January 1, 1998, Rule 4.1 restricting media coverage within the courthouse unless specifically authorized by the presiding judge was added to the Los Angeles County Superior Court Rules. This rule also

A-10

prohibits the filming or photographing of any person wearing a juror badge in the court.

Local Rules may vary.

Authority: Rule 980, Miscellaneous Rules, California Rules of Court - State; Rule 4.1, Los Angeles County Superior Court Rules

Colorado

Canon 3A(7) of the Colorado Code of Judicial Conduct gives judges the power, implemented in Canon 3A(8), to authorize media coverage of court proceedings, subject to several guidelines. Judges also have the power to prohibit or limit coverage upon a finding of substantial likelihood of interference with a fair trial, disruption or degradation of the proceedings, or harm which is distinct from that caused by coverage by other types of media. Those wishing to cover a particular proceeding must submit a written request to do so to the presiding judge at least one day in advance of the proceeding desired to be covered and must give a copy of the request to the counsel for each party participating in the proceeding. Coverage of jury selection, in camera hearings and most pre-trial hearings is prohibited. No close-up photography of the jury, bench conferences or attorney-client communication is permitted. Consent of the participants is not required. The judge may also terminate coverage if the terms of the canon or any additional rules imposed by the Court have been violated. Only one television and one still camera are allowed in the courtroom at one time and the media are responsible for arranging pooling agreements.

Authority: Canon 3(A)(8), Colorado Code of Judicial Conduct, Colo. Rev. Stat., Vol. 7A (Court Rules), Appendix to Chapter 24; Form.

Connecticut

Sections 70-9 and 70-10 of the Rules of Appellate Procedure (governing media coverage in the Appellate and Supreme Courts) and Sections 1-10 and 1-11 of the Rules for the Superior Court (governing coverage in trial courts) permit the coverage of judicial proceedings under specific circumstances.

In Appellate courts, those wishing to cover a particular proceeding must submit a written request to do so to the appellate clerk "not later than the Wednesday which is thirteen days before the day in which that proceeding is scheduled to occur. In trial courts, those wishing to cover a particular proceeding must submit a written request to do so at least three days prior to the commencement of the trial to the administrative judge of the judicial district where the case is to be tried. In both courts, coverage of family relations matters, trade secrets cases, sexual offense cases, and cases otherwise closed to the public are prohibited. In jury trials, no coverage of proceedings held in the jury's absence is permitted. Additionally, in criminal cases, sentencing hearings may only be covered if the trials are covered. Photographing or televising individual jurors is prohibited, and where coverage of the jury is unavoidable, no close-ups may be taken

A-11

Authority: §§ 70-9, 70-10, Rules of Appellate Procedure; §§ 1-10, 1-11, Rules for the Superior Court, Connecticut Rules of Court (West).

Sources: Connecticut Practice Book, Parts 1 & 2.

Delaware

Coverage of appellate proceedings is generally permitted. By order dated April 29, 1982, the Delaware Supreme Court issued guidelines for its one-year appellate experiment. Under those guidelines, coverage is permissible so long as it does not impair or interrupt the orderly procedures of the Court. Consents of the parties are not required. This experiment was extended indefinitely by order of the Delaware Supreme Court, dated and effective May 2, 1983.

Rule 53 of the Delaware Superior Court Criminal Rules, Rule 53 of the Delaware Family Court Criminal Rules, and Rule 53 of the Criminal Rules of Delaware Courts of Justices of the Peace have traditionally prohibited trial-level coverage. However, on April 5, 2004, the Delaware Supreme Court issued its Administrative Directive No. 155, which established a six-month trial court experiment, which was originally scheduled to end on October 15, 2004. In this experiment, media coverage was permitted in the Sussex Court of Chancery, and courtrooms in New Castle, Kent and Sussex Counties. Broadcast of non-confidential, non-jury, civil proceedings was permitted.

Administrative Directive No. 155 was amended on October 25, 2004, and the experiment was extended until May 16, 2005. As of this writing, no further action has been taken.

Authority: Court Rules: Canon 3A(7), Delaware Judges' Code of Judicial Conduct, adopted by Rule 84, Rules of the Delaware Supreme Court, Del. Code, Vol. 16; Rule 53, Delaware Family Court, Criminal Rules, Del. Code, Vol. 16; Rule 53, Delaware Superior Court Criminal Rules, Del. Code, Vol. 17; Rule 31, Delaware Courts of Justices of the Peace, Criminal Rules, Del. Code, Vol. 16. See also Rule 169, Rules of the Delaware Court of Chancery, Del. Code, Vol. 17 (as modified by above-referenced orders); Administrative Directive 155; Administrative Directive 155, amended.

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 Juvenile Proceedings Rule 53(b), and Superior Court Domestic Relations Rule 203 (b) forbid "[t]he taking of photographs, or radio or television broadcasting" coverage of trial proceedings. That said, in certain circumstances, photography may be permitted under Juvenile Court Rule 53(b)(2) or Criminal Court Rule 53(b)(2), which permits photography "in any office or other room of the division" upon the consent of the person in charge of the office or room and the person or people being photographed.

A-12

Coverage is also prohibited in appellate proceedings

Authority: All rules cited in the foregoing paragraph are contained in D.C. Code Ann (Court Rules-D.C. Courts).

Florida

Electronic media and still photography coverage of proceedings is allowed in both the appellate and trial courts. Coverage is subject only to the authority of the presiding judge who may prohibit coverage to control court proceedings, prevent distractions, maintain decorum, and assure fairness of the trial. Exclusion of the media is permissible only where it is shown that the proceedings will be adversely affected because of a "qualitative difference" between electronic and other forms of coverage. Florida v. Palm Beach Newspapers, 395 So. 2d 544 (1981). Two still cameras operated by one photographer are allowed in trial and appellate courtrooms at one time. In trial proceedings only one television camera is allowed, while in appellate proceedings, two television cameras operated by one camera person is allowed. The media are responsible for arranging pooling agreements.

Authority: Rule 2.170, Rules of Judicial Administration, Florida Rules of Court.

Georgia

Rule 18 of the Probate Court Rules, Rule 11 of the Magistrate Court Rules and Rules 26.1 and 26.2 of the Juvenile Court Rules provide guidelines for extended media coverage of those judicial proceedings. Those requesting coverage in these proceedings must file a "timely written request" on a form provided by the court with the judge involved in the specific proceeding prior to the hearing or trial. The judge, at his or her discretion, may allow only one television or still photographer in the courtroom at any one time, thereby requiring a pooling arrangement. The judge must approve any additional lights or flashbulbs beforehand. Lastly, the Juvenile Court Rules expressly prohibit photography of the child in juvenile proceedings.

The Superior Court's Rule 22, in addition to the above requirements, prohibits photographing or televising members of the jury, unless "the jury happens to be in the background of the topics being photographed."

In the Court of Appeals, written requests for coverage must be submitted at least seven days in advance. Further, radio and television media are required to supply the Court with a videotape or audiotape, respectively, of all proceedings covered. Only one "pooled" television camera with one operator and one still photographer, with not more than two cameras, is allowed in the courtroom at any one time.

In the Supreme Court, coverage is allowed without prior approval from the Court and the Supreme Court retains exclusive authority to limit, restrict, prohibit and terminate coverage. No more than four still photographers

and four television cameras will be permitted in the courtroom at any time. All television cameras are restricted to the alcove of the courtroom, while still photographers may sit anywhere in the courtroom designated for use by the public.

Authority: Rules 75-91, Supreme Court Rules; Rules 3.8, 26.1 and 26.2, Juvenile Court Rules; Rule 18, Probate Court Rules; Rule 11, Magistrate Court Rules; Rule 22, Superior Court Rules, Georgia Rules of Court Annotated.

Hawaii

Electronic media and still photography coverage of proceedings is allowed in both the appellate and trial courts. Consent of the judge prior to coverage of a trial proceeding is required, but prior consent of the judge is not required for coverage of appellate proceedings. The judge may rule on the request orally and on the record or by written order if requested by any party. A request for coverage will be granted unless good cause is found to prohibit it. Good cause for denying coverage is presumed to exist when the proceeding is for the purpose of determining the admissibility of evidence, when child witnesses or complaining witnesses in a criminal sexual offense case are testifying, when testimony regarding trade secrets is being given, when a witness would be put in substantial jeopardy of bodily harm, or when testimony of undercover law enforcement agents involved in other ongoing undercover investigations is being received. Coverage of proceedings, which are closed to the public, is prohibited. These proceedings include juvenile cases, child abuse and neglect cases, paternity and adoption cases, and grand jury proceedings. Coverage of jurors or prospective jurors is prohibited. Only one television camera and one still photographer, with not more than two still cameras are allowed in the courtroom at one time (although the judge may allow more at his/her discretion) and the media are responsible for arranging pooling agreements.

Authority: Rules 5.1, 5.2, Rules of the Supreme Court, Hawaii Court Rules.

Idaho

Rule 45 of the Idaho Court Administrative Rules (ICAR) allows extended coverage of all public proceedings, provided permission to cover a proceeding is obtained in advance from the presiding judge, and ICAR Rule 46 provides guidelines for the use of cameras in appellate proceedings.

In trial courts, the presiding judge may prohibit coverage or order that the identity of a participant be concealed when such coverage would have a substantial adverse effect upon that participant. Coverage of the jury, adoptions, mental health proceedings and other proceedings closed to the public is prohibited. Permission to photograph or broadcast a proceeding must be sought, in advance, from the presiding judge. Electronic flash or artificial lighting is prohibited, and the television camera may not "give any

A-14

indication of whether it is operating". Only one still photographer and one camera operator is permitted in the courtroom, and any pooling arrangements must be made by the media.

Pursuant to ICAR Rule 46(a), photography is limited to designated areas of the Supreme Court Courtroom. While video cameras are permitted on a first-come basis, no more than two (2) still photographers are permitted at any one time. Live coverage of proceedings in the Supreme Court Courtroom may be prohibited in the interest of justice. Flash photography or the use of additional lighting for video photography is prohibited. No separate microphones may be used.

In all other appellate proceedings, ICAR Rule 46(b) imposes many of the same requirements as 46(a); however, microphone and video pooling is required.

Authority: Rules 45 & 46, Idaho Court Administrative Rules.

Illinois

Illinois Revised Statutes, Chapter 735, § 8-701 specifies that no witness will be compelled to testify in any court in the State if any portion of his testimony is to be covered. Rule 63(A)(7) allows coverage pursuant to an order of the Illinois Supreme Court, while coverage of trial court proceedings is prohibited. For coverage of appellate proceedings, consents are not required, although the judge or presiding officer, with good cause, may prohibit or terminate coverage at any time. Those wishing to cover a particular proceeding must notify the appropriate clerk of the court not less than five "court" days prior to the date the proceeding is scheduled to begin. Only one television camera and one still camera, each operated by one cameraperson, is permitted in the courtroom at any one time. No equipment or clothing of media personnel can have marks that identify any individual medium or network affiliation. Artificial lighting of any kind is not allowed, and the media are responsible for any pooling arrangements

Authority: Rule 63(A)(7), Rules of the Illinois Supreme Court (2000); Chapter 735, §8-701, Illinois Compiled Statutes Annotated (2000); Supreme Court Orders of November 29, 1983 and January 22, 1985.

Indiana

Extended media coverage of oral arguments before the Indiana Supreme Court is allowed. Requests for coverage are to be made at least 24 hours prior to the start of the proceeding.

Beginning September 1, 1997 and continuing indefinitely, the Indiana Court of Appeals will allow extended media coverage of its proceedings. Requests for coverage are to be made at least 48 prior to the start of the oral argument.

All appellate oral arguments are webcast live, and the courts maintain an

A-15

archive of webcast arguments from 2001 to date.

Authority: Order No. 94S00-9901-MS-59; Supreme Court Media Guidelines.

Iowa

Extended media coverage, defined as "broadcasting, televising, electronic recording, or photographing of judicial proceedings for the purpose of gathering and disseminating news to the public," is generally permitted upon application to the presiding judge. Iowa's rules require that permission for extended media coverage be granted, unless the coverage will interfere with the rights of the parties or a witness or party provides a good cause why coverage should not be permitted. In certain types of proceedings, such as sexual abuse or criminal trials, witness or party consent is required.

Extended media coverage is not permitted, however, during jury selection or if the law requires a private proceeding. Prolonged or unnecessary coverage of jurors should be prevented to the extent practicable.

Written requests to use photographic equipment, television cameras, etc. must be made, in advance to the Media Coordinator, and equipment must meet certain specifications. Flash photography and other supplemental light sources are prohibited. The media must make pooling arrangements.

Authority: Ch. 25, Iowa Court Rules.

Kansas

Rule 1001 of the Kansas Supreme Court authorizes extended media coverage of appellate and trial court proceedings and extends coverage to state municipal court proceedings. Under this rule, coverage is permissible only by the news media and educational television stations and only for news or educational purposes.

The media must give at least one week's notice of its intention to cover a proceeding. However, this requirement may be waived upon a showing of good cause. Photographing of individual jurors is prohibited, and where coverage of the jury is unavoidable, no close-ups may be taken. Consents of the participants are not required. The presiding judge may prohibit coverage of individual participants at his discretion; however, if a participant is a police informant, undercover agent, relocated or juvenile witness, or victim/witness and requests not to be covered, the judge must prohibit coverage of that person. Coverage of a participant in proceedings involving motions to suppress evidence, divorce, or trade secrets will also be prohibited, if the participant so requests. Coverage of materials on counsel tables, photographing through the windows or open doors of the courtroom also is prohibited. Moreover, criminal defendants may not be photographed in restraints as they are being escorted to or from court proceedings prior to rendition of the verdict. Only one television camera,

A-16

operated by one person, and one still photographer, using not more than two cameras, are authorized in any court proceeding.

Authority: Rule 1001, Rules of the Kansas Supreme Court.

Kentucky

Electronic coverage is permitted in all appellate and trial court proceedings. Consents of the parties are not required, but coverage is subject to the authority of the presiding judge. Requests for coverage should be made to the judge presiding over the proceeding for which coverage is desired. Coverage of attorney-client conferences or conferences at the bench are prohibited. Only one television camera and one still photographer, with not more than two still cameras are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements. Juvenile proceedings are closed to the public. KRS 610.070

Authority: Standards of Conduct and Technology Governing Electronic Media and Still Photography Coverage of Judicial Proceedings, Rules of the Kentucky Supreme Court, Ky. Rev. Stat. Ann. (2005); Reporters Handbook on Covering Kentucky Courts.

Louisiana

Electronic coverage of appellate proceedings is allowed, while coverage at the trial level is generally prohibited. Those wishing to cover trial-level proceedings should consult with the courts of that district or parish concerning coverage. At the appellate level, obtaining the consent of the involved parties is not required, although the Court may prohibit coverage upon its own motion or if a party objects. Notice of intent to cover a proceeding must be made at least 20 days in advance or, in expedited proceedings, within a reasonable time before the proceeding is scheduled to occur. No more than two television cameras, each operated by no more than one camera person, and one still photographer, using not more than two still cameras with not more than two lenses for each camera, will be permitted in the courtroom during proceedings. In addition, the media are responsible for any pooling arrangements.

Authority: Canon 3A(7), Louisiana Code of Judicial Conduct & Appendix.

Maine

Extended media coverage is authorized in all civil matters but coverage in criminal matters is limited to arraignments, sentencing and other non-testimonial proceedings. Coverage of divorce, annulment, support, domestic abuse and violence, child custody and protection, adoption, paternity, parental rights, sexual assault, trade secrets, and juvenile proceedings is prohibited. Coverage of the jury and any proceeding in

which a living child is a principal subject is also prohibited. Requests for coverage should be made to the clerk of the court at which coverage is desired. Only one television camera, operated by one person and two still photographers, each with only one camera may be in the courtroom at any one time. The cameras may not have any "insignia or other indication of organizational affiliation". Pooling arrangements are the sole responsibility of the media.

Authority: Administrative Order--Cameras in the Courtroom (July 11, 1994)(West, 2005).

Maryland

By statute, Maryland prohibits the recording or broadcast of all criminal matter before a trial court or grand jury. The statute defines criminal matter as including trials, hearings, motions, and arguments. A person who violates the statute may be held in contempt of court. By rule, Maryland allows coverage of civil cases at the trial level and of cases in the appellate courts. In the absence of a statutory provision requiring closed proceedings or permitting closed proceedings, coverage at the trial level is permitted upon written consent of all the parties. Consent is not required, however, from a party that represents the government, or from an individual being sued in his or her governmental capacity. At the appellate level, consent is not required, but a party may move to limit or terminate coverage at any time. Requests for coverage must be submitted to the clerk of the court where the proceedings will be held at least five days before the trial begins. Coverage of jury selection, jurors or courtroom spectators, private conferences between an attorney and a client or conferences at the bench is prohibited. Not more than one television camera is permitted in any trial court proceeding, and not more than two are allowed in appellate proceedings. Only one still photographer, with not more than two cameras, each having no more than two lenses, is allowed in both trial and appellate proceedings. Pooling arrangements are the sole responsibility of the media.

Authority: Md Code, Crim Proc. §1-201; Md Rules, Rule 16-109

MD Code, Criminal Procedure, § 1-201

(a) 1. Except as provided in subsection (b) of this section, a person may not record or broadcast any criminal matter, including a trial, hearing, motion, or argument, that is held in trial court or before a grand jury.

2. This prohibition applies to the use of television, radio, and photographic or recording equipment. (b) Subsection (a) of this section does not apply to the use of electronic or photographic equipment approved by the court:

1. to take the testimony of a child victim under § 11-303 (c) A person who violates this section may be held in contempt of court.

Md. Rules, Rule 16-609

a. Definitions.

1. "Extended coverage" means any recording or broadcasting of proceedings by the use of television, radio, photographic, or recording equipment by: (i) the news media, or (ii) by persons engaged in the preparation of educational films or recordings with the written approval of the presiding judge

A-18

2. "Local administrative judge" means the county administrative judge in the Circuit Court and the district administrative judge in the District Court.
3. "Party" means a named litigant of record who has appeared in the proceeding.
4. "Proceeding" means any trial, hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.
5. "Presiding judge" means a trial judge designated to preside over a proceeding which is, or is intended to be the subject of extended coverage. Where action of a presiding judge is required by this rule, and no trial judge has been designated to preside over the proceeding, presiding judge means the local administrative judge. Presiding judge in an appellate court means the Chief Judge of that Court, or the senior judge of a panel of which the Chief Judge is not a member.

b. General Provisions.

1. Extended coverage of proceedings in the trial and appellate courts of this State is permitted unless prohibited or limited in accordance with this rule.
2. Outside a courtroom but within a courthouse or other facility extended coverage is prohibited of persons present for a judicial or grand jury proceeding, or where extended coverage is so close to a judicial or grand jury proceeding that it is likely to interfere with the proceeding or its dignity and decorum.
3. Possession of cameras and recordings or transmitting equipment is prohibited in all courtrooms and adjacent hallways except when required for extended coverage permitted by this rule or for media coverage not prohibited by this rule.
4. Nothing in this rule is intended to restrict in any way the present rights of the media to report proceedings.
5. Extended coverage shall be conducted so as not to interfere with the right of any person to a fair and impartial trial, and so as not to interfere with the dignity and decorum which must attend the proceedings.
6. No proceeding shall be delayed or continued to allow for extended coverage, nor shall the requirements of extended coverage in any way affect legitimate motions for continuance or challenges to the judge.
7. This rule does not apply to:
 - (i) The use of electronic or photographic equipment approved by the court for the perpetuation of a court record;
 - (ii) Investiture or ceremonial proceedings, provided, however, that the local administrative judge of a trial court and the Chief Judge of an appellate court shall have complete discretion to regulate the presence and use of cameras, recorders, and broadcasting equipment at the proceedings.

c. Request for Extended Coverage.

1. All requests for extended coverage shall be made in writing to the clerk of the court at which the proceeding is to be held at least five days before the proceeding is scheduled to begin and shall specifically identify the proceeding to be covered. For good cause a court may honor a request which does not comply with the requirements of this subsection. The clerk shall promptly give notice of a request to all parties to the proceeding.

A-19

2. Where proceedings are continued other than for normal or routine recesses, weekends, or holidays, it is the responsibility of the media to make a separate request for later extended coverage.
Cross reference: For the definition of "holiday," see Rule 1-202.

d. Consent to Extended Coverage.

1. Extended coverage shall not be permitted in any proceeding in a trial court unless all parties to the proceeding have filed their written consent in the record, except that consent need not be obtained from a party which is a federal, state, or local government, or an agency or subdivision thereof or an individual sued or suing in his official governmental capacity.
2. Consent once given may not be withdrawn, but any party may at any time move for termination or limitation of extended coverage in accordance with this rule.
3. Consent of the parties is not required for extended coverage in appellate courts, but any party may at any time move for termination or limitation of extended coverage in accordance with this rule.

e. Restrictions on Extended Coverage.

1. Extended coverage of the testimony of a witness who is a victim in a criminal case shall be terminated or limited in accordance with the request or objection of the witness.
2. Extended coverage of all or any portion of a proceeding may be prohibited, terminated or limited, on the presiding judge's own motion or on the request of a party, witness, or juror in the proceedings, where the judge finds a reasonable probability of unfairness, danger to a person, undue embarrassment, or hindrance of proper law enforcement would result if such action were not taken. In cases involving police informants, undercover agents, relocated witnesses, and minors, and in evidentiary suppression hearings, divorce and custody proceedings, and cases involving trade secrets, a presumption of validity attends the request. This list of requests which enjoy the presumption is not exclusive, and the judge may in the exercise of his discretion find cause in comparable situations. Within the guidelines set forth in this subsection, the judge is granted broad discretion in determining whether there is cause for termination, prohibition or limitation.
3. Extended coverage is not permitted of any proceeding which is by law closed to the public, or which may be closed to the public and has been closed by the judge.
4. Extended coverage in the judicial area of a courthouse or other facility is limited to proceedings in the courtroom in the presence of the presiding judge.
5. There shall be no audio coverage of private conferences, bench conferences, and conferences at counsel tables.

f. Standards of Conduct and Technology.

1. Not more than one portable television camera, operated by not more than one person, shall be permitted in any trial court proceeding. Not more than two stationary television cameras, operated by not more than one person each, shall be permitted in any appellate court proceeding.
2. Not more than one still photographer, utilizing not more than two still cameras with not more than two lenses for each camera and

A-20

- related equipment approved by the presiding judge shall be permitted in any proceeding in a trial or appellate court
3. Not more than one audio system for broadcast purposes shall be permitted in any proceeding in a trial or appellate court. Audio pickup shall be accomplished from existing audio systems, except that if no technically suitable audio system exists, unobtrusive microphones and related wiring shall be located in places designated in advance by the presiding judge. Microphones located at the judge's bench and at counsel tables shall be equipped with temporary cutoff switches. A directional microphone may be mounted on the television or film camera, but no parabolic or similar microphones shall be used
 4. 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 all contesting media personnel from extended coverage.
 5. Only television, movie, and audio equipment that does not produce light or distracting sound shall be employed. No artificial lighting device of any kind shall be employed in connection with the television and movie cameras.
 6. proceedings. No artificial lighting device of any kind shall be employed in connection with a still camera.
 7. 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 obtain advance judicial approval for equipment shall preclude its use in any proceedings.
 8. Television or movie camera equipment shall be positioned outside the rail of the courtroom, or if there is no rail, in the area reserved for spectators, at a location approved in advance by the presiding judge. Wherever possible, recording and broadcasting equipment which is not a component part of a television camera shall be located outside the courtroom in an area approved in advance by the presiding judge.
 9. A still camera photographer shall be positioned outside the rail of the courtroom or if there is no rail, in the area reserved for spectators, at a location approved in advance by the presiding judge. The still camera photographer shall not photograph from any other place, and shall not engage in any movement or assume any body position that would be likely to attract attention or be distracting. Unless positioned in or beyond the last row of spectator's seats, or in an aisle to the outside of the spectator's seating area, the still photographer shall remain seated while photographing.
 10. Broadcast media representatives shall not move about the courtroom while proceedings are in session, and microphones and recording equipment once positioned shall not be moved during the pendency of the proceeding
 11. Photographic or audio equipment shall not be placed in or removed from the courtroom except prior to commencement or after adjournment of proceedings each day, or during a recess. Neither film magazines nor still camera film or lenses shall be changed within a courtroom except during a recess in the proceeding.
 12. With the concurrence of the presiding judge, and before the commencement of a proceeding or during a recess, modifications and additions may be made in light sources existing in the courtroom provided such modifications or additions are installed

A-21

and maintained without public expense.

Massachusetts

Rule 1:19 of the Supreme Judicial Court of Massachusetts permits extended coverage of all proceedings open to the public except hearings on motions to suppress or to dismiss, or of probable cause or jury selection hearings. Close-up short of bench conferences, conferences between attorneys, or attorney-client conferences is prohibited. Frontal and close-up photography of the jury "should not usually be permitted." The media must submit requests for coverage to the presiding judge "reasonably" in advance of the proceeding to be covered, or risk denial. Before a party or a witness may move to limit media coverage, it must first notify the Bureau Chief, Newspaper Editor, or Broadcast Editor of the Associated Press.

Authority: Rule 1:19, Rules of Massachusetts Supreme Judicial Court (2004); Guidelines on the Public's Right of Access to Judicial Proceedings and Records.

Michigan

Extended coverage of judicial proceedings is permitted, but requests for coverage must be made in writing not less than three business days before the proceeding is scheduled to begin. A judge may terminate, suspend or exclude coverage at any time upon a finding, made and articulated on the record that the rules for coverage have been violated or that the fair administration of justice requires such action. Such decisions are not appealable. Coverage of jurors or the jury selection process is not permitted. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to, the victims of sex crimes and their families, police informants, undercover agents and relocated witnesses.

Authority: Canon 3A(7), Michigan Code of Judicial Conduct, Michigan Rules of Court 1986; Administrative Order No. 1989-1, Film or Electronic Media Coverage of Court Proceedings.

Minnesota

Expanded coverage is permitted at both the trial and appellate level, but at the trial level, the judge and all parties must consent to coverage prior to commencement of the trial. All courtroom coverage must occur in the presence of the presiding judge. Coverage of witnesses who object prior to testifying and coverage of jurors is prohibited, as is coverage of hearings that take place outside of the presence of the jury. Coverage is prohibited in cases involving child custody, divorce, juvenile proceedings, hearings on suppression of evidence, police informants, relocated witnesses, sex crimes, trade secrets, and undercover agents. Judges and media representatives must inform the Supreme Court of denials of

coverage requests and the reason for such denials.

At the appellate level, consents of the parties and witnesses are not required, but the Clerk of the Appellate Courts must be notified of an intent to cover the proceedings at least 24 hours in advance of the coverage. Only one television camera and one still photographer, using not more than two cameras with two lenses each are permitted in the courtroom during proceedings. The media are responsible for arranging pooling agreements.

Authority: Canon 3A(10), Minnesota Code of Judicial Conduct, Minn. Stat. Ann. vol. 52 (West); Rule 4, General Rules of Practice for the District Courts, Minn. Stat. Ann. vol. 51 (2004). Policy Guidelines

Mississippi

Electronic media coverage of judicial proceedings (trial, pre-trial hearings, post-trial hearings and appellate arguments) is permitted in Mississippi's Supreme Court, Court of Appeals, chancery courts, circuit courts and county courts. Mississippi's Rules for Electronic and Photographic Coverage of Judicial Proceedings ("MREPC"), effective July 1, 2003, prohibit electronic media coverage in justice and municipal courts.

Electronic coverage is subject to the authority of the presiding judge who may limit or terminate coverage at any time if there is a need to protect (1) the rights of the parties or witnesses, (2) the dignity of the court or, (3) to assure orderly conduct of the proceedings. Any party may object by written motion, filed no later than 15 days prior to the proceeding, unless good cause allows for a shorter filing period. Under MREPC the media is required to notify the clerk and the court of any plans to cover a proceeding at least 48 hours prior to the proceeding.

The media must comply with certain coverage restrictions. Electronic coverage of police informants; minors; undercover agents; relocated witnesses; victims and families of victims of sex crimes; victims of domestic abuse, and members or potential members of the jury (before their final dismissal) is expressly prohibited. In addition, audio recordings of off-the-record conferences and coverage of closed proceedings are also prohibited. Similarly, coverage of divorce; child custody; support; guardianship; conservatorship; commitment; waiver of parental consent to abortion; adoption; delinquency and neglect of minors; paternity proceedings; termination of parental rights; domestic abuse; motions to suppress evidence; proceedings involving trade secrets; and in camera proceedings are prohibited unless authorized by the presiding judge.

Only one television camera, one video recorder, one audio system, and one still camera are allowed in the courtroom at one time and the media are responsible for pooling arrangements. If the media cannot agree to a pooling arrangement, all contesting media personnel shall be excluded from the proceeding. Electronic media coverage may not distract from the courtroom proceedings, and in accordance with this principle, no artificial, flash or strobe lighting is allowed in the courtroom without the notification and approval of the presiding judge. All wires must be taped to the floor and equipment may only be moved before or after a proceeding or during a recess. The presiding judge may "relax" the technical restrictions so long as no distractions are created.

A-23

Authority: Rules for Electronic and Photographic Coverage of Judicial Proceedings; Cannon 3B(12), Code of Judicial Conduct of Mississippi Judges; Rule 1.04, Uniform Rules of Circuit and County Courts, Mississippi Rules of Court.

Missouri

Media coverage at both the trial and appellate levels are permitted, but coverage of jury selection, juvenile, adoption, domestic relations, and child custody cases is not permitted. Requests for coverage must be made to the media coordinator, in writing, at least five days in advance of the scheduled proceeding, and the media coordinator must then give written notice of the request to counsel for all parties, parties appearing without counsel and the judge at least four days in advance of the proceeding. Coverage of objecting participants who are victims of crimes, police informants, undercover agents, relocated witnesses, or juveniles is prohibited. Further, the judge may prohibit coverage of any or all of a participant's testimony, either upon the objection of the participant, party, or the court's own motion. Only one television camera and one still photographer, using not more than two cameras with two lenses each, are allowed in the courtroom at any one time. The media are responsible for all pooling arrangements.

Authority: Administrative Rule 16, Missouri Supreme Court Rules

Montana

Coverage of trial and appellate courts is permitted, though judges may restrict coverage of proceedings upon a finding that media coverage will "substantially and materially interfere with the primary function of the court to resolve disputes fairly under the law."

Authority: Canon 35, Montana Canons of Judicial Ethics, 176 Mont. xxiii, 6 Media L. Rep. (BNA) 1543 (1980).

Nebraska

Media coverage in the Supreme Court and Court of Appeals is explicitly permitted. In trial courts, consents of the parties are not required, although a party may file an objection to media coverage before commencement of the proceedings in question.

Authority: Rules 17, 18; Rules of the Supreme Court/Court of Appeals; Nebraska Court Rules and Procedure.

A-24

Nevada

Extended media coverage is permitted, at the judge's discretion except for certain proceedings, which are made confidential by law. Obtaining the consent of the participants is not required, but the judge may prohibit coverage of any participant who does not consent to being filmed or photographed. Requests for coverage must be made in writing at least 72 hours in advance of the proceeding, but the judge may grant a request on shorter notice for "good cause." Deliberate coverage of jurors or of conferences of counsel is not allowed. No more than one television camera and one still photographer are allowed in a proceeding at any one time, and the media are responsible for any pooling arrangements.

Authority: Nevada Supreme Court Rules, Part IV, Rules on Cameras and Electronic Media Coverage in the Courts.

New Hampshire

Rule 19 of the Rules of the Supreme Court of New Hampshire permits coverage of that court's proceedings subject to the Court's consent.

Rule 78 of the Rules of the New Hampshire Superior Court exhorts judges to permit the media coverage of all proceedings open to the general public, unless the coverage creates a substantial likelihood of harm to a person or party. While those wishing to cover a proceeding must obtain the court's permission, in Petition of WMUR Channel 9, 148 N.H. 644 (2002), the New Hampshire Supreme Court stated that permission *should* be granted unless four requirements are met: "(1) closure advances an overriding interest that is likely to be prejudiced; (2) the closure ordered is no broader than necessary to protect that interest; (3) the judge considers reasonable alternatives to closing the proceedings; and (4) the judge makes particularized findings to support the closure on the record." Id. Photography of jurors is prohibited.

The media rule of the New Hampshire District Courts is substantially similar to that of the Superior Court. The differences between the two courts' media rule arise provide that upon the petition of any party the court may, in its discretion, permit coverage of its judicial proceedings.

Authority: Rule 19, New Hampshire Supreme Court Rules; Rule 78, New Hampshire Superior Court Rules and Directory; Rule 1.4, New Hampshire District and Municipal Court Rules.

New Jersey

Canon 3A(9) of the New Jersey Code of Judicial Conduct exhorts judges to allow "bona fide media" to cover proceedings. To this end, the Supreme Court has issued a set of guidelines for media coverage, which grants judges some latitude in limiting coverage, especially where the coverage may result in a substantial likelihood of harm to a witness or party. Unlike other jurisdictions, the media are granted the right to appeal

A-25

any order excluding or varying coverage. Photography of the jury is prohibited, and photography and audio recording is prohibited in certain types of proceedings, such as juvenile proceedings, proceedings to terminate parental rights, child abuse/neglect proceedings, custody proceedings, and "proceedings involving charges of sexual contact or charges of sexual penetration or attempts thereof when the victim is alive." Photography and audio recordings of crime victims under the age of 18 or witnesses under the age of 14 may be permitted at the trial judge's discretion. Additionally, while coverage of juvenile proceedings is usually forbidden, courts, in their discretion, may allow coverage of 17-year old defendants in proceedings involving motor vehicle violations. The media are responsible for pooling arrangements.

The New Jersey Supreme Court webcasts its oral arguments and maintains a copy of the webcast for thirty days. Rutgers University maintains an archive of Supreme Court Oral Argument webcasts.

Authority: Canon 3A(9), Code of Judicial Conduct; Supreme Court Guidelines for Still and Television Camera and Audio Coverage of Proceedings in the Courts of New Jersey.

New Mexico

Electronic coverage of proceedings in the state's appellate and trial courts is permitted, although the judge may limit or deny coverage for good cause. The judge also has wide discretion to exclude coverage of certain types of witnesses, including, but not limited to, the victims of sex crimes and their families, police informants, undercover agents, relocated witnesses and juveniles. Filming of the jury or any juror is prohibited, as is filming of jury selection. Coverage of any attorney-client or attorney-court conferences is prohibited. Those wishing to cover a proceeding must notify the clerk of the particular court at least 24 hours in advance of the proceeding. Only one television camera and two still photographers, each with one camera are allowed in the courtroom at any one time, and any pooling arrangements are the responsibility of the media.

Authority: Rule 23-107, New Mexico Supreme Court General Rules.

New York

Electronic photographic recording of proceedings in appellate courts is permitted, subject to the approval of the respective appellate court. Consent to coverage by parties or the attorneys is not required and any objections by attorneys or parties are limited to those showing good cause. Only two television cameras and two still photographers are allowed in the courtroom at any one time, and coverage is subject to various other technical conditions concerning media equipment.

Section 52 of the Civil Rights Law ("Section 52") imposes a per se ban on all televising of trial court proceedings, no matter what the circumstances of the case or the assessment of the presiding judge. The statute became effective on July 1, 1997, when Section 218 of the Judiciary Law ("Section

A-24

218") expired by operation of law. For all but one of the prior ten years, Section 218 had allowed, subject to specific limits in certain types of cases and with respect to certain trial participants, the televising of trials in New York State. In 1997, the Legislature failed to renew Section 218, resulting in the re-imposition of Section 52, and thus barring extended coverage of trial proceedings. In response to the per se ban, a number of trial judges ruled Section 52 unconstitutional and permitted camera coverage. On June 16, 2005, however, the New York Court of Appeals effectively ended the debate by affirming a lower court's holding that Section 52 is constitutional. Unless the Legislature enacts a statute overruling the Court of Appeals, cameras will not be allowed in trial court proceedings for the foreseeable future.

Authority: Courtroom Tel Network, LLC v. New York; New York Civil Rights Law § 52 (trial court); 22 NYCRR §§ 29 1-29.2 (appellate court); NY CLS Standards & Administrative Policies § 131.

North Carolina

The rules for coverage require that the equipment and personnel used in coverage be neither seen nor heard by anyone inside the courtroom and that all personnel and equipment be located in an area set apart by a booth or partition with appropriate openings to allow photographic coverage. The presiding trial judge may permit coverage without booths, however, if coverage would not disrupt the proceedings or distract the jurors. The Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals may waive the booth requirements in proceedings in these courts. Hand-held audio tape recorders may be used upon prior notification to, and with the approval of, the presiding judge.

The rules do not require the consents of participants, but prohibit coverage of jurors. In addition, coverage of certain types of proceedings, such as adoption, divorce, juvenile proceedings, and trade secrets cases, is prohibited. Coverage of certain types of witnesses, such as police informants, undercover agents, victims of sex crimes and their families, and minor witnesses is also not permitted. Only two television cameras and one still photographer are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Rule 15, General Rules of Practice for the Superior and District Courts of North Carolina, North Carolina Rules of Court.

North Dakota

Extended media coverage is authorized in all courts. The judge may deny media coverage of any proceeding or portion of a proceeding in which the judge determines that media coverage would materially interfere with a party's right to a fair trial or when a witness or party objects and shows good cause why expanded coverage should not be permitted. The judge may also deny coverage if the coverage would include testimony of an adult victim or witness in sex offense prosecutions; or would include a juvenile victim or witness in proceedings in which illegal sexual activity is

A-27

an element of the evidence; or coverage would include undercover or relocated witnesses.

Coverage of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited. Conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the bench may not be recorded or received by sound equipment. Further, close up photography of jurors is also prohibited.

Requests for expanded media coverage of the Supreme Court must be made at least seventy-two hours before the proceeding and must be made by regular mail and, if possible, by facsimile with copies to counsel of record.

Requests for expanded media coverage of trial court proceedings must be made to the presiding judge at least seven days before the proceeding. Notice of the request must be given to all counsel of record and any pro se parties. The notice must be in writing and filed with proof of service with the clerk of the appropriate court.

Authority: Administrative Rule 21, North Dakota Court Rules.

Ohio

Rule 12 of the Rules of Superintendence for the Courts of Ohio requires judges to permit coverage of proceedings that are open to the public, subject to certain exceptions.

At the trial level, coverage of objecting witnesses and victims is prohibited. The judge is also required to inform victims and witnesses of their right to object to coverage. Requests for coverage must be submitted to the presiding judge, as the consent of the judge is required for coverage to take place. Only one still photographer and one television camera are permitted in the courtroom, unless the judge grants permission to use additional cameras. Coverage of attorney-client conferences and any bench conferences is prohibited. In addition to these rules, local courts may impose additional obligations and requirement for extended coverage.

Authority: Rule 12, Rules of Superintendence for the Courts of Ohio.

Oklahoma

Trial and appellate coverage is permitted, but express permission of the judge is required. Coverage of objecting witnesses, jurors, or parties is not permitted in either criminal or civil proceedings. Moreover, no coverage is allowed in criminal trials without the express consent of all accused persons.

Authority: Title 5, Oklahoma Statutes, Chapter 1, Appendix 4, Canon 3B (9).

A-28

Oregon

In the appellate courts, broad discretion to permit or deny coverage is vested in the judge, who may deny coverage to "control the conduct of the proceedings before the court, insure decorum and prevent distractions, and insure the fair administration of justice in proceedings before the court." Only one television camera and one still photographer are allowed in the courtroom at any one time, and any pooling arrangements are the responsibility of the media.

At the trial court level, coverage is allowed, but a judge may deny coverage if there is a "reasonable likelihood" that the coverage would interfere with the rights of the parties to a fair trial, would affect the presentation of evidence or the outcome of the trial, or if "any cost or increased burden resulting" from the coverage would interfere with the "efficient administration of justice." Coverage of dissolution, juvenile, paternity, adoption, custody, visitation, support, mental commitment, trade secrets, and abuse, restraining and stalking order proceedings is prohibited. Also, coverage of sex offense proceedings will be prohibited at the victim's request. Upon request, those covering a proceeding must provide a copy of the coverage to the court and "any other person, if the requestor pays actual copying expense."

Authority: Rule 8.35, Rules of Appellate Procedure; Rule 3.180 Uniform Trial Court Rules, Oregon Rules of Court.

Pennsylvania

Photography or broadcasting of judicial proceedings is generally prohibited in both civil and criminal trials. Canon 3A(7) does, however, permit judges to authorize media coverage of non-jury civil proceedings. Coverage of support, custody, and divorce proceedings is prohibited. A judge may only authorize coverage with the consent of the parties. Additionally, coverage of objecting witnesses is prohibited. Media wishing to seek permission to cover a proceeding should speak in advance with the courtroom tipstaff, as the presiding judge must expressly authorize coverage.

Coverage is prohibited in proceedings before District Justices.

Local rules may vary.

Authority: Canon 3A(7), Code of Judicial Conduct; Rule 112, Pennsylvania Rules of Criminal Procedure; Rule 223, Pennsylvania Rules of Civil Procedure (Official Note); Rule 7, Rules of Conduct, Offices Standards and Civil Procedure for District Justices.

Rhode Island

A-29

Extended coverage is prohibited in all trial-level criminal proceedings. At the appellate level and in civil proceedings, the judges have "sole discretion" to "entirely exclude media coverage of any proceeding or trial over which he or she presides." Exclusion by the trial court may also be based on a party's request for non-coverage. Coverage of juvenile, adoption or any other matters in the Family Court "in which juveniles are significant participants" is prohibited. Coverage of hearings that take place outside of the jury's presence (e.g., hearings regarding motion to suppress evidence) is not permitted. After the jury has been impaneled, individual jurors may be photographed, with their consent. Where photographing of the jury is unavoidable, close-ups that clearly identify individual jurors are not permitted.

Only one television camera and one still photographer, using not more than two cameras, are allowed in the courtroom, and the media must arrange for any pooling arrangements.

Authority: Article VII, Rhode Island Supreme Court Rules, Rhode Island Court Rules Annotated; Rule 53, Rhode Island Superior Court Rules of Criminal Procedure (2005).

South Carolina

Extended media coverage is permitted. Those wishing to cover a proceeding must give the presiding judge "reasonable notice" of the request for coverage, and the judge may request a written notice. The judge may also refuse, limit or terminate media coverage of an entire case, portions thereof, or testimony of particular witnesses. Coverage of prospective jurors is prohibited and members of the jury may not be photographed except when they happen to be in the background of other subjects being photographed. Two television cameras and two still-photographers are allowed in the courtroom at one time, and the media are responsible for any pooling arrangements. Media personnel's equipment and clothing must not "bear the insignia or marking of any media agency," and the cameraperson must wear "appropriate business attire."

Authority: Rule 605, South Carolina Appellate Court Rules, South Carolina Rules of Court.

South Dakota

Extended coverage of trial and intermediate appellate court proceedings is prohibited. Expanded media coverage of Supreme Court proceedings is permitted. Under Rule 15-24-6, public appellate proceedings are presumed open, but parties may file an objection to such coverage 10 days prior. The rule provides that media coverage may not be limited unless it is shown that such coverage would materially interfere with the rights of the parties or the administration of justice.

Authority: Canon 3B(12), South Dakota Code of Judicial Conduct, S.D. Codified Laws, § 15-24-6.

A-30

Tennessee

Extended coverage is permitted in all courts. Requests for coverage must be made in writing to the presiding judge not less than two business days before the proceeding. Coverage of a witness, party or victim who is a minor is prohibited except when a minor is being tried for a criminal offense as an adult. Coverage of the jury selection and the jurors during the proceeding is also prohibited.

In juvenile court proceedings, the court will notify parties and their counsel that a request for coverage has been made and prior to the beginning of the proceedings, the court will advise the accused, the parties and the witnesses of their right to object. Objections by a witness in a juvenile case will limit coverage of that witness. Objections to coverage by the accused in a juvenile criminal case or any party in a juvenile civil action will prohibit coverage of the entire proceeding.

Only two television cameras and two still photographers, using not more than two cameras each, are allowed in the courtroom at one time. The media are responsible for any pooling arrangements.

Appellate review of a presiding judge's decision to terminate, suspend, limit, or exclude media coverage shall be in accordance with Rule 10 of the Tennessee Rules of Appellate Procedure.

Authority: Rule 30, Rules of the Tennessee Supreme Court.

Texas

Rule 18c, Texas Rules of Civil Procedure, and Rule 14, Texas Rules of Appellate Procedure, provide for the recording and broadcasting of civil court proceedings.

Rule 18c allows television, radio and photographic coverage with the consent of the trial judge, the parties and each witness to be covered. Coverage also may not "unduly distract participants or impair the dignity of the proceedings."

Rule 14 technically permits coverage of civil and criminal appellate proceedings. Requests for coverage at the appellate level must be filed five days prior to the proceeding, and coverage may be subject to other limitations imposed by the presiding judge(s). Those seeking coverage at the trial level should check with the local court, as the Supreme Court has approved local rules submitted by counties and cities in the state to allow coverage of trial proceedings and will continue to do so.

Authority: Rule 18c, Rules of Civil Procedure; Rule 14, Rules of Appellate Procedure.

A-31

Utah

Under Rule 4-401, filming, video recording and audio recording of appellate proceedings is permitted to preserve the record and as permitted by procedures of those courts, but is prohibited in trial proceedings except to preserve the record. Still photography of trial and appellate proceedings is permitted at the discretion of the presiding judge. Requests for still photography coverage should be made at least 24 hours prior to the proceeding but will be considered less than 24 hours ahead for good cause.

Authority: Rule 4-401, Utah Code of Judicial Administration.

Vermont

Extended media coverage of Supreme Court proceedings is permitted without the consent of the full court, but the Chief Justice has discretion to prohibit coverage. Audio recording of conferences between members of the Court, between co-counsel or between counsel and client is prohibited. Only two television cameras, each operated by one cameraperson, and one still photographer, using not more than two cameras, are permitted in the Supreme Court at any one time.

At the trial level, coverage is permitted in the courtroom and in immediately adjacent areas that are generally open to the public. Consent of parties and witnesses is not required, but the trial judge has discretion to prohibit, terminate, limit or postpone coverage on the judge's own motion or on a motion of a party or request of a witness.

Coverage of jurors is prohibited, except in the background when courtroom coverage would be otherwise impossible. While the rules do not ban coverage of specific types of cases, the reporter's note accompanying the rule suggests that coverage of sex offense, domestic relations, trade secret cases or offenses in which the victim is a minor may be inappropriate. This issue is left to the discretion of the trial judge to evaluate on a case-by-case basis. No proceeding that is closed to the public, by statute, may be covered. Only one television camera, operated by one cameraperson, and one still photographer, using not more than two cameras, are permitted in the courtroom at any one time. The media are responsible for any pooling arrangements.

Authority: Vermont Rules: Rule 35, Vermont Rules of Appellate Procedure; Rule 53, Vermont Rules of Criminal Procedure; Rules 79.2 & 79.3, Vermont Rules of Civil Procedure; 79.2, Rules of Probate Procedure.

Virginia

Extended media coverage of both trial and appellate proceedings is permitted in the sole discretion of the trial judge. Coverage of jurors as well as certain kinds of witnesses (police informants, minors, undercover

A-32

agents and victims and families of victims of sexual offenses) is prohibited. Media coverage of adoption, juvenile, child custody, divorce, spousal support, sexual offense, trade secret and in camera proceedings and hearings on motions to suppress evidence is prohibited as well. Not more than two television cameras and one still photographer (using no more than two cameras) are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Va. Code Ann. § 19.2-266.

Washington

The Courts of Washington permit extended media coverage of trial and appellate courtroom proceedings. The presiding judge may place conditions on the coverage, and the judge must expressly grant permission and ensure that the media personnel will not distract participants or impair the dignity of the proceedings. If a judge finds that media coverage should be limited, he or she must make, on the record, particularized findings that relate to specific circumstances of the proceeding. Judges may not rely on "generalized views" to limit media coverage.

Authority: Rule 16, General Rules, Washington Court Rules.

West Virginia

Under the current Code of Judicial Conduct, Canon 3B(12) permits coverage under the guidelines approved by the West Virginia Supreme Court of Appeals. At the trial court level, requests for media coverage must be made at least one day in advance of the proceeding. The presiding judge may sustain or deny objections made by parties, witnesses and counsel to the coverage of any portion of a proceeding. Audio coverage of attorney-client meeting or any other conferences conducted between and among attorneys, clients, or the presiding judge is prohibited. Coverage that shows the face of any juror or makes the identity of any juror discernible is prohibited without juror approval. Only one television camera and one still photographer are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Canon 3B(12), West Virginia Code of Judicial Conduct; Rules Governing Camera Coverage of Courtroom Proceedings, West Virginia Code Annotated; Rule 8, West Virginia Trial Court Rules.

Wisconsin

Extended coverage is permitted, but the presiding judge retains the authority to determine whether coverage should occur and, upon a finding of cause, to prohibit coverage. The trial judge retains the power, authority

A - 33

and responsibility to control the conduct of proceedings, including the authority over the inclusion or exclusion of the media and the public at particular proceedings or during the testimony of particular witnesses under the experimental and permanent guidelines. 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. An individual juror may be photographed only after his or her consent has been obtained. Photographs of the jury are permitted in courtrooms where the jury is part of the unavoidable background, but close-ups, which enable jurors to be clearly identified, are prohibited. Audio coverage of conferences between an attorney and a client, co-counsel, or attorneys and the trial judge is also prohibited. Three television cameras and three still photographers, using not more than 2 cameras each, are allowed in the courtroom to cover a proceeding. Disputes regarding a court's application of Chapter 61 are treated as administrative matters, which may not be appealed.

Authority: Chapter 61, Wisconsin Supreme Court Rules.

Wyoming

Extended media coverage is allowed in at both the appellate and trial court levels. A request for media coverage must be submitted 24 hours or more prior to the proceedings. The media may not make any close-up photography or visual recording of the members of the jury, nor may it make an audio recording of conferences between attorney and client or between counsel and the presiding judge. Additionally, equipment may not be moved during a proceeding. The trial judge has broad discretion in deciding whether there is cause for prohibition of coverage. Requests to limit media coverage enjoy a presumption of validity in cases involving the victims of crimes, confidential informants, and undercover agents, as well as in evidentiary suppression hearings.

Authority: Rule 804, Uniform Rules of the District Courts of the State of Wyoming; Rule 53, Wyoming Rules of Criminal Procedure.

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A-34