

1 **Rule 4-401.01 Electronic media coverage of court proceedings.**

2
3 **Intent:**

4 To establish uniform standards and procedures for electronic media coverage of court
5 proceedings.

6
7 To permit electronic media coverage of proceedings while protecting the right of parties to a
8 fair trial, personal privacy and safety, the decorum and dignity of proceedings, and the fair
9 administration of justice.

10
11 **Applicability:**

12 This rule applies to the courts of record and not of record.

13 This rule governs electronic media coverage of proceedings that are open to the public,
14 including proceedings conducted by remote transmission.

15
16 **Statement of the Rule:**

17 **(1) Definitions.**

18 (1)(A) “Judge” as used in this rule means the judge, justice, or court
19 commissioner who is presiding over the proceeding.

20 (1)(B) “Proceeding” as used in this rule means any trial, hearing, or other matter that is
21 open to the public.

22 (1)(C) “Electronic media coverage” as used in this rule means recording or transmitting
23 images or sound of a proceeding.

24 (1)(D) “News reporter” as used in this rule means a publisher, editor, reporter or other
25 similar person who gathers, records, photographs, reports, or publishes information for
26 the primary purpose of disseminating news to the public, and any newspaper, magazine,
27 or other periodical publication, press association or wire service, radio station, television
28 station, satellite broadcast, cable system or other organization with whom that person is
29 connected.

30
31 **(2) Presumption of electronic media coverage; restrictions on coverage.**

32 (2)(A) There is a presumption that electronic media coverage by a news reporter shall be
33 permitted in public proceedings where the predominant purpose of the electronic media
34 coverage request is journalism or dissemination of news to the public. The judge may
35 prohibit or restrict electronic media coverage in those cases only if the judge finds that
36 the reasons for doing so are sufficiently compelling to outweigh the presumption.

37 (2)(B) When determining whether the presumption of electronic media coverage has
38 been overcome and whether such coverage should be prohibited or restricted beyond
39 the limitations in this rule, a judge shall consider some or all of the following factors:

40 (2)(B)(i) whether there is a reasonable likelihood that electronic media coverage
41 will prejudice the right of the parties to a fair proceeding;

42 (2)(B)(ii) whether there is a reasonable likelihood that electronic media coverage
43 will jeopardize the safety or well-being of any individual;

- 44 (2)(B)(iii) whether there is a reasonable likelihood that electronic media coverage
- 45 will jeopardize the interests or well-being of a minor;
- 46 (2)(B)(iv) whether there is a reasonable likelihood that electronic media coverage
- 47 will constitute an unwarranted invasion of personal privacy of any person;
- 48 (2)(B)(v) whether electronic media coverage will create adverse effects greater
- 49 than those caused by media coverage without recording or transmitting images
- 50 or sound;
- 51 (2)(B)(vi) the adequacy of the court's physical facilities for electronic media
- 52 coverage;
- 53 (2)(B)(vii) the public interest in and newsworthiness of the proceeding;
- 54 (2)(B)(viii) potentially beneficial effects of allowing public observation of the
- 55 proceeding through electronic media coverage; and
- 56 (2)(B)(ix) any other factor affecting the fair administration of justice.
- 57 (2)(C) If the judge prohibits or restricts electronic media coverage, the judge shall make
- 58 particularized findings orally or in writing on the record. Any written order denying a
- 59 request for electronic media coverage shall be made part of the case record.
- 60 (2)(D) Any reasons found sufficient to prohibit or restrict electronic media coverage shall
- 61 relate to the specific circumstances of the proceeding rather than merely reflect
- 62 generalized views or preferences.

63

64 **(3) Duty of news reporters to obtain permission; termination or suspension of**
65 **coverage.**

- 66 (3)(A) Unless otherwise ordered by the court, news reporters shall file a written request
- 67 for permission to provide electronic media coverage of a proceeding at least one
- 68 business day before the proceeding. The request shall be filed on a form provided by the
- 69 Administrative Office of the Courts. Upon a showing of good cause, the judge may grant
- 70 a request on shorter notice.
- 71 (3)(B) A judge may terminate or suspend electronic media coverage at any time without
- 72 prior notice if the judge finds that continued electronic media coverage is no longer
- 73 appropriate based upon consideration of one or more of the factors in Paragraph (2)(B).
- 74 If permission to provide electronic media coverage is terminated or suspended, the
- 75 judge shall make the findings required in Paragraphs (2)(C) and (2)(D).

76

77 **(4) Conduct in the courtroom; pool coverage.**

- 78 | (4)(A) ~~Electronic~~ If a proceeding is conducted in the courtroom, electronic media
- 79 coverage is limited to one audio recorder and operator, one video camera and operator,
- 80 and one still camera and operator, unless otherwise approved by the judge or designee.
- 81 All requests to provide electronic media coverage shall be made to the court's public
- 82 information office. The news reporter whose request is granted by the court will provide
- 83 pool coverage.
- 84 (4)(B) It is the responsibility of news reporters to determine who will participate at any
- 85 given time, how they will pool their coverage, and how they will share audio, video or
- 86 photographic files produced by pool coverage. The pooling arrangement shall be
- 87 reached before the proceedings without imposing on the judge or court staff. Neither the

88 judge nor court staff shall be called upon to resolve disputes concerning pool
89 arrangements.

90 (4)(C) The approved news reporter shall be capable of sharing audio, video or
91 photographic files with other news reporters in a generally accepted format. News
92 reporters providing pool coverage shall promptly share their files with other news
93 reporters. News reporters must be willing and able to share their files to be approved to
94 provide coverage. (4)(D) News reporters shall designate a representative with whom the
95 court may consult regarding pool coverage, and shall provide the court with the name
96 and contact information for such representative.

97 (4)(E) Tripods may be used, but not flash or strobe lights. Normally available courtroom
98 equipment shall be used unless the judge or a designee approves modifications, which
99 shall be installed and maintained without court expense. Any modifications, including
100 microphones and related wiring, shall be as unobtrusive as possible, shall be installed
101 before the proceeding or during recess, and shall not interfere with the movement of
102 those in the courtroom.

103 (4)(F) The judge may position news reporters, equipment, and operators in the
104 courtroom. Proceedings shall not be disrupted. Equipment operators and news reporters
105 in the courtroom shall:

- 106 | (4)(~~GF~~)(i) not use equipment that produces loud or distracting sounds;
- 107 | (4)(~~GF~~)(ii) not place equipment in nor remove equipment from the courtroom nor
108 | change location while court is in session;
- 109 | (4)(~~GF~~)(iii) conceal any identifying business names, marks, call letters, logos or
110 | symbols;
- 111 | (4)(~~GF~~)(iv) not make comments in the courtroom during the court proceedings;
- 112 | (4)(~~GF~~)(v) not comment to or within the hearing of the jury or any member thereof at
113 | any time before the jury is dismissed;
- 114 | (4)(~~GF~~)(vi) present a neat appearance and conduct themselves in a manner
115 | consistent with the dignity of the proceedings;
- 116 | (4)(~~GF~~)(vii) not conduct interviews in the courtroom except as permitted by the judge;
117 | and
- 118 | (4)(~~GF~~)(viii) comply with the orders and directives of the court.

119
120 **(5) Violations.** In addition to contempt and any other sanctions allowed by law, a judge may
121 | remove from or terminate electronic access to the proceeding anyone violating this rule or
122 | the court's orders and directives and terminate or suspend electronic media coverage.

123
124 **(6) Limitations on electronic media coverage.** Notwithstanding an authorization to
125 | conduct electronic media coverage of a proceeding, and unless expressly authorized by the
126 | judge, there shall be no:

- 127 | (6)(A) electronic media coverage of a juror or prospective juror until the person is
128 | dismissed;
- 129 | (6)(B) electronic media coverage of the face of a person known to be a minor;
- 130 | (6)(C) electronic media coverage of an exhibit or a document that is not part of the
131 | official public record;

132 (6)(D) electronic media coverage of proceedings in chambers;
133 (6)(E) audio recording or transmission of the content of bench conferences; or
134 (6)(F) audio recording or transmission of the content of confidential communications
135 between counsel and client, between clients, or between counsel.
136

137 (7) Except as provided by this rule, recording or transmitting images or sound of a
138 proceeding without the express permission of the judge is prohibited. This rule shall not
139 diminish the authority of the judge conferred by statute, rule, or common law to control the
140 proceedings or areas immediately adjacent to the courtroom.
141

142 *Effective November 1, 2020*