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Order 6. Broadcasting, Recording, or Photographing in the Courtroom

(a) Application - Exception. This Order shall apply to all courts, circuit, district, and appellate, except as set out below.

(b) Authorization. A judge may authorize broadcasting, recording, or photographing in the courtroom and areas immediately adjacent thereto during sessions of court, recesses between sessions, and on other occasions, provided that the participants will not be distracted, nor will the dignity of the proceedings be impaired.

(c) Exceptions. The following exceptions shall apply:

(1) An objection timely made by a party or an attorney shall preclude broadcasting, recording, or photographing of the proceedings;
(2) The court shall inform witnesses of their right to refuse to be broadcast, recorded, or photographed, and an objection timely made by a witness shall preclude broadcasting, recording or photographing of that witness;
(3) The following shall not be subject to broadcasting, recording, or photographing:

all juvenile matters in circuit court,

all probate and domestic relations matters in circuit court (e.g., adoptions, guardianships, divorce, custody, support, and paternity), and

all drug court proceedings.

(4) In camera proceedings shall not be broadcast, recorded, or photographed except with consent of the court;
(5) Jurors, minors without parental or guardian consent, victims in cases involving sexual offenses, and undercover police agents or informants shall not be broadcast, recorded, or photographed.

(d) Procedure. The broadcasting, recording, or photographing of any court proceeding shall comply with the following rules:

(1) The court shall direct that the news media representatives enter into a pooling arrangement for the broadcasting, recording, or photographing of a trial. Any representative of a news medium wanting to broadcast, record, or photograph court proceedings shall present to the court a written statement agreeing to share with other media representatives. The media pool shall select one of its members to serve as pool coordinator. The media pool shall establish its own procedures, not inconsistent with these rules or with the wishes of the court, and the pool coordinator shall arbitrate any problems that arise. If a problem arises that

requires the assistance of the court, the pool coordinator alone shall be responsible for coordinating with the court. A plan for the placement of the broadcast equipment shall be prepared and filed by the pool coordinator, subject to the final approval of the court.

(2) The court shall retain ultimate control of the application of these rules over the broadcasting, recording, or photographing of a trial. Decisions made as to the details are final and are not subject to appeal. The court may in its discretion terminate the broadcasting, recording, or photographing at any time. Such a decision should not be made in an effort to edit the proceedings but only as one necessary in the interest of justice.

(3) The media pool may have two cameras in the courtroom during the course of a trial. One camera shall be used for still photography, and one camera shall be used for television photography. Both cameras shall remain in stationary positions outside the bar of the courtroom. Videotape recording and other electronic equipment not a component part of the cameras shall be located in an area remote from the courtroom to be designated by the court.

(4) One additional audio system for radio broadcasting shall be permitted provided that all microphones and related essential wiring will be unobtrusive and located in places designated in advance by the basic courtroom plan. The pool coordinator shall permit the installation of a pickup distribution box to be located outside the courtroom area to allow additional agencies access to the audio feed.

(5) Only television or photographic equipment that does not require distracting sound or light shall be employed to cover court proceedings. No artificial lighting device shall be employed in connection with television cameras. Any court approved alterations in existing lighting or wiring shall be accomplished by and at the expense of the media pool.

(6) Camera and audio equipment shall be installed or removed only when the court is not in session. Film changes shall not be made while court is in session. No audio equipment shall be used to record conversations between attorneys and clients or conversations between attorneys and the court held outside the hearing of the jury.

(7) Electronic devices shall not be used in the courtroom to broadcast, record, photograph, e-mail, blog, tweet, text, post, or transmit by any other means except as may be allowed by the court.

(8) If a court has its own broadcasting, recording, or photography system, the court?s system shall be used, subject to the provisions of this Order, unless different or additional arrangements are necessary in the court?s discretion.

(9) The Supreme Court and Court of Appeals may make audio and video recordings of oral arguments and other proceedings.

- A. Oral arguments and other appellate proceedings may be recorded, broadcasted or webcasted through a live or tape-delayed format as the Supreme Court shall direct. Commercial and educational broadcasters may be allowed to connect to the court?s systems for recording or broadcasting proceedings subject to the court?s requirements.
- B. Recordings will be maintained by the Clerk of the Supreme Court and the Court of Appeals and shall be retained until such time as the Supreme Court shall order their destruction. Copies of audio and video recordings may be made available to the public at a price representing the cost of copying as shall from time to time be established by the Supreme Court.
- C. An objection under subsection (c)(1) of this Order to the broadcasting, recording, or photographing of an oral argument or other appellate proceeding shall be made to the court, and

the court in its discretion shall decide whether broadcasting, recording, or photographing will be permitted.

(e) Contempt. Failure to abide by any provision of this Order can result in a citation for contempt against the news representative and his or her agency.

History Text:

History. Adopted July 5, 1993; amended May 24, 2001, effective July 1, 2001; amended and effective May 27, 2010, subsections (d)(7)-(9) added; amended July 27, 2011, effective August 1, 2011, subsection (c)(3).

Associated Court Rules:

Administrative Orders

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