

RULE 28
BROADCASTING, PHOTOGRAPHING, AND RECORDING

(A) To ensure transparency, accessibility and public trust in the legal system, the Court permits the broadcasting, photographing and recording of court proceedings.

- (1) This Rule is to be read in conjunction with Sup.R.11 and 12.
- (2) The trial judge or magistrate has the discretion to limit, control or prevent broadcasting, photographing and/or recording, after reasonable notice and opportunity to be heard, in the interest of justice, privacy and security.

(B) BROADCAST AND/OR RECORDING IN THE COURTROOM

- (1) No video, photographic or audio recording device, including cell phones when used for this purpose, may be used inside the courtroom without prior written approval.
 - (a) Requests for permission to broadcast, photograph, or otherwise record proceedings in the courtroom or a specific courtroom shall be made in writing to court administrator/bailiff. Such applications shall be made as far in advance as is reasonably possible but in no event not later than 30 minutes prior to the court session to be recorded. The assigned trial judge may waive the advance notice provision for good cause.
 - (b) The written application shall include the applicant's news media affiliation if any, the recording equipment proposed to be used (i.e., video camera, still camera, audio recording device), and any special requirements, such as microphone hook-ups or electrical conduits requested.
 - (c) If the application is approved, the trial judge or magistrate will assign positions in the courtroom to the applicant and its representatives and technicians. Equipment operators are not permitted to move about the courtroom or to enter or leave the courtroom during active court proceedings.
- (2) There shall be no broadcasting, photographing and/or recording of activities in the courtroom that take place during the recesses of a hearing, or during the half-hour before or after the hearing.
- (3) Broadcasting, photographing and/or recording video of jurors and potential jurors is prohibited
- (4) Audio equipment shall be controlled so that it will not pick up conferences or conversations between counsel and client, conferences at

the bench, or discussions between counsel and the official court reporter as in the case of a proffer.

- (5) No equipment may be used that causes distracting sound or light. The use of artificial lighting and flash photography is prohibited.
- (6) Equipment used in the broadcasting, photographing and/or recording of proceedings, such as microphones and television cameras, must be positioned prior to the commencement of the hearing, and must remain in position until the entire proceeding is concluded.
- (7) Attorneys shall inform a victim or witness that they may object to being broadcast, photographed and/or recorded.
 - (a) If a witness objects, the trial judge or magistrate may make a ruling prohibiting the broadcasting, photographing and/ or recording of the testimony of a victim or witness after giving the interested parties the opportunity to be heard.
 - (b) If the Court orders that a particular witness or other person in the courtroom is not to be broadcast, photographed or recorded, it will be the responsibility of each individual to inform assistants, co-workers, etc. of the trial judge's instructions. Failure to comply with the Court's order may result in revocation of the right to broadcast, photograph and/ or record in the courtroom and a finding of contempt.
 - (c) Objections to recording of the testimony of a victim or witness does not apply to the Court's own recording system.