

FILED

June 30, 2022

OFFICE OF

APPELLATE COURTS

**REPORT AND PROPOSED AMENDMENTS TO THE
MINNESOTA RULES**

**MINNESOTA SUPREME COURT ADVISORY COMMITTEE
ON RULES OF CRIMINAL PROCEDURE**

ADM10-8049

ADM09-8009

June 30, 2022

Hon. Richard Kyle, Jr., Chair

Hon. Michelle Anderson	Kelsey Kelley
David Bernstein	Dominick Mathews
Michael Brandt	Andrew Mohring
Jill Brisbois	Lidia Morales
Hon. Hilary Caligiuri	Virginia Murphrey
Anders Erickson	Hon. Peter Reyes
Emerald Gratz	Greg Scanlan
John Gross	Hon. Paul Scoggin
Nicholas Hydukovich	Cheri Townsend
Marcus Jones	

Hon. Paul Thissen
Supreme Court Liaison

Karen Kampa Jaszewski
Staff Attorney

I. INTRODUCTION

In a June 18, 2021 order, the Supreme Court directed that this Committee review Rule 4.02(d)-(e) of the General Rules of Practice for the District Courts, update the information obtained during the pilot project conducted from 2015-2017 regarding the implementation of this rule in the district courts, and consider whether the requirements in that rule for audio and video coverage of criminal proceedings should be modified or expanded. As directed by the Court in its order, the Committee reviewed a variety of background materials including published articles and studies on cameras in court and 50-state survey information, obtained input from the public, reviewed data on requests for camera coverage in the district courts, debated the issues, and now submits this report and these recommendations.

II. DATA AND PUBLIC INPUT

The Committee reviewed updated data regarding camera coverage requests that have been collected since the beginning of the original pilot. As of June 15, 2022, since the criminal case pilot started in 2015, and not counting the four cases related to the death of George Floyd or the case of *State v. Potter*, notices of coverage have been filed in 383 cases. Of those 383 cases:

- 31 cases had notices of coverage for pre-guilt proceedings; other than the high-profile cases noted above, only one of the requests for pre-guilt coverage has been granted.
- 117 of the cases with notices for post-guilt coverage had coverage denied under the rule (e.g., categorical case type exclusion, good cause, untimeliness).
- One case was dismissed before a decision on coverage was made.
- 36 cases have pending notices of coverage.

The Committee also reviewed various scholarly articles including: 1) Eugene Borgida, Kenneth G. DeBono, & Lee A. Buckman, Cameras in the Courtroom; The Effects of Media Coverage on Witness Testimony and Juror Perceptions, *Law and Human Behavior*, 14(5), 489–509 (1990); 2) Jian Xu and Cong Liu, How Does Courtroom Broadcasting Influence Public Confidence in Justice? The Mediation Effect of Vicarious Interpersonal Treatment, *Frontiers in Psychology*, 11:1766 (2020); and 3) Paul Lambert, Eyeing the Supreme Court’s Challenge: A Proposal to Use Eye Tracking to Determine the Effects of Television Courtroom Broadcasting, *Reynolds Courts & Media Law Journal*, 1(3) 277 (2011). Additionally, the Committee was provided the following documents, which were prepared specifically to aid in the discussion, and which are attached in the appendix to this report: 1) Cameras in the Courtroom Social Science Research Memo; 2) Cameras in the Courtroom Across Jurisdictions Memo; and 3) 50 State Survey.

The Committee also invited public comment and held a public hearing. Written comments were submitted by Hon. Peter Cahill, Fourth Judicial District; Adrienne McMahon, Assistant Public Defender; Hal Davis, Minnesota Coalition on Government Information; Robert Small, Minnesota County Attorneys Association; Jane Kirtley, Silha Center for the Study of Media Ethics and Law; Bobbi Holtberg, Minnesota Alliance on Crime; Joe Spear, Mankato Free Press; Ashley Sturz, Minnesota Coalition Against Sexual Assault; and Hon. Lois Conroy, Minnesota District Judges Association (MDJA). The submitted written comments are attached in the appendix.

In general, the public defender, prosecutor, and victim organizations and representatives oppose any expansion of the current rule. The MDJA opposes any change that would limit judge discretion. The Minnesota Alliance on Crime requests that the rule be further restricted by adding all crimes against the person to the list of cases that are automatically excluded from camera coverage. Media organizations and representatives as well as Hon. Peter Cahill expressed support for modification and expansion that would allow coverage at all proceedings, with Judge Cahill advocating for a rule that would leave the use and limits on cameras in court primarily to the discretion of the trial judge.

At the hearing, statements were made by Hal Davis, Jane Kirtley, Joe Spear, Hon. Lois Conroy, and Leita Walker, a First Amendment attorney who represents various media outlets. Overall, the statements made by media representatives were consistent with their written submissions: camera coverage should be allowed at every stage of a criminal case; coverage increases public access, promotes transparency, and fosters public trust and confidence in the judicial system; and judges can be trusted to exercise their discretion in managing their courtrooms and setting appropriate limits. In addition, the media representatives noted that because pooling is required by the rules and only one camera is permitted in any trial court proceeding (Rule 4.04(a)(1)), the recording of proceedings is many times less disruptive than having several print reporters sitting in the courtroom gallery.

Hon. Lois Conroy spoke for MDJA, noting that the administration of justice requires that judges weigh factors specific to the case in front of them, including the nature and posture of the case, the hardship to the victim, the defendant's right to fair trial, and the public's right to observe. For this reason, the MDJA opposes any rule change that would require coverage and would limit a judge's discretion to prohibit coverage.

III. COMMITTEE DISCUSSION

The Committee approached its discussion of whether to recommend modification or expansion of the rules governing audio and video coverage by separately addressing the rules that govern pre-guilt and post-guilt proceedings and discussing the issues specific to each set of rules.

A. PRE-GUILT PROCEEDINGS. The Committee discussed and debated whether to recommend any changes to the rule governing pre-guilt proceedings, which currently requires the consent of all parties before coverage can be granted. The Committee is aware that coverage has been authorized in two high profile trials, *State v. Chauvin* and *State v. Potter*, without the consent of both parties even though such coverage is not specifically authorized by the rules. The Committee was encouraged to and did consider a variety of proposed rule changes that would modify or expand coverage under a variety of different legal standards. Consensus could not be reached on any of the various proposals. Eventually, Committee members voiced concerns that they were discussing proposed rules changes even though it was clear a majority of the members oppose any change. The Committee put to a vote the question of whether members support any change to Rule 4 with respect to pre-guilt coverage and an overwhelming majority voted no. The Chair voted yes to considering further changes, all but 4 present and voting members voted no to any changes, and 4 abstained; 2 members were absent.

In opposition to any modification or expansion of coverage, members noted many of the same or similar concerns raised by the previous Committees in their previous reports to the Court on this issue: the presence of cameras distorts the process in that people may behave differently due to the presence of cameras; brief snippets of coverage by the media shed no real light on what happens in the course of a criminal case and provide no real public educational value; and litigating the question of camera coverage creates more work and is burdensome for the parties and the judge.

The arguments in support of expansion tend to be centered on the argument that cameras in court increase public access and education about the court process, as well as improve public trust and accountability.

While expanding camera coverage may give the appearance of transparency, the presence of cameras does not necessarily advance the public's understanding of court proceedings, may negatively impact the integrity of the process, and may be prejudicial to defendants. There is the potential that judges may modify their behavior in the presence of cameras or jurors may have the perception a defendant is "acting" for the camera. The Committee also continues to have concerns about the media's tendency to show snippets of coverage and believes that livestreamed gavel-to-gavel coverage of entire trials would not become the norm if the rules were expanded to allow trial coverage. Short snippet coverage does little to educate the public about the court process and could very well have more of a harmful than positive impact on public trust and confidence in the judicial system.

Additionally, the media has a tendency to only cover exceptional cases. If coverage is expanded to trials, those exceptional cases will be what the public thinks those in the justice system do every day. If the purpose of cameras is public education or

to promote the integrity or credibility of the system, coverage should provide a wholistic and realistic view of the court, and the mundane cases should be covered along with the exceptional. If the public only sees the exceptional and the shocking, which is all the media will likely cover, the public may tend to think that is the norm, which will only serve to inflame the public with fear about crime. The jury pool could be poisoned with the concept that if a defendant is in court, he or she must have done something exceptional or bad and the public or jury must make that right.

Unlike the legislative branch, the judicial branch is different in that judges are deciding individual cases rather than setting public policy. There must be an independence to the judicial branch and to the decisions of individual judges in individual cases. The Committee is concerned with the potential for influence that publicity could create. Additionally, once a recording exists, there are limits to what the court can do to control the use and dissemination. Preserving video forever is vastly different than public access.

The Committee is also concerned about the potential that expanded coverage could have a negative impact on victims and witnesses. Coverage could deter victims and witnesses from cooperating in the prosecution if they fear for their safety if they were to testify. Indeed coverage could result in actual harm or threats of harm to witnesses and other trial participants. Coverage may also have a chilling effect on any future victims or witnesses reporting crime or cooperating with law enforcement or prosecutors if they believe some day they too might be on camera.

Often victims and witnesses do not want to participate or be identified, especially in gang cases and violent person cases. Attorneys should be able to assure witnesses that video of their testimony will not appear on social media. Changing that will have a damaging effect on the state's ability to ensure justice is done. Most trials are very different than the *Chauvin* trial, which involved willing witnesses in a once in a century case. The *Chauvin* and *Potter* trials are not the standard by which to judge all cases because the resources available for and expended on those trials was not typical. Trying to prepare witnesses the week of trial, attorneys are going to have significant problems. Data are now available on the negative effect social media has on people, especially teenagers. When media is involved, it will most certainly make attorneys' and judges' jobs much more difficult.

Additionally, both public defenders and private defense attorneys have expressed concerns that the presence of cameras is a safety issue for them. Defense attorneys represent defendants charged with horrific crimes. At times, defense attorneys are taken down a back stairwell by deputies so as not to be visible to people who were in the courtroom. Camera coverage amplifies that exposure and being recognized in public could be a safety issue. In some cases, the media has specifically been ordered not to film attorneys for this very reason. Incidents of actual or threatened violence against lawyers

and witnesses, including expert witnesses, have been documented. The Committee is gravely concerned about the potential for actual harm if cameras are allowed at trial.

Given these concerns, the Committee considered whether it should at a minimum recommend a rule change that would allow more audio coverage but would prohibit showing anyone's face on camera without their consent. In some ways that approach would allay many concerns and the media would still be getting some video and audio coverage of trials. However, that approach may leave nothing left to cover but the few individuals who might want to be on video, or a static object in the courtroom. Also, audio coverage does not address all the concerns and safety issues as individuals can still be identified by their speaking voice or if anyone says the person's name.

Additionally, as a practical matter, there could be costs associated with more widespread coverage. Although the costs of cameras and broadcasting fall on the media, camera coverage is disruptive and attorney members of the Committee observed that there is work involved for the court when the media cover a hearing. The Committee is concerned the process not be overly burdensome for court administration, especially for courts that may have fewer staff or may even share a court administrator with another county. There is also a disparity in technology across the state as well as various facilities limitations. Although the media have claimed cameras are now smaller and less obtrusive, the types of cameras vary and some types of tripod cameras are still in use across the state. In some courts it would be almost impossible to accommodate a tripod camera. Thus it cannot be assumed that coverage will not have impacts on court operations.

However laudable the goals of expanded access to court proceedings, it is imperative to consider what recording (and the permanency of recordings and possibility of widespread dissemination) adds in terms of benefits and whether the benefits are worth the cost. Asking people to relive the worst moments of their lives and then broadcasting it will have an impact, and it will make it more difficult to get justice. The Committee believes that any benefits do not outweigh the costs, which is why the Committee strongly recommends against any major expansion of audio or visual coverage.

Although the vote was not unanimous, a majority of the Committee respectfully recommends to the Court that no change be made to Rule 4.02(d) that would modify the current consent rule or expand pre-guilt coverage.

Even though expansion of camera coverage is not favored, the Committee understands that the Supreme Court tasked the Committee to consider possible modifications or expansion. Thus, if the Court is inclined to consider changes to the rules, the Committee offers the following comments and suggestions based on its consideration of the following questions:

1. Whether jurors or jury selection should be subject to coverage.

The Committee recommends that there be no audio or visual coverage of jurors or of the jury selection process at all.

The Committee is concerned that coverage of jurors or of the jury selection process in the name of transparency will discourage jury service, expose jurors to public intimidation and harassment, and has the potential to fundamentally impact the integrity of the trial proceedings. Jurors are required to disclose very private information and honesty is necessary to ensure the parties are getting a fair and impartial jury. Although the jury selection process and the responses of jurors are recorded by the court reporter, the presence of a camera increases their exposure. It is reasonable to assume that jurors may be less likely to honestly discuss their true opinions or biases on issues like race when the cameras are on. And sensitive questions or topics are not only addressed in sex crimes or any specific subset of cases that could be carved out and excluded from coverage. For example, even a DWI trial can lead to prospective jurors discussing their own history or family history with alcoholism and the discussions can get very personal and very emotional.

Jurors are in court doing their civic duty, which sets them apart from the parties in the case. To protect the integrity of the proceedings, jurors as the decisionmakers must be protected. And unlike the parties, there is no attorney to look out for the interests of the individual jurors and nobody to argue good cause, or whatever legal standard may be set in court rule, on their behalf in support of a request to exclude them from coverage. Although judges would undoubtedly be committed to protecting jurors, there is simply no way to be certain that a particular juror who has a valid concern would feel empowered to raise that concern. It is unfair to jurors to subject them to this. The Committee feels strongly that the court needs to balance the interests of jurors and the administration of justice, with the increased transparency and public access, and on this particular issue the Committee has determined that there is no benefit worth the cost.

The Committee is also concerned that if the rules were to authorize coverage of juries, the result could be an increase in the number of requests for anonymous juries, which also has the potential to impact the integrity of the process. The Committee considered the scope of the protections that the rules should include, including whether there should or should not be coverage of the foreperson announcing the verdict, or during the polling of the jury, or if a juror speaks up during a trial. As a practical matter if a trial were livestreamed there would be no way to cut the camera or prevent coverage of unpredictable comments a juror might make during a trial, and that should be a relatively rare occurrence. The Committee acknowledges that a rule change cannot prevent this from happening, and trusts that a practical solution, like not having a microphone near the jurors should minimize the chance this could occur.

In light of the above, the Committee strongly recommends that jurors should never be subject to visual or audio coverage, in order to protect the integrity of the trial process and the jurors themselves. The Committee proposes a rule change that would clarify that regardless of the legal standard for coverage set in court rule, and even if the parties in a case agreed to camera coverage, coverage of voir dire is prohibited, and coverage of the jurors is prohibited at every stage of trial, including during polling of the jury.

2. *If the Court is inclined to modify the current standard in Rule 4.02(d) which requires “the consent of all parties” before a court may grant coverage of criminal proceedings before guilt has been determined, what should be the legal standard for the judge to apply?*

Again, the Committee recommends that no change be made to the rule requiring the consent of all parties. The Committee considered a variety of alternative legal standards including good cause and exceptional circumstances and could not come to consensus on any.

However, if the Court is inclined to modify the rule to give judges more discretion, first the Committee recommends a rule that sets a high standard, such as exceptional circumstances. The Committee considered whether at a minimum a recommendation should be made to the Court to codify in court rule the grounds cited by the judge who authorized coverage in the *Chauvin* case, which was essentially that camera coverage was necessary to ensure the defendant’s right to a fair and public trial and the public’s right of access to the trial. In the end, the Committee agreed that given the extremely rare factual circumstances (very high-profile trial during a global pandemic), and the fact that under Minn. Gen. R. Prac. 1.02 the court may always suspend or modify the application of the rules to prevent manifest injustice, which would include preserving constitutional rights, there is no need to codify this as grounds to authorize coverage explicitly in Rule 4.

Second, the Committee recommends that any rule expanding coverage to trial proceedings without consent of the parties include threshold considerations that would require a judge to prohibit coverage. Specifically, the Committee recommends that the rule prohibit coverage:

- i) If the judge determines that coverage would violate the defendant’s constitutional, statutory, or other rights, or
- ii) If the judge determines there is a substantial likelihood that coverage would cause the defendant, a victim, a witness that may testify, a lawyer representing a party, court personnel, or any other person connected to the trial, physical or psychological harm, threats of harm, or intimidation.

Third, the Committee recommends that the same categorical case type exclusions for sex crimes and domestic abuse cases that are present in Rule 4.02(e) be incorporated

into any rule authorizing coverage of trial proceedings. The Committee also recommends that references to additional, similar offenses be added to the list including sections 609.365 (Incest), 617.241 (Obscene materials and performances), 617.246 (Use of minors in sexual performance), and 617.247 (Possession of pornographic work involving minors). Although the Committee opposes any expansion of the rule, it would be much more comfortable with expansion overall if all of these cases are excluded. The Committee's reasons for recommending the prohibition on camera coverage in sex crimes and domestic abuse cases include the sensitivity of the issues, the privacy of the records that are disclosed, and the potential chilling effect on victims reporting crime or cooperating with the prosecution.

Fourth, the Committee recommends that the rule should require that a judge hear and consider the position of the parties on whether coverage should be allowed and whether any limitations should be imposed on such coverage, and should be required to consider all other relevant factors. Specifically, in deciding whether to authorize coverage in whole or in part, the judge should be required to consider:

- i) the positions of the parties;
- ii) the impact coverage will have on the rights of the defendant;
- iii) the impact coverage will have on the privacy, safety, and well-being of the victim(s), witnesses, defendant, trial participants, court staff, or other interested persons connected with the trial;
- iv) the age of the defendant and any victim or witness who may testify at trial; and
- v) the wishes of any victim, or any witness who may testify at trial, whether expressed by or on behalf of the victim or witness.

The rule should further require that a judge may consider any other relevant factors, including but not limited to:

- i) the nature of the charges;
- ii) the level of public interest in the trial;
- iii) whether coverage is necessary to safeguard the defendant's right to a public trial;
- iv) whether coverage is necessary to safeguard the public's right of access to the trial;
- v) whether courtroom or courthouse facility issues or limitations exist that would render camera presence obtrusive or distracting, or would make it difficult to adequately protect certain areas of the courtroom such as the jury box from being covered on camera;
- vi) whether public health concerns exist that require limits on the number of observers that can attend from the physical courtroom;
- vii) whether the dignity and decorum of the court proceedings would be impacted positively or negatively; and

- viii) whether allowing visual or audio coverage would promote transparency, education, and public trust and confidence in the judicial system.

The Committee recognizes that it may be a challenge for a judge to measure factors such as “public interest” when deciding such issues. Although it may not be clear what type of record needs to be made to establish the level of public interest, the factor is important and should be included in the rule as something the judge should consider.

Finally, as noted above, litigating the question of camera coverage creates work and is burdensome for the parties and the judge. The Committee recommends that any rule expanding coverage take steps to simplify the litigation of these issues to the extent possible.

3. *Should any proceedings be specifically included or excluded, e.g., bail hearings, pretrials, other proceedings and hearings outside the presence of the jury? Rule 4.02(d)(v).*

The Committee discussed the current Rule 4.02(d)(v) and whether it should be modified to authorize coverage of any pre-trial hearings and agrees it should not.

The Committee considered proposing rules that would authorize coverage of bail hearings but had concerns about coverage of hearings where a defendant may be in jail clothing or handcuffs, and where the court is discussing the defendant’s financials, prior offenses and prior warrants, mental health issues, and whether the defendant is on probation, all of which could impact the potential jury pool. The Committee is also concerned that authorizing any pretrial coverage could result in coverage of hearings where potential testimony or evidence is discussed, including evidence that may be excluded from being admitted at trial. The Committee considered whether the rule should authorize coverage of guilty plea hearings but had concerns about the potential impact to the jury pool if the defendant withdraws the plea or the plea agreement falls apart. The Committee also strongly opposes any coverage of the weekly treatment court hearings.

Based on concerns about the potential impact on the jury pool and a defendant’s right to a fair trial, the Committee recommends that the rules not be modified to authorize coverage of pretrial proceedings, and instead be modified to specifically prohibit coverage of any pretrial hearing, and only authorize coverage of trials.

4. *Whether a judge should be able to authorize coverage of a witness over their objection, and whether coverage over a witness’s objection could be by video or only by audio. Rule 4.02(d)(ii).*

The Committee discussed whether the current standard in Rule 4.02(d)(ii) should be modified to authorize coverage of a witness over their objection, including whether

perhaps audio coverage should be authorized even if video coverage is prohibited. The current rule provides that “There shall be no visual or audio coverage of any witness who objects thereto in writing or on the record before testifying.” The Committee does not recommend expanding the rule to authorize coverage over a witness’s objection given the potential for a chilling effect on witness cooperation if coverage over a witness’s objection were authorized.

Additionally, the Committee recommends expanding the protections in the rule to not only prohibit coverage of an adult witness who objects, but to also prohibit coverage of any minor witness, minor victim, or minor defendant. Although the current rule provides an option for witnesses to object to coverage, a minor should be considered too young to make such decisions or to consent to coverage. Finally, for consistency, the Committee recommends that the Court adopt the same standard for coverage of victims in this rule as is currently in Rule 4.02(e)(iv), which requires affirmative consent.

The Committee strongly recommends against any rule change that would give judges the discretion to authorize coverage of victims or witnesses at trial who may object, especially in sex crimes and domestic abuse cases.

If the Court is inclined to authorize the coverage of minors, or of witnesses over their objections, or of victims without their affirmative consent, the Committee recommends that the wishes of the victim and the age of any trial participant be specifically included as factors the court can consider when deciding whether to grant or deny coverage in whole or in part.

B. POST-GUILT PROCEEDINGS. Regarding the rules that govern coverage post-guilt, the Committee considered the following questions:

1. *Whether the rules should be modified to authorize coverage of treatment courts in paragraph (ii). The Committee is aware that coverage has been authorized in treatment court even though such coverage is prohibited by this rule.*

The Committee viewed videos that have been produced by treatment courts and posted online to promote and spotlight treatment court, which include coverage of treatment court hearings. The Committee agrees the rules should be modified to support the creation of such videos.

The Committee is mindful, however, that sensitive and personal issues are often discussed at treatment court hearings and although the hearings are public, that does not mean they should be recorded or broadcast. To ensure the court is encouraging the sharing of such information at these hearings when necessary, the Committee does not support allowing cameras when such sensitive and personal issues are discussed.

The Committee recommends a modification to the rule that would authorize coverage of treatment court hearings but only for promotional videos or for stories in the public interest, only with the consent of the participants, and only when the participants are nearing the point of graduation to minimize the possibility that a defendant will be sharing any particularly sensitive or personal issues or that a defendant will consent to coverage simply to curry favor with the judge.

Additionally, the new veterans sentencing statute, section 609.1056, may result in some overlap of treatment court cases and cases where coverage is prohibited under the sex crimes and domestic abuse provisions of the rule. The Committee recommends an amendment to the rule noting that possible overlap to ensure coverage of treatment court is only authorized if coverage is not otherwise prohibited under the existing provisions.

2. Whether the rules should be modified to eliminate the categorical case-type exclusions in paragraph (iii).

The Committee consistently disfavored and does not support any rule change that would eliminate or modify the prohibition on coverage of sex crimes and domestic abuse cases or give judges discretion to cover these cases. These cases are particularly emotional and there are no guarantees the court could protect victims from being covered intentionally or even inadvertently by the media, especially given the layout of some courtrooms. The Committee is genuinely concerned regarding the possible chilling effect on victims coming forward and continuing to participate throughout court proceedings if they believe they might one day be covered on camera. The Committee is also concerned that a rule change might discourage victim impact statements.

The Committee acknowledges that in rare circumstances there may be a victim in these types of offenses who wants camera coverage of the sentencing. Thus, although the Committee recommends that the categorical exclusion remains the presumption, the Committee supports a rule change that would allow a judge to authorize coverage at the specific request of a victim.

3. Whether there should be any change to the requirement for affirmative consent by victims under paragraph (iv).

The Committee considered whether to modify the requirement for affirmative consent and recommends leaving the rule unchanged.

The Committee is aware that a prior Committee had recommended to the Court language that would prohibit coverage if the victim objects, rather than allowing coverage upon the victim's signed consent. The current rule language adopted by the Court was clearly well-intentioned but has had the unintended consequence of the media seeking out victims to get signed consent forms, which is not an ideal atmosphere for

victims in court. The Committee discussed whether to propose a change mirroring what the previous Committee had recommended. The Committee also discussed whether perhaps the rule should specifically place the onus on the prosecutor to obtain victim consent and/or prohibit the media from asking the victim to consent. Getting the consent form signed is not a media obligation under the court rule but clearly there is a benefit to the media in getting the form signed so they can cover the victim impact statement. Although the prosecutor usually talks to the victim, in any case where they don't get a signed form, the media tries to get it.

The Committee agrees that prosecutors should have these conversations with victims and that this process can be handled rather quickly and efficiently and can be combined with the conversation on victim impact statements. The Committee also agrees that a return to the previously recommended rule does not solve any of these issues because without the signed consent form there is no way to know whether a victim agrees to coverage, the parties and court must then wait to get confirmation, and the issue tends to be dealt with "on the courthouse steps." Despite the challenges, the affirmative consent rule is preferred as it provides more protection for victims, and the rule should remain unchanged in terms of prohibiting the media from having this conversation with victims as that is not something the court can or should try to control or regulate.

The Committee would note, however, that in a prior report to the Court on this issue a prior Committee recommended eliminating the word "testifying" from the victim-coverage provision, Rule 4.02(e)(iv), as victims do not testify at sentencing but instead provide a victim impact statement under Minn. Stat. § 611A.038. That proposed rule was not adopted by the Court. The Committee again proposes that this change be made.

Finally, although outside the scope of the Supreme Court's directive to the Committee, the Committee recommends that the court form published on the Minnesota Judicial Branch website for victim consent should perhaps be modified to have the victim select either that they consent or do not consent to coverage. The Committee further encourages prosecutors to file that form in every case where a notice of coverage has been filed. This approach will ensure that the victim's position is made part of the record, and will help avoid the current situation where the lack of a consent form leaves room for confusion and questions about whether the victim does not consent or has not been asked.

4. *Whether there should be any expansion of the coverage in the presence of a jury under Rule 4.02(e)(i) (Blakely trials), so long as the jury itself is not covered.*

The Committee discussed whether to modify the rule governing *Blakely* trials and agreed that *Blakely* trials should only be covered if the trial is covered. The *Blakely* trial is where the most egregious facts are discussed, so coverage of the *Blakely* phase alone would place emphasis on the most extreme portion of the trial. Again, the Committee

recommends that the jurors themselves should never be subject to audio or visual coverage.

C. LOGISTICS ISSUES. Since the implementation of the original pilot rules, the media has voiced concerns with the lack of consistency among the district courts as to the preferred method for transmitting notices of coverage to the court, with some insisting on facsimile and other allowing email transmission. The rule currently requires that the media provide notice to the district court but does not specify a method.

The Committee agrees that the media have raised a valid concern, and that if possible the rule should establish a consistent process statewide. The Committee is aware that the previous Committee recommended against requiring or even suggesting that the media utilize the Minnesota Judicial Branch e-filing system. This Committee agrees with the reasoning of the prior Committee and does not recommend that the rule be amended to require notices to be “filed” or to allow notices to be e-filed. When the Committee discussed this issue, staff from the Minnesota Judicial Branch Court Information Office (CIO) was present and explained the role that Office plays in assisting the media and the courts with the process and the issues that arise relating to camera coverage. Staff for that Office offered that perhaps the rule could be amended to require that the media provide notice to the CIO, and that the CIO promptly provide the notice to the district court judge and court administrator. The Committee supports such a rule change assuming the Court agrees this is an appropriate use of that Office, and that naming that Office as the point of contact for the media will ensure notices of coverage are always routed to the judge, court administrator, and the parties in a timely manner.

The media has also expressed the desire for a shorter timeframe for providing notice of coverage than the rule currently requires. Although the Committee understands the media’s concern and agrees that 3 days’ notice might be adequate time to prepare for coverage, the challenge is that the parties need adequate time to object, and prosecutors need adequate time for communication with victims regarding consent to coverage. For these reasons no changes are recommended on the time requirements for notice of coverage.

D. FINAL THOUGHTS. Regarding the public input received, whether a particular individual or entity is in support of or in opposition to expansion or modification of the current rules, there seems to be consensus on the need for judicial discretion in deciding these issues. The Committee agrees and opposes any rules that would require coverage of certain cases or under certain circumstances. The Committee recommends that if the Court does decide to adopt rules expanding camera coverage, judges continue to be given the discretion in the rules to limit coverage in whole or in part based on the facts and circumstances of a particular case. The Committee recommends the addition of a new paragraph at the end of Rule 4.02(d) to codify this discretion.

The Committee also discussed the intersection of cameras in court and the concept of livestreaming. There are 2 types of livestreaming in this context: the type done by media from the courtroom for distribution to the public as was done in the recent high-profile trials, and the type that occurs when the court is holding a hearing remotely by video technology. Although the latter is a “livestreamed” hearing in the sense that it is being streamed over the internet, the media are not allowed to record or rebroadcast because of the limitations in Rule 4. The Committee agreed that a definition of livestreaming needs to be added to the introductory paragraph of Rule 4 to clarify that while remote hearings are “livestreamed” the Committee does not support any media broadcast of such hearings unless specifically authorized by the judge.

Finally, the Committee recommends adding references to the defendant everywhere there are specific references to victims, witnesses, or other participants. The intent of this change is to ensure fairness and balance in the rule. The Committee recommends that any rule change adopted by the Court should always provide for a balancing of considerations, keeping the list of factors that are salient to each party evenly weighted.

III. CONCLUSION

As noted above, although the vote was not unanimous, a majority of the Committee respectfully recommends to the Court that no change be made to Rule 4.02(d) that would modify the current consent rule or expand pre-guilt coverage. And although there is not unanimous agreement on the opposition to expansion, the Committee unanimously recommends the attached proposed amendments to Minn. Gen. R. Prac. 4. If the Court is inclined to make additional modifications to the rule, the Committee respectfully requests that the Court consider the suggestions made in this report.

Respectfully Submitted,

ADVISORY COMMITTEE ON
RULES OF CRIMINAL PROCEDURE

PROPOSED AMENDMENTS TO THE GENERAL RULES OF PRACTICE

The Supreme Court Advisory Committee on Rules of Criminal Procedure recommends that the following amendments be made in the Minnesota General Rules of Practice. In the proposed amendments, deletions are indicated by a line drawn through the words and additions by a line drawn under the words.

1. Amend Minn. Gen. R. Prac. 4.01 as follows:

Rule 4.01. General Rule

Except as set forth in this rule, no visual or audio recordings, except 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. Visual coverage or recording includes film, video, livestreaming, and still photography. For purposes of this rule, a hearing held remotely using video technology is not considered livestreaming and any recording or broadcasting of such hearings is prohibited unless specifically authorized by the presiding judge.

This rule may be superseded by specific rules of the Minnesota Supreme Court relating to use of cameras in the courtroom for courtroom security purposes, for use of video or audio recording of proceedings to create the official recording of the case, or for interactive video hearings pursuant to rule or order of the supreme court. This Rule 4 does not supersede the provisions of the Minnesota Rules of Public Access to Records of the Judicial Branch.

2. Amend Minn. Gen. R. Prac. 4.02(d) as follows:

(d) In criminal proceedings occurring before a guilty plea has been accepted or a guilty verdict has been returned, a judge may authorize, with the consent of all parties in writing or made on the record prior to the commencement of the trial, the visual or audio recording and reproduction of ~~appropriate court~~trial proceedings.

Coverage under this paragraph is subject to the following limitations:

(i) There shall be no visual or audio coverage ~~of during voir dire, or coverage of~~ jurors at any time during the trial, ~~including voir dire~~ or coverage at any time during trial when the name or identity of a juror could be revealed through visual or audio coverage such as during polling of the jury.

(ii) There shall be no visual or audio coverage of any witness, victim, or defendant, who is a minor at the time of trial, or of any adult witness other than a victim who objects thereto in writing or on the record before testifying, or of any

adult victim unless the adult victim affirmatively acknowledges and agrees in writing to the proposed coverage.

(iii) Visual or audio coverage of judicial proceedings shall be limited to proceedings conducted within the courtroom, and shall not extend to activities or events substantially related to judicial proceedings that occur in other areas of the court building.

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

(v) ~~Proceeding or during a jury trial, t~~There shall be no visual or audio coverage of any pretrial proceedings, including but not limited to bail hearings, arraignment, pretrial or omnibus hearings, motions in limine or any other proceedings prior to the jury being sworn, or any hearings during trial that take place outside the presence of the jury. ~~Without limiting the generality of the foregoing sentence, such hearings would include those to determine the admissibility of evidence, and those to determine various motions, such as motions to suppress evidence, for judgment of acquittal, in limine, and to dismiss.~~

(vi) No coverage is permitted in cases involving charges under Minn. Stat. §§ 609.293-.352, 609.185(a)(2), 609.365, 617.241, 617.246, or 617.247; or in cases in which a victim is a family or household member as defined in Minn. Stat. § 518B.01, subd. 2(b), and the charges include an offense listed in Minn. Stat. § 609.02, subd. 16.

In any court order authorizing video or audio recording of trial proceedings, the judge may include any other restrictions on coverage in the judge's discretion, including but not limited to restrictions on coverage of certain parties, witnesses, or other participants, or graphic or emotionally disturbing or otherwise sensitive exhibits.

3. Amend Minn. Gen. R. Prac. 4.02(e) as follows:

(e) In criminal proceedings occurring after a guilty plea has been accepted or a guilty verdict returned, a judge must, absent good cause, allow visual or audio coverage. The fact that a guilty plea will be accepted or a guilty verdict returned at the same hearing when sentencing will occur is not a basis to deny coverage of a sentencing proceeding. The consent of the parties is not required for coverage under this paragraph and lack of consent is not good cause to deny coverage. To determine whether there is good cause to prohibit coverage of the proceeding, or any part of it, the judge must consider (1) the privacy, safety, and well-being of the victim(s), defendant, participants, or other interested persons; (2) the likelihood that coverage will detract from the dignity of the proceeding; (3) the physical facilities of the court; and, (4) the fair administration of justice.

Coverage under this paragraph is subject to the following limitations:

- (i) No visual or audio coverage is permitted ~~when a jury is present, including for of jurors at hearings to determine whether there are aggravating factors that would support an upward departure under the sentencing guidelines, and coverage of such hearings is only permitted if the underlying trial was also covered, or new pretrial and trial proceedings after a reversal on appeal or an order for a new trial.~~
- (ii) ~~No coverage~~Unless coverage is otherwise prohibited by clause (iii) of this rule, coverage is permitted at ~~any~~ proceedings held in a treatment court, including drug courts, mental health courts, veterans courts, and DWI courts but only with the consent of the treatment court participant, only at the point where the participants to be covered are nearing graduation, and only for purposes of producing videos or materials for promotional, educational, or outreach purposes, or for stories in the public interest.
- (iii) No coverage is permitted in cases involving charges under Minn. Stat. §§ 609.293-.352, ~~or~~ 609.185(a)(2), 609.365, 617.241, 617.246, or 617.247; or in cases in which a victim is a family or household member as defined in Minn. Stat. § 518B.01, subd. 2(b), and the charges include an offense listed in Minn. Stat. § 609.02, subd. 16, except upon the specific request of the adult victim.
- (iv) No visual or audio coverage is permitted of a victim, as defined in Minn. Stat. § 611A.01(b), or a person giving a statement on behalf of the victim as the victim's proxy, unless the victim is an adult at the time of sentencing and the adult victim, and when applicable the adult victim's proxy, affirmatively acknowledges and agrees in writing before testifying to the proposed coverage.
- (v) Visual or audio coverage must be limited to proceedings conducted within the courtroom, and shall not extend to activities or events substantially related to judicial proceedings that occur in other areas of the court building.
- (vi) No visual or audio coverage within the courtroom is permitted during recesses or at any other time the trial judge is not present and presiding.

APPENDIX:

- 1) Cameras in the Courtroom Social Science Research Memo
- 2) Cameras in the Courtroom Across Jurisdictions Memo
- 3) 50 State Survey
- 4) Comments submitted by:

Hon. Peter Cahill, Fourth Judicial District
Adrienne McMahon, Assistant Public Defender
Hal Davis, Minnesota Coalition on Government Information
Robert Small, Minnesota County Attorneys Association
Jane Kirtley, Silha Center for the Study of Media Ethics and Law
Bobbi Holtberg, Minnesota Alliance on Crime
Joe Spear, Mankato Free Press
Ashley Sturz, Minnesota Coalition Against Sexual Assault
Hon. Lois Conroy, Minnesota District Judges Association (MDJA)

TO: Justice Thissen
FROM: Kaitlin Yira
RE: Cameras in the Courtroom Studies
DATE: 11/01/2021

CAMERAS IN THE COURTROOM SOCIAL SCIENCE RESEARCH

1. LIMITATIONS OF THE CURRENT DATA.

The methodology of most data on how cameras in the courtroom impact judicial outcomes is flawed. First, the short length of the studies (which generally range from one to three years), and diversity of cases makes it difficult to obtain a representative sample, collect accurate data, and generalize and apply the results.¹ Furthermore, the evaluation design of most studies, self-reporting questionnaires, is defective.² As frequently opined by social scientists, self-reporting questionnaires are highly unreliable. Most of the “research” has not been reproduced and is limited in application to that specific trial. There is much room for improvement in the scientific data surrounding cameras in the courtroom.

2. PUBLIC PERCEPTION OF THE JUDICIAL SYSTEM.

"To work effectively, it is important that society's criminal process satisfy the appearance of justice . . . and the appearance of justice can best be provided by allowing people to observe it."³

In 2020, new data on the influence cameras in the courtroom have on public perception of the judicial system was published.⁴ The data showed that media coverage of trials increases public

¹ Emily Ittner, *Technology in the Courtroom: Promoting Transparency or Destroying Solemnity*, 22 COMMLAW CONSPECTUS 347, 369 (2014).

² Ittner, *supra* note 1.

³ *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 571-72 (1980) (citing Matthew Hale and William Blackstone).

⁴ Jian Xu and Cong Liu, *How Does Courtroom Broadcasting Influence Public Confidence in Justice? The Mediation Effect of Vicarious Interpersonal Treatment*, 11 FRONTIERS PSYCH. 1, 2 (2020).

confidence in the judicial system, though through an indirect path. The data showed, with statistical significance, audiences of court trial videos who perceive a judge's positive interpersonal treatment of a litigant tend to be more confident about receiving fair treatment and outcomes in their own future encounters with the legal system.⁵ Additionally, people who view trial court videos where they perceive a trial court's interpersonal treatment of a litigant is positive, have a greater sense of procedural justice.⁶ Procedural justice has long been noted as a key factor that enhances individuals' favorability to the outcome of distribution by an authority or institution and their evaluations, such as their trust in and positive affect toward, and their perceived legitimacy of the authorities or institutions.⁷ It also induces supportive intentions such as compliance, cooperative behaviors, and voting.⁸

The social science behind public perception of the judiciary as it is impacted by camera coverage of trials was not previously well-understood. This recent data provides insight into the mechanisms that are at play when the public views trial video footage. This study highlights how media coverage of the judicial system can be used as a tool to increase public trust in the judicial system. However, the study also highlights the importance of the behavior of the judge in increasing public trust. This study emphasized the positive effects media coverage of trials will have on the public are limited to how positively the public perceives a judge's behavior. Thus, the importance of maintaining decorum and showing respect to all parties by the presiding judge cannot be overstated when cameras are in the courtroom.

⁵ Xu & Liu, *supra* note 4 at 3.

⁶ *Supra* at 4.

⁷ *Supra*.

⁸ *Supra*.

3. IMPACT ON WITNESS TESTIMONY.

Data shows that witnesses' ability to recall the details of the crime and communicate effectively were not impacted by the presence of cameras in the courtroom.⁹ Witnesses have self-reported nervous behavior at higher rates when in front of cameras than witnesses who were not in front of cameras have reported.¹⁰ However, this perceived nervousness has not been shown to decrease the accuracy of the testimony the witnesses. That is, witnesses in front of cameras give as accurate of testimony as witnesses who were not testifying in front of cameras.¹¹ The impact cameras in the courtroom would have on witnesses is often cited as a large reason to limit media coverage of trials. However, the data supports the notion that the integrity of witness testimony is not threatened by cameras in the courtroom.

4. IMPACT ON JURORS AND SENTENCING.

While limited, the prevailing data supports the notion that jurors are not receptive to any nervousness cameras in the courtroom cause witnesses. Jurors rated witnesses in front of cameras with the same level of credibility as witnesses who were testifying in front of cameras. Therefore, the concern that jurors will react to whatever nervousness cameras cause to testifying witnesses is unsupported. However, there are many ways jurors may be impacted by cameras in the courtroom that have not been qualified by empirical research.

Interestingly, one study found that expanded media coverage leads to an increase in sentencing lengths. However, this increase was only true for severe violent crimes in jurisdictions where judges are elected (vs. appointed).¹² This study provides an interesting

⁹ SHORT & ASSOCS., EVALUATION OF CALIFORNIA'S EXPERIMENT WITH EXTENDED MEDIA COVERAGE OF COURTS, SUBMITTED TO ADMINISTRATIVE OFFICE FOR THE COURTS (1981).

¹⁰ Eugene Borgida, et al., *Cameras in the Courtroom: The Effects of Media Coverage on Witness Testimony and Juror Perceptions*, 15 LAW & HUM. BEHAV. 489, 505 (1990).

¹¹ *Supra*.

¹² Lim et al. *Measuring Media Influence on U.S. State Courts* 1, 21-22 (2010).

perspective on how media coverage of trials may implicitly influence judges who are elected by the public.

5. DATA.

I. HOYT STUDY (1977).¹³

a. Summary:

Individuals were shown a film and then asked questions about the content of the film with either (1) an obvious television camera in front of them, of which they were told was recording their answers for later viewing by a large audience, (2) a camera that was hidden behind a mirror in front of them, or (3) no camera in front of them.

b. Results:

The study found “no significant differences” in the respondents’ verbal behavior when they faced a hidden television compared to when no camera was present. Thus, the assumption that when faced by a television camera, persons’ memory may fail, etc., was not supported.”¹⁴ This study showed that when cameras in the courtroom are inconspicuous or hidden, they may not impact victim/witness testimony or memory of events. Because modern technology allows cameras to be small, discrete, and almost silent, it is feasible that victim/witness testimony would not be impacted by their presence. Additionally, this study supports rulemaking

¹³ James L. Hoyt, *Courtroom Coverage: The Effects of Being Televised*, 21 J. BROADCASTING 489 (1977).

¹⁴ *Supra* at 490-91.

ensuring the presence of cameras in the courtroom will be inconspicuous.¹⁵

II. SHORT STUDY (1981).¹⁶

a. Summary:

A 1981 study surveyed participants in 200 legal proceedings on whether they were distracted by the presence of cameras (i.e., self-reports). The researchers also placed neutral observers in proceedings to record the perceived reaction, if any, of participants to the cameras.

b. Results:

The study found that the presence or absence of cameras had little, if any, effect on trial participants' attentiveness, demeanor (calm or anxious), or ability to communicate. It also found little effect on courtroom decorum. The study concluded that "there is little evidence to suggest that [electronic media coverage] causes significantly more changes in behavior than does conventional media coverage."¹⁷

III. BORGIDA STUDY (1990).¹⁸

a. Summary:

Undergraduate student subjects served as either witnesses or jurors in one of three types of trials: electronic media coverage (EMC), in which a video camera was present; conventional media coverage

¹⁵ Paul Lambert, *Eyeing the Supreme Court's Challenge: A Proposal to Use Eye Tracking to Determine the Effects of Television Courtroom Broadcasting*, 1 REYNOLDS CT. & MEDIA L. J. 277, 289 (2011).

¹⁶ Short & Assocs., *supra* note 9 at 228.

¹⁷ *Supra*.

¹⁸ Borgida et al., *supra* note 10.

(CMC), in which a journalist was present; or, a no-media control, in which no representative or equipment was present. Students who served as witnesses first viewed videotape of a reenacted armed robbery. Days later, these students testified as witnesses in front of a jury of peers. Measures assessed the following: witness and juror attitudes toward witness report and juror perceptions of nervousness and media distraction, juror perceptions of witness testimony, and witnesses' ability to accurately recall aspects of the crime.¹⁹

b. Results:

The Borgida Study concludes that electronic media coverage (EMC) witnesses were significantly more nervous than non-EMC witnesses, and the EMC witnesses were as clear as conventional media witnesses, although both groups were less clear than the control witnesses.²⁰ Alternatively, EMC witnesses required significantly fewer prompts to recall items, although the amount and accuracy of information provided were the same compared to conventional media witnesses and the control group.²¹ The researchers of the study concluded that the presence of the camera in the courtroom had a perceived psychological effect, although there appears to be no significant positive or negative effects of cameras in the courtroom.²²

¹⁹ Borgida et al., *supra* note 10.

²⁰ *Supra* note 10 at 502.

²¹ *Supra* note 10 at 503-04.

²² *Supra* note 10 at 504-05.

IV. FEDERAL JUDICIAL CENTER STUDY (1991-1994).²³

a. Summary:

Cameras were allowed in six federal district courts and two appellate courts as part of a pilot study. In all, 147 proceedings had cameras recording inside the courtroom. The results of the study are based on post-trial surveys of the trial participants.

b. Results:

Most of the judges with electronic media experience felt that the greatest potential benefit of electronic coverage is the educational value it provides to the public, although this benefit was realized only moderately under the experimental program.²⁴ The judges in the experimental program noted that ruling on objections to electronic media coverage took very little time.²⁵ The judges were also nearly unanimous that the presence of cameras did not create a lack of courtroom decorum, nor did the presence of cameras have a negative effect on the attorneys.²⁶ Attorneys surveyed by the Federal Judicial Center were also favorable towards cameras in the courtroom, with sixty-six percent saying that they favored electronic media coverage, twenty-one percent opposing coverage, and thirteen percent having no opinion.²⁷ Overall, both judges and court personnel reported that the

²³ FEDERAL JUDICIAL CENTER, COVERAGE OF FEDERAL CIVIL PROCEEDINGS: AN EVALUATION OF THE PILOT PROGRAM IN SIX DISTRICT COURTS AND TWO COURTS OF APPEALS, 4-5 (1994).

²⁴ *Supra* note 22 at 24.

²⁵ *Supra*.

²⁶ *Supra* at 25.

²⁷ *Supra* at 19.

media were very cooperative and complied with program guidelines and other restrictions that were imposed.²⁸

6. CONCLUSION

Current data on the impact of cameras in the courtroom is limited. The studies that exist suffer from low sample sizes, self-reporting bias, and the inability to be replicated. Therefore, the data is generally not applicable to populations other than the exact population that was studied. However, the data is still useful at offering a limited perspective in how cameras in the courtroom impact trials. Most of the data shows that very few negative impacts are realized when cameras are in the courtroom. While further research is necessary, the limited data supports the move towards allowing cameras in the courtroom. However, anecdotal evidence from other jurisdictions may also support a cautionary approach to implementing cameras in the courtroom.²⁹

²⁸*Supra* note 22 at 7.

²⁹ See appendix for data from New York State Courts' Cameras in the Courtroom research.

Appendix

V. NEW YORK COURTS STUDY.³⁰

Attorneys Reported:

- Thirty-seven percent of attorneys reported that the atmosphere in the courtroom was tense and 35% stated that the atmosphere was uneasy as a result of audio-visual coverage. Thirty-seven percent of the attorney respondents reported that they were more self-conscious as a result of audio-visual coverage.
- Thirty-eight percent of attorney respondents stated that the testimony of witnesses was affected by audio-visual coverage. Among those who said that witnesses were affected by audio-visual coverage, 28% of the attorney-respondents stated that witnesses had a reluctance to be identified or broadcasted; 14% said that audio-visual coverage places pressure on the witnesses; 10% believed that witnesses appeared nervous and/or anxious; 7% reported that witnesses appeared to be putting on an act and/or looking for public exposure, and an additional 7% felt that witnesses did not concentrate on the testimony as a result of the presence of the media.
- Thirty-four percent of attorney-respondents were concerned that audio-visual coverage would affect the security of their witnesses and clients.

³⁰ JACK T. LITMAN, MINORITY REPORT OF THE COMMITTEE ON AUDIO-VISUAL COVERAGE OF COURT PROCEEDINGS, 16-18 (1994) (quoting Joseph Jaffe, New York State Bar Ass'n, Memorandum (1991), derived from Office of Ct. Admin., Report A-109 to A-125 (Mar. 1991)).

- Twenty-three percent of the attorney-respondents found the presence of cameras distracting.
- Twenty-seven percent of attorney-respondents believed that the procedures leading to the decision to permit audio-visual coverage did not allow them sufficient time to ascertain the views of their clients or witnesses.
- Five percent of the attorneys who had one or more of their witnesses receive audio-visual coverage stated that one or more of their witnesses refused to and did not testify because of audio-visual coverage. Fifteen percent of attorneys whose witnesses experienced audio-visual coverage stated that one or more of their witnesses initially declined to testify because of audio-visual coverage, but nonetheless did testify.
- 3% of attorneys stated that the court compelled one or more of their witnesses to testify.
- Forty-six percent of attorneys believe that audio-visual coverage of arraignments negatively affects fairness.
- Forty-four percent of attorneys stated that audio-visual coverage of trials negatively affects fairness.
- With regard to suppression hearings and sentencings, 64% and 34%, respectively, believe that audio-visual coverage affects these proceedings negatively.

Defense Attorneys Reported:

- Fifty-six percent of defense attorneys felt that the fairness of trials was negatively affected by audio-visual coverage.

- Sixty-seven percent of defense attorneys felt that the fairness of arraignments was negatively affected by audio-visual coverage.
- Eighty percent of defense attorneys felt that the fairness of suppression hearings was negatively affected by audio-visual coverage.
- Fifty-four percent of defense attorneys felt that the fairness of sentencings was negatively affected by audio-visual coverage.

Prosecutors Reported:

- Twenty-six percent of prosecutors felt that the fairness of trials was negatively affected by audio-visual coverage.
- Overall, 18% of prosecutors reported being opposed to audio-visual coverage in the courtroom.
- Twenty-three percent of prosecutors felt that the fairness of arraignments was negatively affected by audio-visual coverage.
- Fifty-three percent of prosecutors felt that the fairness of suppression hearings was negatively affected by audio-visual coverage.
- Ten percent of prosecutors felt that the fairness of sentencings was negatively affected by audio-visual coverage.

Jurors Reported:

- Nineteen percent of the jurors thought that fairness of trials would be negatively affected.
- The presence of cameras made 28% of juror respondents think the proceeding was more important.

Witnesses Reported:

- 27% of witnesses reported feeling either anxious or nervous because of the presence of cameras. 30% of witnesses reported feeling somewhat uneasy, and 39% felt either tense or somewhat tense.
- 39% of witnesses reported that the presence of cameras had some effect on them. Of these witnesses, 39% indicated they were tense or somewhat tense, 30% felt somewhat uneasy, 44% felt somewhat more self-conscious, 16% felt somewhat insecure, 10% were reluctant to participate, 21% felt that the case was more serious, and 19% of the witnesses reported being distracted.

TO: Justice Thissen
FROM: Kaitlin Yira
RE: Cameras in the Courtroom
DATE: 11/04/2021

CAMERAS IN THE COURTROOM ACROSS JURISDICTIONS

I. JURISDICTIONS VARY ON THE NUMBER OF CAMERAS AND MEDIA PERSONNEL ALLOWED IN THE COURTROOM.

Most states have a rule that specifies the number of cameras and media personnel that can be inside the courtroom during a trial. Connecticut courts allow one still camera, one audio recording device, and one TV camera in the courtroom.¹ Artificial lighting is not permitted in Connecticut courts. The judge presiding judge is responsible for determining the placement of the cameras. The judge must minimize intrusion when placing the cameras while, also, maximizing the view the camera captures. Connecticut courts do not allow camera operators to move until the end of the trial (once the camera location has been designated).

In Indiana, all recording equipment must be in place at least 30 minutes before the start of oral argument and may not be moved until adjournment or recess.² Additionally, camera operators are not allowed to change lenses or cassettes during the proceedings. In Indiana, the court is responsible for designating suitable areas for recording equipment. These areas must provide “reasonable access to coverage.”³

Maryland courts allow one TV camera in trial courts and up to two TV cameras in appellate courts.⁴ The courts limit still cameras to one photographer using up to two still cameras with up to two lenses for each camera. Maryland further specifies that only one audio system for

¹ CONN. PRACTICE BOOK §§ 1-10-11C, 70-9 (2021).

² STANDARDS GOVERNING ELECTRONIC MEDIA AND STILL PHOTOGRAPHY AT ORAL ARGUMENTS IN THE COURT OF APPEALS OF INDIANA (Ind. 2019).

³ *Id.*

⁴ MD. R. CTS. JUDGES & ATT’YS Rule 16-607 (2020).

broadcasting shall be permitted in a proceeding. Only if the Maryland court does not have a built-in audio system may the media use their own equipment to record audio. Limitations are in place to ensure the microphones are mutable and no privileged communication is recorded. Media personnel and their equipment must stay within the location which was approved by the judge prior to trial. There shall be no movement of media personnel or their equipment until recess or conclusion of the trial.

New Jersey does not allow any equipment that produces a distracting sound or light.⁵ The court may require proof that the equipment meets these guidelines before the equipment is used in a proceeding. If during a proceeding the court finds the equipment to produce distracting sound or light, the court may order the operator to cease use of the distracting equipment. New Jersey courts do not allow any artificial light sources to be brought into the courtroom. However, with the court and building owner's approval, modifications, and additions to the light sources in the courtroom may be made at the cost of the media.

North Carolina requires that media personnel and their equipment are completely obscured from view from within the courtroom and not heard by anyone inside the courtroom.⁶ This is done by way of booth or other partitioning device built at the expense of the media. The build must be in harmony with the style and décor of the courtroom and must be approved by the most senior judge and the governing body that owns the facility.

II. JURISDICTIONS VARY ON WHO MUST CONSENT TO MEDIA COVERAGE.

Most states require, at minimum, the presiding judge's approval before expanded media coverage of a trial. Other states, like Alabama, also require written consent from the attorneys the

⁵ N.J. DIRECTIVES Dir. 11-20 (2020).

⁶ N.C. SUPER. CT. & DIST. CT. R. 15 (2021).

parties involved in a matter before expanded media coverage is allowed.⁷ Trial courts in Maryland require the written consent of all parties or consent stated on the record in open court before extended media coverage is allowed.⁸ Consent of the parties is not required in Maryland's Court of Appeals. In comparison, New Jersey cameras in the courtroom rules explicitly state the court shall not condition the decision of whether to grant the media's request to broadcast "upon obtaining consent of any party, and party's attorney, or any witness or participant in a proceeding."⁹

III. JURISDICTIONS VARY ON WHO MAY OBJECT TO MEDIA COVERAGE.

In Alaska, judges may only deny requests for media coverage with specific, on the record findings that the harm from one of the delineated factors outweighs the public benefit of expanded media coverage.¹⁰ In Nebraska, any party to the proceeding may object to media coverage of the trial.¹¹ In addition, any witness may object to coverage and, upon showing of good cause, a judge may deny media coverage of that witness' testimony. In Arizona, parties must object to media coverage in writing or on the record before the start of the proceeding. A party waives the right to object to coverage after the proceeding begins. In contrast, victims or witnesses may object to media coverage at any time in Arizona courts.¹²

In Vermont, any judge wishing to limit media coverage must have a hearing on the motion.¹³ In that hearing the court will consider: (1) the impact of recording or transmitting on the rights of the parties to a fair trial, (2) whether the private nature of testimony outweighs its public value, (3) the likelihood that physical, emotional, economic or proprietary injury may be

⁷ ALA. CANONS OF JUD. ETHICS Canon 3(A)(7), 7(B) (2019).

⁸ MD. R. CTS. JUDGES & ATT'YS Rule 16-607 (2020).

⁹ N.J. DIRECTIVES Dir. 11-20 (2020).

¹⁰ ALASKA R. ADMIN. 50 (2021).

¹¹ NEB. R. CT. § 6-2003 (2021).

¹² R. ARIZ. SUP. CT. R. 122 (2021).

¹³ ORDER ABROGATING AND REPLACING RULE 79.2 VT. R. CIV. PRO (2019).

caused to a witness, a party, the alleged victim, or other person or entity, (4) the age, mental condition, and medical condition of the party, witness, or alleged victim, (5) whether sequestration of the jury, a delay in transmitting until a verdict has been rendered (if agreed upon by the media or person seeking to transmit), or some other means short of prohibition would protect the interests of the parties, witnesses, or other persons, and (6) other good cause. The person seeking an order has the burden of persuading the court by a preponderance that the court should limit media coverage.¹⁴

IV. JURISDICTIONS VARY ON WHETHER A JUDGE’S DECISION TO EXPAND OR LIMIT MEDIA COVERAGE IS APPEALABLE.

In Nebraska, a judge’s decision on whether to limit or deny media coverage is a non-appealable temporary injunction or a suspension of expanded media coverage.¹⁵ In New Jersey any requestor aggrieved by a decision concerning expanded media coverage may move for leave to appeal the decision to a higher court.¹⁶ The motion must be made within three business days after such decision. In Wisconsin, a judge’s decision on expanded media coverage is only appealable to the chief judge of the administrative district as an administrative matter.¹⁷ The appellate courts in Wisconsin have no authority to review a lower court’s decision on expanded media coverage.

In Alaska, a party whose request for expanded media coverage has been denied or restricted may ask for a reconsideration.¹⁸ The reconsideration request must be in writing in the form of a letter and submitted to the trial court’s judicial officer. It must state the reasons the denial of expanded coverage was improper and be served upon all parties. The judge may request

¹⁴ *Id.*

¹⁵ NEB. R. CT. § 6-2003 (2021).

¹⁶ N.J. DIRECTIVES Dir. 11-20 (2020).

¹⁷ WIS. S. CT. R. 61.10 (1979).

¹⁸ ALASKA R. ADMIN. 50 (2021).

the parties submit memoranda in response to the reconsideration request. If the reconsideration request is denied, the party may petition for review under the Alaska Appellate Rules. In Colorado, only a party to the case may appeal the ruling on expanded media coverage. The appeal may be by review of a ruling by original proceeding, if otherwise appropriate, or by post-trial appeal.

V. MOST JURISDICTIONS AGREE COURTROOM CAMERA FOOTAGE IS NOT ADMISSIBLE AS EVIDENCE.

The applicable rule from North Carolina states, “[n]one of the film, . . . or audio reproductions developed during or by virtue of coverage of a judicial proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent and collateral thereto, or upon any retrial or appeal of such proceedings.”¹⁹ In New Jersey, the rule states that not recordings shall be admissible as evidence or used to challenge the accuracy of the official court record.²⁰ However, in New Jersey, it is the court’s discretion whether recordings can be used as evidence in a separate proceeding. In general, however, the majority of jurisdictions do not allow courtroom camera footage to be used as evidence in subsequent trials or appeals.

VI. MOST JURISDICTIONS HAVE RULES TO FACILITATE POOLING AGREEMENTS AMONGST THE MEDIA.

To limit the obtrusion of media in the courtroom, most courts require the media to create pooling agreements so that the number of media personnel present during a trial is limited. Connecticut makes the pooling agreements the responsibility of the media personnel.²¹ Maryland specifies that pooling agreements are to be the responsibility of the media and that the courts will

¹⁹ N.C. SUPER. CT. & DIST. CT. R. 15 (2021).

²⁰ N.J. DIRECTIVES Dir. 11-20 (2020).

²¹ CONN. PRACTICE BOOK §§ 1-10-11C, 70-9 (2021).

not get involved with any disputes surrounding pooling agreements.²² South Dakota requires media personnel to facilitate pooling agreements and implement procedures required by the court.²³ South Dakota courts have a media coordinator who oversees media coverage and acts as the designated liaison between the courts and the media.

VII. SOME JURISDICTIONS SPECIFY HOW VIOLATIONS OF CAMERAS IN THE COURTROOM RULES ARE HANDLED.

The punishment for violating the court rules surrounding media coverage vary by jurisdiction. In Nebraska, media personnel must be credentialed by the court administrator to record in the courtroom.²⁴ Media personnel may lose this credential if there is good cause to find the media has acted or failed to act in accordance with the courts' rules regarding cameras in the courtroom. South Carolina courts give the presiding judge authority to subject any media representative to an "appropriate sanction" upon failure to comply with the court's media rules.²⁵ Failure to comply with the court's media rules in South Dakota is punishable by sanction or contempt proceedings pursuant to South Dakota law.²⁶ Yet other jurisdictions do not directly specify how violations of the court's camera rules will be handled.

In general, jurisdictions vary broadly on the specificity of courtroom camera rules. Some jurisdictions prioritize the openness of courtrooms and prioritize media access to the courts. Other jurisdictions favor the protection of the rights of the parties and witnesses in the courtroom over media access. Another approach is to leave courtroom camera rules to the discretion of the presiding judge. As follows, a contrasting approach is to have the supreme court of the state

²² MD. R. CTS. JUDGES & ATT'YS Rule 16-607 (2020).

²³ S.D. CODIFIED LAWS § 16-20-3 (2021).

²⁴ NEB. R. CT. § 6-2003 (2021).

²⁵ S.C. R. CT. APP. R. 605 (2021).

²⁶ S.D. CODIFIED LAWS § 16-20-3 (2021).

create specific and uniform rules that are to be followed by all courts in the state. Whichever approach is taken depends greatly on the policy arguments that the judicial system finds most persuasive.

IS AUDIO/VIDEO RECORDING ALLOWED?

	Pretrial	Trial	Post-conviction
ALABAMA		Yes, but only with Supreme Court authorization, consent of parties and local officials, as prescribed by the Alabama Canons of Judicial Ethics. Canon 3 of the Canons of Judicial Ethics governs, and the rules do not differentiate between pretrial, trial, and post-conviction matters. Ala. Canons Jud. Ethics, canon 3.	
ALASKA	Yes, but any recording or photography must be preapproved by the presiding judge. For any non-trial proceeding, a written application must be submitted as soon as possible, but no less than 48 hours before the start of the proceeding. Alaska Ct. R. Admin. 50.	Yes, but any recording or photography must be preapproved by the presiding judge. For trials, a written application to record must be submitted 7 days prior. Alaska Ct. R. Admin. 50.	Yes, but any recording or photography must be preapproved by the presiding judge. For any non-trial proceeding, a written application must be submitted as soon as possible, but no less than 48 hours before the start of the proceeding. Alaska Ct. R. Admin. 50.
ARIZONA	Yes, but any recording or photography must be preapproved by the presiding judge. For any non-trial proceeding, a written application must be submitted as soon as possible, but no less than 48 hours before the start of the proceeding. Ariz. R. Sup. Ct. 122.	Yes, but any recording or photography must be preapproved by the presiding judge. For trials, a written application to record must be submitted 7 days prior. Ariz. R. Sup. Ct. 122.	Yes, but any recording or photography must be preapproved by the presiding judge. For any non-trial proceeding, a written application must be submitted as soon as possible, but no less than 48 hours before the start of the proceeding. Ariz. R. Sup. Ct. 122.
ARKANSAS		Yes, but with approval of the presiding judge. Certain exceptions apply. The rules do not differentiate between pretrial, trial, and post conviction matters. Ark. Admin. Ord. 6 (b).	
CALIFORNIA		Yes, but only with permission of the presiding judge granted by written order. The judge may permit, refuse, limit, or terminate media coverage at their discretion. Requests for media coverage must be submitted 5 days prior to the proceeding, and there is a standardized request form that must be submitted titled "Media Request to Photograph, Record, or Broadcast: form MC-510" Cal. R. Ct. 1.150(e) . The rules do not differentiate between pretrial, trial, and post conviction matters.	
COLORADO	No media coverage of pretrial hearings in criminal cases, except for advisements and arraignments. Colo. Pub. Access R. 3(3)(A).	Yes, with prior authorization of the presiding judge. A written request must be submitted at least one day prior to the proceeding, unless the judge specifies otherwise, and the request shall list the type of media coverage requested (audio, video, or still photography) and any pooling arrangements that may be required. The judge shall rule on the request (and any subsequent objections) on the record and state any reasoning behind their decision. Colo. Pub. Access R. 3(e) . The rules do not differentiate post-conviction matters.	
CONNECTICUT	Media coverage of criminal arraignments requires authorization of the presiding judge, which is to be submitted via email prior to the hearing to the chief court administrator. The request must be shared with involved parties. Electronic coverage will not be allowed until the defendant has had the opportunity to object to the coverage on the record, should they wish to do so. If a request is granted or denied over the defendant's objection, the judge must state the reasoning for such decision on the record. Conn. R. Superior Cts. §1-11A.	Yes, subject to certain limitations. For criminal cases, a written notice of media coverage must be submitted three days prior to the administrative judge of the relevant judicial district. The presiding judge has the authority to limit or preclude the media coverage, and must do so at a hearing with notice given to all impacted parties. Parties will have the opportunity to object. If the judge decides to limit or preclude the request, they must state their reasoning on the record and the decision shall be final. Conn. R. Superior Cts. §1-11C(a).	
DELAWARE		No. This is prohibition is even directly in the Delaware Judges' Code of Judicial Conduct, which states "A judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except as authorized by a court rule or administrative directive which has been either promulgated or approved by the Delaware Supreme Court." Del. Judges Code Jud. Conduct 2.10(c).	
FLORIDA		Yes, subject to the discretion of the presiding judge in the proceeding. The rules do not describe the procedures for applying or requesting permission. The rules do not differentiate between pretrial, trial, and post-conviction matters. The rules also apply to both trial court and appellate courts. Fla. R. Gen. Prac. & Jud. Admin. 2.450(a).	
GEORGIA	No. Criminal pretrial proceedings happen in front of the State Courts, whereas trials happens in front of the Superior Courts. The Uniform Rules of the State Courts do not contain provisions allowing for the recording of proceedings. See generally, Uniform R. State Cts Ga.	Yes, if approved by the judge after submitting a written application within 24 hours of the proceeding. The judge must supply a copy of that request to all parties, witnesses, and victims, and must hold a hearing on the request if the judge plans to deny the request or if any notified person objects to the request. Any objection to the recording taking place must happen in writing prior to, or on the record at the start of the proceeding. Uniform R. Superior Ct. Ga. 22(f).	
HAWAII		Yes, with authorization from the presiding judge. Any party wishing to record must submit a written "request for extended coverage" to the designated administrative coordinator in the given court. The request must be made with "reasonable advanced notice." Requests for coverage cover an entire case, including pretrial, post-conviction motions, and any appeals, and one request will be sufficient for any media or organizations that wish to cover the case. All affected parties shall be given notice of the request for coverage. The judge shall dispose of requests on the record if requested by a party, and if the request is denied or limited, must make written finding of fact and law related to the decision. Haw. R. Sup. Ct. 5.1 (e) & (f).	
IDAHO		Yes, with advanced approval of the presiding judge. Approval may be obtained by submitting a written request form in advance of the hearings, after which point the judge will issue an order granting, denying, or limiting the scope of the request. The rules do not differentiate between pretrial, trial, and post-conviction matters. Idaho Ct. Admin. R. 45(g).	
ILLINOIS		Yes, but only with prior approval to the "extended media coverage" by both the presiding judge and the chief judge of the circuit. The application for extended media coverage must be made 14 days prior to the proceeding, and the nature and scope of the request must be shared with all parties and counsel by the Court Clerk. The rules laid out in the order do not differentiate between pretrial, trial, and post-conviction matters. Ill. Sup. Ct. Ord. MR 2634, 1.3(b).	
INDIANA		No, as a general rule, no broadcasting or recording is allowed. However there is an exception for a limited pilot project involving five judges, which still requires the authorization of the presiding judge. Appellate level arguments may also be recorded and broadcast. Ind. Code Judicial Conduct 2.17.	
IOWA	Special rules for initial appearances in criminal cases.	Yes. Expanded news media coverage requires express judicial officer authorization. Request must be made at least seven days in advance to the proceeding to the regional expanded news media coordinator. Iowa R. Civ. P. 25.2	

KANSAS	Yes, but only with permission of the presiding judge, limited to news and educational media organizations for the narrow use of education and news dissemination. All requests must be made one week in advance of the proceeding. The rules do not describe the mechanisms for making such request. The rules do not differentiate between pretrial, trial, and post-conviction matters. R. Adopted Sup. Ct. Kan. 1001(e) .	
KENTUCKY	Recording and audio coverage permitted in appellate and trial court proceedings with authorization of the presiding judge. Requests for approval do not need to be in any particular form. Ky. SCR 1 . Yes, but only permission of the presiding judge in advance of the proceeding. The request for "extended coverage" must be filed with the clerk of the court 20 days prior to the proceeding. The judge has discretion to prohibit or limit the coverage as they see fit. La. Code Jud. Conduct, Appendix to Canon 3, III .	
LOUISIANA		
MAINE	Yes, but only if authorized by the presiding judge of the proceeding. Requests for coverage must be made at least 24 hours in advance of the proceedings to the Clerk of Court office that is handling the case. The decision to grant coverage is at the sole discretion of the presiding judge, and is not subject to appeal or review by a higher court. Me. Sup. Jud. Ct., Admin. Ord. JB-05-15(A, 9-11), II . The rules do not differentiate between pretrial, trial, and post conviction matters, but they do differ between civil and criminal proceedings. Yes, but coverage is limited to civil matters only, with advanced approval of the presiding judge. Requests for "extended media coverage" must be made in writing five days in advance of the proceeding. The request must be filed with the court clerk, who is responsible for sharing it with all parties. Md. R. Ct. Admin. 16-604 . The presiding judge may grant or deny the request with any limitations of conditions they find appropriate. Md. R. Ct. Admin. 16-605 . The rules do not differentiate between pretrial, trial, and post-conviction matters.	
MARYLAND	Yes, with prior authorization of the presiding judge or magistrate. In the absence of advanced notice, the judge may refuse to admit the media who is hoping to cover the proceeding. The rules do not differentiate between pretrial, trial, and post-conviction matters. Mass. Sup. Jud. Ct. R. 1:19	
MASSACHUSETTS	Yes, up to the discretion of the presiding judge, if requested at least three days before the proceeding. The request must be made in writing to the clerk of the court, and the court is to share the request with all parties. The rules do not differentiate between pretrial, trial, and post-conviction matters. Mich. Sup. Ct. Admin. Ord. 1981-1, 2(a)(i) .	
MICHIGAN	Yes, but only with advanced notice to the court, and certain to several limitations laid out in the rules. Notice must be made 7 days prior to the proceeding, and must be shared with the judge and court administrator. The court administrator will share the notice with all parties involved in the proceeding, who will then have the opportunity to object via written notice. Minn. Ct. General R. Prac. 4.02, 4.03 .	
MINNESOTA	Yes, permitted on a case-by-case basis with the prior authorization of the presiding judge. Mo. Ct. Operating R. 16.02(a) . Requests for media coverage must be made at least two days prior to the proceeding to the appointed media coordinator, who will then share the request with all parties and the judge. The judge may choose to hold a hearing concerning the requests and any objections, and may set terms and conditions for the coverage. Mo. Ct. Operating R. 16.03 . The rules do not differentiate between pretrial, trial, and post conviction matters.	
MISSOURI	Yes, subject to the permission of the presiding judge, who may limit or terminate the coverage at any point at their discretion. Media wishing to cover a proceeding must provide notice to the clerk and court administrator at least 48 hours prior. Miss. R. Electronic & Photographic Coverages of Jud. Proceedings, rule 3(a), rule 6 . The rules do not differentiate between pretrial, trial, and post conviction matters.	
MISSISSIPPI	Yes, subject to the discretion of the presiding judge. See Mont. Cannon of Jud. Ethics, 35 . The general rules are contained in the Cannons of Ethics, however the local rules of the judicial district may also apply, which may limit what can be covered and set forth other terms and conditions. I've included examples from the local rules of District 4 and District 19 throughout.	
MONTANA	Yes, recording is allowed with prior authorization of the judicial officer. Neb. Sup. Ct. R. § 6-2003(A) . Requests should be made in writing seven days prior to the proceeding to the clerk of the court. Copies of the request shall be shared with all parties. Neb. Sup. Ct. R. § 6-2004(C) .	
NEBRASKA	Yes. There is a presumption that any courtroom proceeding open to the public is subject to electronic coverage. News reporters desiring permission to provide electronic coverage of a proceeding in the courtroom must file a written request with the judge at least 24 hours before the proceeding commences. The judge may grant requests on shorter notice or waive the notice requirement altogether. Nev. Sup. Ct. R. 230 .	Yes. There is a presumption that any courtroom proceeding open to the public is subject to electronic coverage. News reporters desiring permission to provide electronic coverage of a proceeding in the courtroom must file a written request with the judge at least 24 hours before the proceeding commences. The judge may grant requests on shorter notice or waive the notice requirement altogether. Nev. Sup. Ct. R. 230 .
NEVADA	Yes, recording is allowed so long as the proceeding is open to the public and advance notice, either in-writing or on the record, is provided to the court. NH. R. Super. Ct. 204(a), (c) . The rules do not differentiate between pretrial, trial, and post conviction matters.	
NEW HAMPSHIRE	Yes, recording is allowed with advanced permission of the court. The court retains all discretion to modify or rescind such permission as needed. N.J. Sup. Ct. Guidelines on Media Access & Electronic Devices in Cts. (H) § 2, 3 . The rules do not differentiate between pretrial, trial, and post conviction matters.	
NEW JERSEY	Yes, at the discretion of the judge. Advanced notice of coverage, made to the clerk 24 hours prior to the proceeding, is required. N.M. Sup. Ct. Gen. R., 23-107(a), (c) . The rules do not differentiate between pretrial, trial, and post conviction matters.	
NEW MEXICO		

NEW YORK	<p>Yes, subject to the limitations of the rules and at the discretion of the presiding judge. See N.Y. R. of the Chief Admin. Judge §131. Media coverage may be requested prior to the proceeding in writing by members of the media. The judge may also issue an order granting access orally on the record, or via order, if no request from media has been formally made. When necessary, the judge may hold a pre-trial conference to consider the impacts of the media coverage and the opinions of the parties involved. See N.Y. R. of the Chief Admin. Judge §131.3(b). The rules do not differentiate between pretrial, trial, and post conviction matters.</p> <p>Yes, subject at all times to the authority and discretion of the presiding judge. Gen. R. of Pract. Superior & Dist. Cts. of N.C., rule 15(b)(1). The rules do not differentiate between pretrial, trial, and post conviction matters.</p>	
NORTH CAROLINA	<p>Yes, limited to the members of the media and at the discretion of the court. N.D. Sup. Ct. Admin. R. 21 § 4(b). Media must request access to cover the proceeding seven days in advance. Notice of the request must be shared with all parties. N.D. Sup. Ct. Admin. R. 21 § 5(b). The rules do not differentiate between pretrial, trial, and post conviction matters.</p>	
NORTH DAKOTA	<p>Yes. With advanced permission of the presiding judge, requested in writing, and granted via written order of the judge. R. of Superintendence for Cts of Ohio, rule 12(A). The rules do not differentiate between pretrial, trial, and post conviction matters.</p>	
OHIO	<p>Yes, but only if permitted by local district court rules. Local rule example: in Oklahoma County, express permission of the judge must be obtained before recording or photography of any kind is allowed. Ct. R. 7th & 26th Admin. Dist of Okla., rule 39.01</p>	
OKLAHOMA	<p>Yes, if requested in advance of the proceeding and with permission of the court at their discretion. Notice of the request must be shared with all parties. Or. Uniform Trial Ct. R. 3.180(1), (2). Generally no. However limited coverage may be allowed in non-jury civil trials. See Penn. Sup. Ct. R. 1910.</p>	
OREGON	<p>Yes, at the sole discretion of the presiding "trial justice." R.I. Sup. Ct. R., Art. VII, canon 11.</p>	
PENNSYLVANIA	<p>Yes, in limited circumstances if authorized by the presiding judge. Written notice in advance of the proceeding is required. S.C. Appellate Ct. R. 605(f).</p>	
RHODE ISLAND	<p>Yes, with the authorization of the presiding judge. See S.D. Cannons of Jud. Conduct 3(b)(12).</p>	
SOUTH CAROLINA	<p>Yes, subject to the authority of the presiding judge. Requests for coverage must be made at least two days in advance of the proceeding. Notice of the request must be made to the clerk who is responsible for posting the notice on the public docket. Tenn. Sup. Ct. R. 30A. Before a judge limits or denies a request for coverage, they must hold an evidentiary hearing on the record to consider the requests, its merits, and rule on the matter. Tenn. Sup. Ct. R. 30D(2). Generally yes, local district/county rules determine whether or not recording is allowed in criminal trial courts. Civil and appellate courts are governed by state rules and typically permitted with some limitations. Local rules example: media coverage of public proceedings is allowed, subject to the courts discretion to determine competing rights and to preserve the dignity of the court. R. Governing Recording and Broadcasting of Ct. Proceedings in Crim. Cases, Tarrant County Tex. 1.2.</p>	
SOUTH DAKOTA	<p>Yes, with advanced permission and subject to the judge's discretion to limit or prohibit coverage in certain circumstances. News reporters wishing to cover a proceeding must submit a written request at least one day in advance of the proceeding Utah Code of Jud. Admin. 4-401.01(2), (3).</p>	
TENNESSEE	<p>Yes, but limited to registered media members, and at the discretion of the court. Members of the media may either apply for permanent registration, or one-time registration with the Court Administrator. Vt. R. Crim. Proceed. 53(d)(2).</p>	
TEXAS	<p>Yes, but only if authorized by the court's sole discretion. Cd. of Va. R. Crim. P. § 19.2-266.</p>	
UTAH	<p>Yes, allowed with express permission of the presiding judge. Wash. St. Ct. Gen. R. 16(a).</p>	
VERMONT		<p>Audio recording devices are prohibited—the media must use the court designated live audio feed. WV Rules. App. Proc., Rule 42(a), (f). With early as possible notification, media coverage using cameras or equipment used for word processing may receive permission from the Court for a trial proceeding. WV Rules. App. Proc., Rule 42(a)–(b). The Clerk or public information officer may terminate coverage at any time during the proceeding if the coverage will impede justice or will create unfairness for any party. WV Rules. App. Proc., Rule 42(c); WV Trial Ct. Rule 8.03.</p>
VIRGINIA	<p>Yes, audio and recording allowed in courtrooms. The trial judge shall receive notice of media intent to bring cameras or recording equipment into courtroom three days in advance. However, the trial judge may exercise discretion in waiving the notice rule for cause. Wisc. Sup. Ct. R. 61.02(2)</p>	
WASHINGTON	<p>Under the Wyoming Rules of Criminal Procedure, audio and video recording allowed in appellate and trial court level courtrooms at the discretion of the judge. Requests must be made 24 hours before the proceeding unless good cause shown for later request. Wyo. R. Cr. P. 53(1).</p>	
WEST VIRGINIA	<p>In trial courtrooms, cameras and audio equipment permitted at the discretion of the presiding circuit court judge or magistrate ("presiding officer"). Requests must be made at least 1 day prior to proceeding. WV Trial Ct. Rule 8.01, 8.02.</p>	
WISCONSIN		
WYOMING		

ARE THERE LIMITATIONS ON THE TYPES OF PROCEEDINGS WHERE AUDIO/VIDEO RECORDING IS ALLOWED?

	Pretrial	Trial	Post-conviction
ALABAMA		No, all decisions are left up to the Supreme Court when authorizing a coverage plan and the rules do not differentiate between different types of proceedings. Ala. Canons of Jud. Ethics, canon 3 . No limits on certain types of proceedings that may be recorded (after permission has been received) However, the rules state that bench conferences, and any confidential communications between counsel and or clients, cannot be recorded. Alaska Ct. R. Admin. 50 .	
ALASKA		There are no direct limitations in the rules on the types of proceedings that can be recorded, and is ultimately up to the discretion of the presiding judge when approving the application for coverage. However, the rules specify that recording devices cannot be used while the judge is off the bench, bench conferences and conversations between counsel and clients are also off limits for any recording. Ariz. R. Sup. Ct. 122 .	
ARIZONA		Yes, the rules state that any "in camera" proceedings shall not be broadcast, recorded, or photographed. However no other type of proceeding is directly prohibited and all decisions are left up to the presiding judge with some exceptions. Ark. Admin. Ord. 6(C)(4) .	
ARKANSAS		The rules state the following are prohibited from media coverage: (A) Proceedings held in chambers; (B) Proceedings closed to the public; (C) Jury selection; (D) Jurors or spectators; or (E) Conferences between an attorney and a client, witness, or aide; between attorneys; or between counsel and the judge at the bench. Cal. R. Ct. 1.150(e)(6) .	
CALIFORNIA	No media coverage of pretrial hearings in criminal cases, except for advisements and arraignments. Colo. Pub. Access R. 3(3)(A) .	Yes. The following are off limits for media coverage: jury voir dire, audio or close-up photography of bench conferences and counsel/client conversation, in camera hearings. Colo. Pub. Access R. 3(3) .	
COLORADO	For pretrial arraignments, the following limitations apply: proceedings where the case was transferred from juvenile court are not allowed to be covered until there is a determination that the case was properly transferred. Conn. R. Superior Cts. §1-11(c)(7) .	Yes. No broadcasting, televising, recording or photography of the following proceedings: any proceedings held in the absence of the jury during a jury trial, any proceedings that are not held in open court on the record. Conn. R. Superior Cts. §1-108(a) .	
CONNECTICUT		No.	
DELAWARE		The only limitation described in the rules prohibits the audio pick up or broadcast of bench conferences between counsel and the judge, between co-counsel, and conversations between counsel and clients. Fla. R. Gen. Prac. & Jud. Admin. 2-459(a) .	
FLORIDA		Yes. No recording of bench conferences is allowed, nor are any privileged or confidential communications. In addition, "the nature of the proceeding" is a factor by which the judge is to consider when making their decision on a request for coverage. Uniform R. Superior Cts. Ga. 22(F) .	
GEORGIA		No, any proceeding that is open to the public may potentially be recorded, subject to the permission of the judge and the parameters of the Rules of the Supreme Court. However, conferences between attorney's and clients, co-counsel and clients or parties, or between counsel and the judge are also off limits, this includes conversation in chambers. See Haw. R. Sup. Ct. 5.1(4) .	
HAWAII		Yes. No broadcast, video or audio coverage, or recording of: conferences between attorney's and clients, between co-counsel, or between counsel and the presiding judge. In-camera sessions and jury deliberations are also off limits. Idaho Ct. Admin. R. 45(c)(1), (2) .	
IDAHO		Yes. No audio or visual broadcast/recording is allowed of conferences involving attorneys and client, between co-counsel, between attorney's and opposing counsel, or between attorneys and the judge. Ill. Sup. Ct. Ord. MR 2(34.1.7)(c) .	
ILLINOIS		For the limited scope of the pilot project, the following are prohibited from broadcast: jury selection, attorney-client communications and bench conferences. Ind. Sup. Ct. Ord. 215-MS-454_7 .	
INDIANA	Expanded media coverage permitted during initial appearances in criminal proceedings with authorization by judicial officer and is subject to objection by the prosecutor, defendant, or defendant's attorney. Iowa R. Civ. P. 25.2(4) .	Expanded news media coverage prohibited in jury selection, private court proceedings required by Iowa law, and court conferences. Iowa R. Civ. P. 25.2(5)-(7) .	
IOWA		Conferees between attorneys and clients, among cocounsel, counsel and opposing counsel, or among attorneys and the judge are off limits. But other than that the rule is discretionary and provides no other direct limitations or prohibitions. R. Adopted Sup. Ct. Kan. 1001(e) .	
KANSAS		Coverage of attorney-client conferences or conferences at the bench are prohibited. Ky. SCR 6 .	
KENTUCKY		Extended coverage is prohibited in any proceeding that may or must be held in private by law. La. Code Jud. Conduct, Appendix to Canon 3 III(B) .	
LOUISIANA		For civil proceedings, the following are prohibited from coverage: any proceeding that is closed to the public by statute, rule or order, and any bench, sidebar, or in-chambers conferences with lawyers, clients, and or witnesses. Me. Sup. Jud. Ct. Admin. Ord. JB-05-15(A. 9-11), 14(1), 14(4) . For criminal proceeding, the following are prohibited from coverage: witness testimony in both jury and non-jury trials, grand jury proceedings unless the witness is acting in an official or representative capacity, any proceeding that is closed to the public by statute, rule or order, and any bench, and any bench, sidebar, or in-chambers conferences with lawyers, clients, and or witnesses. Me. Sup. Jud. Ct. Admin. Ord. JB-05-15(A. 9-11), 14(1), 14(4) .	
MAINE		Any recording, broadcast or other extended media coverage of criminal proceeding is prohibited by statute, including any trial, hearing, motion, or argument, whether in trial court or in front of a grand jury. Md. Code Crim. Proc. §1-201(a)(1) .	
MARYLAND		Voir dire hearings are off limits for any recording, in addition to any bench and side-bar conferences between counsel, and between counsel and clients. Mass. Sup. Jud. Ct. R. 1-19, 2(b) .	
MASSACHUSETTS		The jury selection process shall not be recorded. Mich. Sup. Ct. Admin. Ord. 1992-3, 2(a)(iii) .	
MICHIGAN		For both criminal proceedings that occur before a guilty plea has been entered or guilty verdict returned, and for civil proceedings, the following limitations apply: there shall be no coverage of hearings that take place outside the presence of the jury, no coverage of the court facility outside of the courtroom, and no coverage inside of the courtroom unless the judge is present and presiding. Minn. Ct. Genral R. Prac. 4.02(c)(iii), (iv), (v), (d)(iii), (iv), (v) .	For criminal proceedings after a guilty plea has been accepted or guilty verdict returned, no coverage is allowed in: treatment courts, any hearing where the jury is present to determine aggravating factors, or when new pretrial proceedings begin after a reversal or an order for new trial. Minn. Ct. Genral R. Prac. 4.02(e)(i), (ii) .
MINNESOTA	For both civil and criminal proceeding, coverage is prohibited during voir dire, regardless of consent of parties. Minn. Ct. Genral R. Prac. 4.02(c)(i), (d)(i) .	Jury selection is off limits for media coverage. In addition, conferences between attorney's and clients, between co-counsel, between counsel and the judge held at the bench or in chambers, or between judges in an appellate proceeding are all off limits. Mo. Ct. Operating R. 16.02(b) .	
MISSOURI		Jury selection is off limits. Any proceeding held in chambers, those closed to the public, and any off-record conversations are off limits. Miss. R. Electronic & Photographic Coverages of Jud. Proceedings, rule 4(b), (c), (d) .	
MISSISSIPPI		The general rules state that any proceeding that is open to the public shall be open to media coverage, subject to the discretion of the presiding judge and any local rules. See Mont. Canon of Jud. Ethics, 35 .	
MONTANA	Local rule example: Jury voir dire proceedings are off limits for media coverage. Mont. 4th Jud. Dist. R. of Pract. 29 . Pretrial motion hearings in criminal are off limits for media coverage. Additionally, all criminal and civil jury selection and grand jury proceeding are off limits. Neb. Sup. Ct. R. § 6-2003(F) .	The following are off limits for media coverage: all proceedings in juvenile courts. Neb. Sup. Ct. R. § 6-2003(F) .	
NEBRASKA		The general rule states any proceeding open to the public is subject to media coverage. Privileged conversations may not be recorded. Nev. Sup. Ct. R. 239 . No, all meetings open to the public may be recorded, subject to the discretion of the presiding judge. See NH. R. Superior Ct. 204 .	
NEVADA		"Transmission, broadcasting, recording and/or photographing is prohibited at any proceeding closed by court order, statute or Rule of Court." In addition, all juvenile proceedings are off limits for recording. N.J. Sup. Ct. Guidelines on Media Access & Electronic Devices in Cts. (H) §§ 5, 6 .	
NEW HAMPSHIRE			
NEW JERSEY			

NEW MEXICO	Jury selection process is off limits for media coverage. N.M. Sup. Ct. Gen. R. 23-107(A)(3) .	"[R]ecording of a conference in the courtroom between members of the court, court and counsel, co-counsel, or counsel and client is not permitted." N.M. Sup. Ct. Gen. R. 23-107(A)(6) . Any proceeding that is closed to the public shall be prohibited from media coverage. N.Y. R. of the Chief Admin. Judge §131.7(a) . Suppression hearings are also prohibited from media coverage, absent consent of all parties. N.Y. R. of the Chief Admin. Judge §131.7(b) . Further, any conferences that occur between attorney's and their clients, between co-counsel of a client, or between counsel and the presiding trial judge, may not be recorded in anyway absent affirmative consent of parties. N.Y. R. of the Chief Admin. Judge §131.7(a) .
NEW YORK	Coverage of the voir dire process is prohibited. N.Y. R. of the Chief Admin. Judge §131.7(b) .	Coverage of the following types of proceedings is prohibited: adoption proceedings, juvenile proceedings, proceedings held before clerks of court, proceedings held before magistrates, probable cause proceedings, child custody proceedings, divorce proceedings, temporary and permanent alimony proceedings, proceedings for the hearing of motions to suppress evidence, proceedings involving trade secrets, and in camera proceedings. Gen. R. of Pract. Superior & Dist. Cts. of N.C. rule 15(b)(2) .
NORTH CAROLINA		The following are prohibited from media coverage: proceedings held in chambers, proceedings closed to the public, and conferences between an attorney and client, witness or aide, between attorneys, or between counsel. N.D. Sup. Ct. Admin. R. 21 54(d) .
NORTH DAKOTA	Jury selection may not be photographed, recorded, or broadcast. N.D. Sup. Ct. Admin. R. 21 54(d) .	No, broadcasting or recording by electronic means and the taking of photographs, shall be permitted in any proceeding that is open to the public. R. of Superintendence for Cts of Ohio, rule 12 .
OHIO		Local rule example: coverage is limited only to those proceedings which are open to the public. No coverage of criminal proceedings before the issues have been submitted to the jury, unless the defendant consents. Ct. R. 7th & 26th Admin. Dist. of Okla., rule 29.01(A)(5)(b) .
OKLAHOMA		Proceedings in chambers are off limits. Ct. Uniform Trial Ct. R. 3.180(9)(a) . Recesses and anything that occurs off the record in a courtroom may not be recorded. Or. Uniform Trial Ct. R. 3.180(9)(a) .
OREGON	Voir dire proceedings are off limits. Or. Uniform Trial Ct. R. 3.180(9)(e) .	Recording of any type is prohibited in any criminal proceeding. Penn. R. of Crim. Proceed. 112(A)(1) .
PENNSYLVANIA		Media coverage is not allowed in juvenile proceedings, adoption proceedings, or any other matters in the Family Court in which juveniles are significant participants in the court proceedings. In addition, any recording outside the courtroom, and recording inside the courtroom of proceedings that occur outside the presence of a jury is prohibited, this includes: motions to suppress evidence, motions for judgment of acquittal or directed verdict, hearings to determine competence or relevance of evidence, motions in limine, and motions to dismiss for legal inadequacy of the indictment, information or complaint (criminal or civil). R.I. Sup. Ct. R. Art. VII, cannon 3 .
RHODE ISLAND	Voir dire examination of prospective jurors is off limits for media coverage. R.I. Sup. Ct. R. Art. VII, cannon 10 .	Coverage of proceedings which are otherwise closed to the public is prohibited. S.C. Appellate Ct. R. 605(f)(2)(ii) . In addition, conferences between attorneys and their clients, between co-counsel of a client, between adverse counsel or between counsel and the presiding judge, are prohibited from any recording or broadcast. S.C. Appellate Ct. R. 605(f)(2)(iii) .
SOUTH CAROLINA	Camera and audio coverage of prospective jurors during selection is prohibited. S.C. Appellate Ct. R. 605(f)(2)(iii) .	There are no proceeding type limitations in the rules. See S.D. Cannons of Jud. Conduct 3(b)(12) .
SOUTH DAKOTA		Media coverage of proceedings which are otherwise closed to the public by law is prohibited. Tenn. Sup. Ct. R. 30C(4) . Further, media coverage of any conferences is prohibited, including those "between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge held at the bench or in chambers, or between judges in an appellate proceeding." Tenn. Sup. Ct. R. 30C(6) .
TENNESSEE	Media coverage of jury selection is prohibited. Tenn. Sup. Ct. R. 30C(2) .	Local rule example: media coverage of proceedings held in chambers, and proceedings closed to the public, is prohibited. In addition, conferences between attorneys, clients, witnesses, and or the judge outside the presence of the jury, may not be recorded. R. Governing Recording and Broadcasting of Ct. Proceedings in Crim. Cases, Tarrant County Tex. § 1, 5.2 .
TEXAS	Local rule example: media coverage of jury selection is prohibited. R. Governing Recording and Broadcasting of Ct. Proceedings in Crim. Cases, Tarrant County Tex. § 1, 5.1 .	Media coverage is prohibited for the following: exhibits or documents not in the record, proceedings in chambers, bench conferences, and confidential communications between counsel and client, between clients, or between counsel. Utah Code of Jud. Admin. 4-401.01(6) .
UTAH		The following are off limits for media coverage: bench conferences, conferences between co-counsel, and proceedings in chambers. Vt. R. Crim. Proceed. 53(e)(2) .
VERMONT		No recording or broadcast of sound from conferences which occur in a court facility between attorneys and their clients, between co-counsel of a client, between adverse counsel, or between counsel and the presiding judge held at the bench or in chambers. Cd. of Va. R. Crim. P. § 19.2-266(5) .
VIRGINIA		There are no limitations in the rules, rather all limitation are left to the discretion of the presiding judge. See Wash. St. Ct. Gen. R. 16 .
WASHINGTON		Coverage limited to proceedings open to the public. WV Trial Ct. Rule 8.04 . No audio or broadcasting coverage of conferences between attorneys and clients, or between attorneys, clients, and presiding officer. WV Trial Ct. Rule 8.04 . Coverage of "nonjudicial meetings" may be permitted with the consent of the sponsoring group and the public information officer or the Clerk. WV Trial Ct. Rule 8.05 .
WEST VIRGINIA		Audio, broadcast, or recording of a conference in court facility between attorney and client, co-counsel, or attorneys and the trial judge not permitted. SCR 61.07. No audio or visual permitted during a recess in a court proceeding. Wisc. Sup. Ct. R. 61.08
WISCONSIN		No audio record of conferences between attorney and client or between counsel and presiding judge. Wyo. R. Cr. P. 53(6) .
WYOMING		

ARE THERE LIMITATIONS OF A SUBSTANTIVE NATURE OF PROCEEDINGS WHERE AUDIO/VIDEO RECORDING IS ALLOWED (e.g. sexual violence cases). Are these absolute prohibitions or discretionary limitations?

	Pretrial	Trial	Post-conviction
ALABAMA		There are no substantive limitation or prohibitions in the rules. All limitations are up to the discretion of the Supreme Court when they authorize the plan by request of the trial or appellate judge. Ala. Canons Jud. Ethics, canon 3.	
ALASKA		The rules prescribe some limitation for certain types of cases in front of the Supreme Court and Court of Appeals, where the case involves "domestic violence, child custody and visitation, paternity, or other similar family proceedings, including child in need of aid cases, and in proceedings involving involuntary commitments or the involuntary administration of medications, in criminal cases involving a sexual offense, or in other cases where confidentiality is necessary" Recording can still take place, but counsel must use pseudonyms and parties, victims, and minors shall not appear on camera. Alaska Ct. R. Admin. 50.	
ARIZONA		Juvenile proceedings are not allowed to be recorded or broadcast, as prescribed by Arizona statute. Ariz. R. Sup. Ct. 122.	
ARKANSAS		The following are prohibited from broadcast, recording, or photography: "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." In Arkansas, circuit courts are trial courts of general jurisdiction. Ark. Admin. Ord. 6(c)(3).	
CALIFORNIA		No. However, the substantive nature of the proceedings is to be considered as a factor by the presiding judge when granting or denying a request. Cal. R. Ct. 1.150(e)(3)(D).	
COLORADO		No, there are no substantive limitations directly in the rules. Any limitations on media coverage is up to the presiding judge. See Colo. Pub. Access R. 3.	
CONNECTICUT		No broadcasting, televising, recording or photography of the following proceedings: family relations matters (as defined in General statute §46b-1), juvenile matters (as defined in General statute §46b-121), sexual assault cases, and cases involving trade secrets. Conn. R. Superior Cts. §1-109(a).	
DELAWARE		N/A	
FLORIDA		No substantive limits are set out in the rules governing the use of electronic media in the courtrooms. See generally Fla. R. Gen. Prac. & Jud. Admin. 2.450.	
GEORGIA		No substantive limits are stated in the rules, however "the nature of the proceeding" is a factor by which the judge is to consider when making their decision on a request for coverage. Uniform R. Superior Cts. Ga. 22(G)(1)(a).	
HAWAII		Proceedings that are closed to the public will be off limits for any recording, this includes: grand jury proceeding, juvenile cases, child abuse and neglect cases, paternity cases, and adoptions cases. Haw. R. Sup. Ct. 5.1 (e)(1).	
IDAHO		Any proceeding which are normally closed to the public cannot be recorded or covered, including: adoptions, mental health proceedings, child protective act proceedings, termination of parent child relations, grand jury proceedings, issuance of arrest and search warrant proceedings covered by Rule 32, Idaho Administrative Rules, or a comparable rule when the proceeding may be closed to effectuate the purposes of the rule. Idaho Ct. Admin. R. 45(c)(3).	
ILLINOIS		Yes. Any proceeding which is required to be held in private by law is off limits for extended media coverage, which includes: any juvenile, dissolution, adoption, child custody, evidence suppression or trade secret cases. Ill. Sup. Ct. Ord. MR 2634.1.2(d).	
INDIANA		For the limited scope of the pilot project, the following are prohibited from broadcast: Juvenile and CHINS (child in need of service) matters, guardianships, contested adoptions, mental health commitments, protection order hearings, and trade secrets. Ind. Sup. Ct. Ord. 215-MS-454.7.	
IOWA		Coverage is prohibited in any juvenile, dissolution, adoption, child custody, or trade secret cases unless consent on the record is obtained from all parties, including a parent or guardian of a minor child. Iowa R. Civ. P. 25.2(5).	
KANSAS		The rules state that if a participant to the proceeding requests coverage be prohibited, and the proceeding is either an evidence suppression hearing, a divorce proceeding, or a case involving trade secrets, then the judge must prohibit such coverage. R. Adopted Sup. Ct. Kan. 1001(e)(7).	
KENTUCKY		No media coverage permitted at juvenile proceedings because they are closed to the public. Ky. Rev. Stat. § 610.070.	
LOUISIANA		No, the governing rules do not place any limitations based on the substantive nature of the proceedings. See generally La. Code Jud. Conduct, Appendix to Canon 3.	
MAINE		For civil proceedings, the following are prohibited from coverage: family division cases, child custody, child protection, adoption, paternity, and parental rights cases, cases involving protection from abuse or harassment, cases involving sexual assault or sexual misconduct, and trade secret cases. Me. Sup. Jud. Ct. Admin. Ord. JB-05-15(A. 9-11). IA3. There are no substantive limitations for criminal proceedings.	
MARYLAND		In general, any civil proceeding that is open to the public may be covered, so long as the consent requirements are followed. Md. R. Ct. Admin. 16-605.	
MASSACHUSETTS		No, the rules do not place any limitations based on the substance of the proceeding, but rather all limitations are left to the discretion of the presiding judge. See Mass. Sup. Jud. Ct. R. 1-19.	
MICHIGAN		Jurors may not be recorded or covered by media. All other limitations are left to the sole discretion of the presiding judge. Mich. Sup. Ct. Admin. Ord. 1989-1.2(a)(iii).	
MINNESOTA		For civil proceedings, no coverage is allowed in cases involving: child custody, marriage dissolution, juvenile proceedings, child protection, paternity, orders for protection, or any proceeding not open to the public. Minn. Ct. General R. Prac. 4.02(c)(v). For criminal proceedings that occur before a guilty plea has been entered or guilty verdict returned, no substantive limitations apply. See Minn. Ct. General R. Prac. 4.02(d).	For criminal proceedings after a guilty plea has been accepted or guilty verdict returned, no coverage is allowed when: the charged crime falls under the sex crimes statutes, or for murder in the first degree, or in any case where the victim is a family or household member, or any charge that is categorized as a qualified domestic violence-related offense. Minn. Ct. General R. Prac. 4.02(e)(iii).
MISSOURI		Any proceeding which is required to be closed to the public by Missouri law is off limits for coverage, including: certain juvenile, adoption, domestic relations, or child custody proceedings, except a judge may permit media coverage of a juvenile who is being prosecuted as an adult in a criminal proceeding. Mo. Ct. Operating R. 16.02(b).	
MISSISSIPPI		Proceedings of the following type are prohibited from coverage: divorce; child custody; support; guardianship; conservatorship; commitment; waiver of parental consent to abortion; adoption; delinquency and neglect of minors; determination of paternity; termination of parental rights; domestic abuse; motions to suppress evidence; proceedings involving trade secrets; and in camera proceedings. Miss. R. Electronic & Photographic Coverages of Jud. Proceedings, rule 3(c).	
MONTANA		Neither the general rules, nor the local rules of the 4th and 19th judicial district, contain any substantive limitations.	
NEBRASKA		The following are off limits for media coverage: criminal and civil cases where the plaintiff and/or defendant is under 19 years of age (unless charged as an adult), dissolution/divorce/modification/child support enforcement hearings, all adoption proceedings, all paternity case proceedings, all protection order hearings, all guardianship/conservatorship/probate case proceedings, all trade secret case proceedings. Neb. Sup. Ct. R. § 6-2003(F).	
NEVADA		No substantive limits are set out by the rules governing media coverage. Generally, the media may be present wherever the public is entitled to be. Judges do have discretion on whether to grant media coverage, and one factor to consider is the right of privacy for parties and witnesses. Nev. Sup. Ct. R. 230.	
NEW HAMPSHIRE		No, all meetings open to the public may be recorded, subject to the discretion of the presiding judge. See NH. R. Superior Ct. 204.	
NEW JERSEY		No. There are no limits based on the substantive nature of the proceedings. See N.J. Sup. Ct. Guidelines on Media Access & Electronic Devices in Cts. (H).	
NEW MEXICO		There are no limitation based on the substance of the proceeding, rather all limitations are up to the discretion of the presiding judge. N.M. Sup. Ct. Gen. R. 23-107.	
NEW YORK		There are no substantive limits directly in the rules. See N.Y.R. of the Chief Admin. Judge §133.	
NORTH CAROLINA		There are no substantive limitation in the rules, rather all limitations are categorized as either a proceeding type or person type limitation. See Gen. R. of Pract. Superior & Dist. Cts. of N.C., rule 15.	
NORTH DAKOTA		All substantive nature limitations are left to the discretion of the judge, but certain categories to be considered are laid out in the rules and listed under the Judges discretion standard section of this document. See N.D. Sup. Ct. Admin. R. 21 §4(b).	
OHIO		No, there are no limitation in the rules based on the substantive nature of the proceedings. See R. of Superintendence for Cts. of Ohio, rule 12.	
OKLAHOMA		Local rule example: there are no substantive limitations. See Ct. R. 7th & 26th Admin. Dist. of Okla., rule 39.01.	
OREGON		The following are off limits for any recording: dissolution, juvenile, paternity, adoption, custody, visitation, support, civil commitment, trade secrets, and abuse, restraining and stalking order proceedings. Or. Uniform Trial Ct. R. 3.180(D)(c). Proceedings involving sex crimes will also be off limits is specifically requested by the victim. Or. Uniform Trial Ct. R. 3.180(G)(d).	
PENNSYLVANIA		Support, custody, and divorce proceedings may not be covered. See Penn. Sup. Ct. R. 1910(D).	

RHODE ISLAND	No, there are no limitation in the rules based on the substantive nature of the proceedings, any such limitation is at the sole discretion of the trial justice. See R.I. Sup. Ct. R., Art. VII, cannon 11.
SOUTH CAROLINA	No, there are no substantive limitations in the rules. All limitations are left to the discretion of the presiding judge. S.C. Appellate Ct. R. 605(f)(1)(iii).
SOUTH DAKOTA	There are no substantive limitations in the rules. See S.D. Canons of Jud. Conduct 3(b)(12). Recording of juvenile proceedings is not prohibited, however, they do require an added level of consideration before media coverage can occur, this includes: notifying parties and counsel of the request and their right to object to the coverage. An objection from a witness in a juvenile proceeding prohibits coverage of just that witness, however an objection from a party or criminal defendant in a juvenile proceeding prohibits all media coverage of the proceeding. Tenn. Sup. Ct. R. 30C(5).
TENNESSEE	Local rules example: there are no substantive limitations. See R. Governing Recording and Broadcasting of Ct. Proceedings in Crim. Cases, Tarrant County Tex.
TEXAS	There are no substantive limitations in the rules. See Utah Code of Jud. Admin. 4-401.01.
UTAH	There are no substantive limitations, rather limitations based on the nature of the disclosure are left up to the discretion of the judge and are to be considered as a factor when determining whether to grant, limit, or deny coverage. Vt. R. Crim. Proceed. 53(e)(3).
VERMONT	Coverage of the following types of judicial proceedings shall be prohibited: adoption proceedings, juvenile proceedings, child custody proceedings, divorce proceedings, temporary and permanent spousal support proceedings, proceedings concerning sexual offenses, proceedings for the hearing of motions to suppress evidence, proceedings involving trade secrets, and in camera proceedings. Cd. of Va. R. Crim. P. § 19.2-266(2).
VIRGINIA	There are no limitations in the rules, rather all limitation are left to the discretion of the presiding judge. See Wash. St. Ct. Gen. R. 46.
WASHINGTON	The proceeding type must be open to the public. Rules did not provide more specific classifications. Photographs, video recordings, sound recordings, or any other form of recording of proceedings, or any sound, video, or other form of transmission or broadcast of proceedings prohibited in family court proceedings unless prior permission granted by the court. W.V. Rules of Practice and Procedure for Family Court, Rule 8.
WEST VIRGINIA	Requests to prohibit media coverage in evidentiary hearings are presumed valid.
WISCONSIN	In evidentiary suppression hearings, a presumption of validity attends requests to prohibit photographing, radio, or television broadcast of a person in a court proceeding. Wyo. R. Cr. P. 53(9).
WYOMING	

ARE THERE LIMITATIONS ON THE TYPES OF PERSONS WHO CAN BE INCLUDED ON IN THE VIDEO OR AUDIO RECORDING (e.g., jurors or victims or certain witnesses). Are these absolute prohibitions, a discretionary limitation, or are the mechanisms for obtaining consent?

Pretrial	Trial	Post-conviction
<p>ALABAMA</p> <p>ALASKA</p> <p>ARIZONA</p> <p>ARKANSAS</p> <p>CALIFORNIA</p> <p>COLORADO</p> <p>CONNECTICUT</p> <p>DELAWARE</p> <p>FLORIDA</p> <p>GEORGIA</p> <p>HAWAII</p> <p>IDAHO</p> <p>ILLINOIS</p> <p>INDIANA</p> <p>IOWA</p> <p>KANSAS</p> <p>KENTUCKY</p> <p>LOUISIANA</p> <p>MAINE</p> <p>MARYLAND</p> <p>MASSACHUSETTS</p> <p>MICHIGAN</p> <p>MINNESOTA</p> <p>MISSOURI</p> <p>MISSISSIPPI</p> <p>MONTANA</p> <p>NEBRASKA</p> <p>NEVADA</p> <p>NEW HAMPSHIRE</p> <p>NEW JERSEY</p> <p>NEW MEXICO</p> <p>NEW YORK</p> <p>NORTH CAROLINA</p> <p>NORTH DAKOTA</p> <p>OHIO</p> <p>OKLAHOMA</p> <p>OREGON</p> <p>PENNSYLVANIA</p> <p>RHODE ISLAND</p>	<p>No. However the Alabama Canons on Judicial Ethics do prescribe that recording must stop whenever there is an objection to the recording by a witness, the parent/guardian of a minor witness, a juror, party, or attorney. Ala. Canons Jud. Ethics, canon 3.</p> <p>Victims of sexual offenses, party's under a protective order (pursuant to AS 18.65.850 – 18.65.870 or under AS 18.66.100 – 18.66.900), jurors, and minors, may not be recorded (audio or video), photographed, sketched, streamed, posted on the internet, broadcasted, etc. Victims of sexual offenses and party's under a protective order may consent, with court approval. Jurors may consent but only if they have been discharged. Minors may not consent, however if they are being prosecuted as an adult these protections do not apply. Alaska Ct. Admin. 50.</p> <p>Jurors cannot be recorded or photographed. Jurors may consent to an interview after they have been discharged. Juveniles may not be recorded or photographed. Victims and witnesses may request recording be limited, the judge has the discretion to prohibit certain portions of testimony from being recorded, order face and identity be obscured, order recording to audio only, or other measures to protect victims, witnesses, but also defendants and law enforcement officers. Ariz. R. Sup. Ct. 122.</p> <p>"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." Ark. Admin. Ord. 6(C)(5). Further, all witnesses have the right to refuse to be broadcast, recorded, or photographed and shall exercise that right via objection. Ark. Admin. Ord. 6(C)(7).</p> <p>Jurors and spectators are not allowed to be recorded at any time. Further, the rules state that the presiding judge should consider "the privacy rights of all participants in the proceeding, including witnesses, jurors, and victims," and "[t]he effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding: when granting or denying a request" as factors when determining whether or not to grant a request. Cal. R. Ct. 1.150(e)(1)(3)(4).</p> <p>Jurors are off limits for "close-up photography" and the jury voir dire process is also closed from any media coverage. Colo. Pub. Access 3.101. There are no other direct limitations in the rules regarding classes of people, but they do state the judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect parties, witnesses, or jurors. Colo. Pub. Access 3.101.</p> <p>For pretrial arraignments, the following limitations apply: Coverage of other criminal defendants and persons not subject to the electronic coverage order, excluding participants in the proceeding, order shall be prohibited. Defendants cannot be recorded when entering or exiting custody, and any coverage of defendants in restraints should be prohibited when possible. Judicial marshals and Dept. of Corrections staff should not be recorded when possible. Conn. R. Superior Ct. 41-11A(1).</p> <p>No person-type limits are described in the applicable rules. No person-type limits are set out in the rules governing the use of electronic media in the courtroom. Gen. Stat. 86a-100.</p> <p>Recording of jurors and potential jurors is prohibited. The judge is also to look at the impact of the recording on parties, witnesses, and victims and the special circumstances around the case, as a factor when determining the merits of the request. The judge may limit recording to protect the identity of witnesses and parties as they see fit. Juveniles are governed by a separate set of rules (see sheet labeled "other" for more info). Unif. Form 8, Superior Ct. Ga. 22(1).</p> <p>No coverage of jurors or potential jurors is allowed. The judge has the discretion to prohibit or limit coverage as they see fit for specific persons involved in the proceedings. Haw. R. Sup. Ct. 5.1.</p> <p>Jurors are off limits, including potential jurors during the selection process. The rules also directly state the presiding judge may exclude or limit the coverage of any particular participant, or otherwise take steps to conceal the identity of any participant. The rules state the presiding judge is to exercise particular sensitivity to victims of crime. Idaho Ct. Admin. R. 45(d), (h).</p> <p>Victims of sexual abuse who testify may not be covered by media, unless they affirmatively consent to the coverage. Jurors are also off limits. All other witnesses are given the opportunity to object, upon notice of the request being shared with all parties. All other decisions are left up to the discretion of the judge in deciding to limit the coverage or protect the identity of individuals involved. Ill. Sup. Ct. Ord. MR 2634.1-2.</p> <p>For the limited scope of the pilot project, the following are prohibited from broadcast: police informants, undercover agents, minors, victims of sex-related offenses, and jurors. Ind. Sup. Ct. Ord. 215-MS-454.2.</p> <p>A witness may refuse media coverage upon objection and show of good cause. Iowa R. Civ. P. 25.2(3)(a).</p> <p>Sexual abuse victim testimony not permitted unless victim witness consents. Iowa R. Civ. P. 25.2(3)(b). Any objection made by victim or witness in a forcible felony prosecution, police informant, undercover agent, and relocated witness have a rebuttable presumption of validity. The presumption may be overcome by a showing that media coverage will not have substantial effect on witness that would be qualitatively different from effect on general members of the public. Iowa R. Civ. P. 25.2(3)(c).</p> <p>The rules state that if a participant to the proceeding requests coverage be prohibited, and the requesting participant is a victim or witness of a crime, a police informant, an undercover agent, a relocated witness, or a juvenile, then the judge must prohibit such coverage. Juveniles who are being prosecuted as adults do not fall into category 2. Adopted Sup. Ct. Kan. 1001(e)(7). Any close up photography or recording of jurors is also prohibited. Adopted Sup. Ct. Kan. 1001(e)(6).</p> <p>No, the governing rules do not place any limitations based on the type of person participating in the proceedings, outside of closed juvenile proceedings (see substantive nature limitations tab). See generally, Ky. Supreme Court Rules.</p> <p>No, the governing rules do not place any limitations based on the type of person participating in the proceedings. See generally LA. Code Jud. Conduct, Appendix to Canon 3.</p> <p>For civil proceedings, the following categories of persons may elect to have their appearance or testimony excluded from coverage: any person with a visible or audibly detectable physical or mental handicap or disability, and any person who is a victim of any alleged criminal conduct. Me. Sup. Jud. Ct. Admin. Ord. 18-05-158.9-131.102. For criminal proceedings, no minors may be covered unless they are being charged as an adult. In addition, no testifying witnesses may be covered unless they are acting in an official capacity such as law enforcement, private investigators, public officials, government employees, expert witnesses, emergency and medical personnel, counselors and treatment providers, and representative of corporate or business entities. Me. Sup. Jud. Ct. Admin. Ord. 18-05-158.9-131.810(a).</p> <p>When inside the courtroom, any person that appears in the presence of the presiding judge may be covered, absent any court order mandating something different. When outside of a courtroom, but still within the court facility, any persons present for a judicial or grand jury proceeding may not be recorded. Md. R. Ct. Admin. 16-606.</p> <p>Minors, victims of sexual assault, and jurors may not be recorded. The judge has the discretion to limit or suspend media coverage "if it appears that such coverage will create a substantial likelihood of harm to any person or other serious harmful consequence." The judge may also impose other limitations as necessary to protect the rights of any party, witness or juror. Mass. Sup. Jud. Ct. R. 1-19.2(b), (c).</p> <p>The rules do state some categories of witnesses where exclusion should be considered, including but not limited to, victims of sex crimes and/or families, police informants, undercover agents, and relocated witnesses. The rules make clear any exclusions and limitations are not mandated by the rules, but rather up to the discretion of the judge. Mich. Sup. Ct. Admin. Ord. 1989-1.21(a)(1).</p> <p>For criminal proceedings that occur before a guilty plea has been entered or guilty verdict returned, and for civil proceedings, no specific person-type limitations apply. See Minn. Ct. General P. Prac. 4.02(c), (d).</p> <p>Jurors and prospective jurors are off limits for coverage. Mo. Ct. Operating R. 16.02(b)(1). The following categories of participants may request that coverage be prohibited: victims of crime, police informants, undercover agents, relocated witnesses, and juveniles. Mo. Ct. Operating R. 16.02(b)(1).</p> <p>Coverage of the following categories of witnesses are prohibited: police informants, minors, undercover agents, relocated witnesses, victims and families of victims of sex crimes, and victims of domestic abuse. Miss. R. Electronic & Photographic Coverages of Jud. Proceedings, rule 3(d).</p> <p>Local rule example: jurors, victims, and the family of victims may not be recorded or photographed in anyway. Mont. Am. Jud. Dist. R. 40, Pract. 20.</p> <p>Expanded news media coverage of the testimony of an alleged victim/witness in criminal or civil cases when the alleged victim/witness is a minor under 19 years of age, the proceedings relate to sexual abuse or sexual assault, or such are essential elements of the matter is not allowed. Nebr. Sup. Ct. R. 6-2003(b)(2). Jurors are also off limits. Nebr. Sup. Ct. R. 6-2003(a).</p> <p>Not explicitly, Consent is not needed to photograph or record jurors, but the media must not deliberately do so. The court recognizes that it is sometimes impossible to exclude jurors from media coverage based on the layout of the courtroom. Nev. Sup. Ct. R. 238. Consent is not needed to photograph or record the parties, but the judge may rule to limit the coverage of a party if a party does not want to be recorded. Nev. Sup. Ct. R. 240.</p> <p>Jurors and prospective jurors may not be recorded. The rules also state that all equipment "must remain a reasonable distance from the parties, counsel tables, alleged victims and their families and witnesses." N.H. R. Superior Ct. 204(b)(1).</p> <p>Any recording of victims of crime under the age of 18, and any witnesses under the age of 14, is prohibited. Jurors are also off limits. N.J. Sup. Ct. Guidelines on Media Access & Electronic Devices in Civ. 103 § 6.</p> <p>The court has the sole discretion to exclude coverage of certain witnesses, but is not mandated to exclude such coverage, this includes (but not limited to): the victims of sex crimes and their families, police informants, undercover agents, relocated witnesses, and juveniles. N.M. Sup. Ct. Gen. R. 23-1072. Jury members may also not be recorded. N.M. Sup. Ct. Gen. R. 23-1073.</p> <p>No coverage of victims in cases involving rape, sodomy, sexual abuse, or other sex offenses. N.Y. R. of the Chief Admin. Judge §133.7(d). Further, "no coverage of any participant shall be permitted if the presiding trial judge finds that such coverage is liable to endanger the safety of any person." N.Y. R. of the Chief Admin. Judge §133.7(f). Jurors, including alternates, may not be recorded at any time. N.Y. R. of the Chief Admin. Judge §133.7(d).</p> <p>Coverage of the following categories of witnesses is expressly prohibited: police informants, minors, undercover agents, relocated witnesses, and victims and families of victims of sex crimes. Gen. Stat. of Pract. Superior & Dist. Cts. of N.C. rule 15(b)(3). Coverage of jurors is also prohibited at any stage of the trial process. Gen. Stat. of Pract. Superior & Dist. Cts. of N.C. rule 15(b)(4).</p> <p>Close-up photography of jurors is prohibited. N.D. Sup. Ct. Admin. R. 21 § 4(d). All other limitations based on a person type category are left to the discretion of the judge, but certain categories to be considered are laid out in the rules and listed under the Judges discretion standard section of this document. See N.D. Sup. Ct. Admin. R. 21 § 4(b).</p> <p>Victims and witnesses have the right to object to being filmed, videotaped, recorded, or photographed. Victims and witnesses shall not be recorded if they object to it. R. of Superintendence for Cts. of Ohio, rule 12(C)(2).</p> <p>Local rule example: no witness, juror, or party to the proceeding who objects to coverage shall be recorded or photographed, including any testimony they may give. Ct. R. 7th & 26th Admin. Dist. of Okla., rule 39.01(A)(4).</p> <p>Jurors are off limits during the course of a trial. Or. Uniform Trial Ct. R. 3.1809(f). The court also has the discretion to limit coverage when "necessary to preserve the solemnity, decorum or dignity of the court or to protect the parties, witnesses, or jurors" and when the court believes "the electronic recording of a particular witness would endanger the welfare of the witness or materially hamper the testimony of the witness." Or. Uniform Trial Ct. R. 3.1807.</p> <p>"No witness or party who expresses any prior objection to the judge shall be photographed nor shall the testimony of such witness or party be broadcast or telecast." See Penn. Sup. Ct. R. 1910(f).</p> <p>Jurors may not be photographed or record unless they consent. R.I. Sup. Ct. R. Art. VII, canon 10.</p>	<p></p>

SOUTH CAROLINA	Members of the jury may not be photographed or recorded, unless they are in the background of another subject being photographed or recorded. S.C. Appellate Ct. R. 605(f)(2)(c) . All other limitations, including testimony of particular witnesses, are left to the discretion of the presiding judge. S.C. Appellate Ct. R. 605(f)(1)(c) .
SOUTH DAKOTA	Any testifying witness must consent to recording, but otherwise there are no person type limitations in the rules. S.D. Canon of Jud. Conduct 20(1)(2)(b)(iii) .
TENNESSEE	Media coverage of a witness, party, or victim who is a minor is prohibited in any judicial proceeding, except when a minor is being tried for a criminal offense as an adult. Tenn. Sup. Ct. R. 80C(1) . Media coverage of jurors during the judicial proceeding is also prohibited. Tenn. Sup. Ct. R. 20C(1) .
TEXAS	Local rules example: jurors and alternate jurors may not be photographed or recorded. R. Government Recording and Broadcasting of Ct. Proceedings in Crim. Cases, Tarrant County Tex. 3.3 .
UTAH	Media coverage is prohibited for the following: jurors, prospective jurors until they are dismissed, and minors. Utah Code of Jud. Admin. 4-401.01(6)(a)-(b) .
VERMONT	Jurors and prospective jurors may not be covered by media or otherwise subject to any recording. Vt. Crim. Proceed. 53(a)(2) . Any other person type limitations are left up to the discretion of the judge and are to be considered as a factor when determining whether to grant, limit, or deny coverage.
VIRGINIA	Coverage of the following categories of witnesses shall be prohibited: police informants, minors, undercover agents and victims and families of victims of sexual offenses. Ct. of Va. R. Crim. P. § 19.2-266(3) . In addition, coverage of jurors at any stage of the proceedings is prohibited. Ct. of Va. R. Crim. P. § 19.2-266(4) .
WASHINGTON	There are no limitations in the rules, rather all limitation are left to the discretion of the presiding judge. See Wash. St. Ct. Gen. R. 16 .
WEST VIRGINIA	Prior approval by the presiding officer is required for any kind of media coverage where the face of a juror is shown or the identity of any juror is stated or is otherwise discernable. 20V Trial Ct. Rule 8.10 .
WISCONSIN	In cases involving victims of crimes, including sex crimes, police informants, undercover agents, relocated witnesses and juveniles, and in evidentiary hearings, divorce proceedings and cases involving trade secrets, a presumption of validity attends the requests. The trial judge has broad discretion in determining whether there is cause for prohibition. The list is not exclusive. Wis. Sup. Ct. R. 61.11 . Access to juvenile proceedings limited. Wisconsin's Juvenile Justice Code, Wis. Stat. chapter 938. Individual jurors cannot be photographed unless juror provides consent. If it is impossible to not capture jurors as part of the background, photography permitted, not close-ups prohibited.
WYOMING	No close-up or visual recording of jury members. Wyo. R. Cr. P. 53(f) . In cases involving victims of crimes, confidential informants, undercover agents, and evidentiary suppression, a presumption of validity attaches to request to prohibit media coverage. Wyo. R. Cr. P. 53(g) . This list is not exhaustive and a judge may find for cause prohibition in comparable situations.

IS THE CONSENT OF THE PARTIES REQUIRED BEFORE THE PROCEEDING MAY BY RECORDED?

Retrial

Trial

Post-conviction

ALABAMA

Yes. Once a plan is authorized by the Supreme Court, it must also be affirmatively consented to via written statement by all defendant(s) and the lead prosecuting attorney. In addition, before the plan can be authorized by the Supreme Court, a petition must be filed with the Supreme Court signed by the presiding judge of the circuit, the district attorney, president of the local bar association and the chairman of the county commission, which can recommend safeguards and sign off on the proposal for recording. [Ala. Cannons Jud. Ethics, cannon 3](#).

ALASKA

No. However there is nothing in the rules preventing the presiding judge from considering consent of parties when deciding whether or not to approve a request to record. [Alaska Ct. R. Admin. 50](#).

ARIZONA

Technically no, but the Court must notify parties when a request to record has been received and any objections may be considered by the presiding judge. After being notified, parties may object to the application to record via written notice, or on record statements at the beginning of the proceeding. Victims and witnesses may also request the recording be prohibited or limited for certain portions of the proceedings, the nature of such limitations is up to the presiding judge but may include prohibiting the recording of certain victims or witness, obscuring identity and voices, prohibiting certain testimony, etc. [Ariz. R. Sup. Ct. 122](#).

ARKANSAS

No, however a timely objection from a party or counsel "shall preclude broadcasting, recording, or photographing of the proceedings." So although consent is not technically required, parties can object and such objection should have a preclusionary effect." So although consent is not technically required, party's objections carry great weight in the rules. [Ark. Admin. Ord. 6\(C\)\(1\)](#).

CALIFORNIA

No. However, "[t]he parties' support of or opposition to the request" is to be considered as a factor by the presiding judge when granting or denying a request. [Cal. R. Ct. 1.150\(e\)\(3\)\(c\)](#).

COLORADO

No, however all parties and witnesses have the opportunity to submit a written objection to media coverage, for the entire proceeding or a portion. Parties and witnesses shall be provided a copy of the written request for media coverage upon it being filed. Parties can seek review of a granted or denied media coverage request, but witnesses and media entities making the request may not. [Colo. Pub. Access R. 3\(6\)\(B-D\)](#).

CONNECTICUT

Consent of parties is not required, but the rules require all parties be given the opportunity to object on the record to any recording. In homicide cases involving sexual assault, no coverage is allowed absent the affirmative consent of the victim's family. [Conn. R. Superior Cts. §1-11\(c\)\(g\)](#).

DELAWARE

n/a

FLORIDA

No. Consent of parties is not discussed in the rules. [See generally Fla. R. Gen. Prac. & Jud. Admin. 2.450](#).

GEORGIA

Not required, but consent of parties, in addition to witnesses and victims, is all to be considered by the judge when considering a request. [Uniform R. Superior Cts. Ga. 22\(G\)\(1\)\(b\)](#).

HAWAII

No, however if a party does object to extended coverage at any new stage of the case, there shall be a hearing on the record to determine the merits of the request and the objection. [Haw. R. Sup. Ct. 5.1\(f\)\(4\)](#).

IDAHO

No. Consent of parties is not discussed in the rules, nor is disclosure of the requests to parties contemplated. [See generally Idaho Ct. Admin. R. 45](#).

ILLINOIS

No. Consent of parties is not required, however the rules do lay out a mechanism for notifying parties of the request for extended coverage and how to enter objections. Objections must be made in writing three days prior to the proceeding, and can be entered by parties or witnesses. The judge may hold a hearing on the objections, or may issue a written order in response. [Ill. Sup. Ct. Ord. MR 2634, 1.3\(c\)](#).

INDIANA

For the limited purpose of the pilot project, consent is not required. However notice of the request to broadcast must be shared with all parties. [Ind. Sup. Ct. Ord. 215-MS-454, 5](#).

IOWA

Sexual abuse victims must consent to media coverage, otherwise prohibited. [Iowa R. Civ. P. 25.2\(3\)\(b\)](#). Coverage is prohibited in any juvenile, dissolution, adoption, child custody, or trade secret cases unless consent on the record is obtained from all parties, including a parent or guardian of a minor child. [Iowa R. Civ. P. 25.2\(5\)](#).

KANSAS

No, consent of parties is not required nor is it discussed in the rules. [See generally R. Adopted Sup. Ct. Kan. 1001\(e\)](#).

KENTUCKY

The Kentucky Supreme Court Rules do not require any party consent. [See generally, Ky. SCR](#).

LOUISIANA

Consent or approval of parties is not required when granting a request for extended media coverage, however the rules do state that parties may object in writing to the coverage, which must be submitted 10 days prior to the proceeding. The presiding judge may limit or deny the coverage in response to such objection, or on their own motion. [La. Code Jud. Conduct, Appendix to Cannon 3, III](#)

MAINE

Consent of parties is not required for granting coverage of either civil or criminal proceedings. The rules do not even require notice of the request being shared with parties. [See Me. Sup. Jud. Ct., Admin. Ord. JB-05-15\(A, 9-11\)](#).

MARYLAND

Consent of all parties is required for extended media coverage of civil proceedings, unless the party is: a federal, state, or local government, or unit thereof, or a government official in their official capacity. Any party may move to terminate the coverage at any time. [Md. R. Ct. Admin. 16-605\(a\)](#).

MASSACHUSETTS

Consent is not required. However the rules to provide a mechanism for parties to enter objections to coverage of a proceeding. The party must make a motion to the court objecting to the coverage, and are also required to share that motion with Bureau Chief of the local Associated Press. The judge then is to hold a hearing on the motion. [Mass. Sup. Jud. Ct. R. 1:19, 2\(g\)](#).

MICHIGAN

No, consent is not required. However, notice of the request for coverage must be shared with parties, and consent can be considered by the judge in making any decisions to limit or exclude coverage. [See generally Mich. Sup. Ct. Admin. Ord. 1989-1, 2\(a\)](#).

MINNESOTA

Consent of all parties is required for coverage of criminal proceedings that occur before a guilty plea has been entered or guilty verdict returned. [Minn. Ct. General R. Prac. 4.02\(d\)](#). In civil proceedings consent of parties is not required. [Minn. Ct. General R. Prac. 4.02\(c\)](#).

Consent of parties is not required for criminal proceedings after a guilty plea has been accepted or guilty verdict returned. [Minn. Ct. General R. Prac. 4.02\(e\)](#). However consent is required to cover any victims or victim proxy statements. [Minn. Ct. General R. Prac. 4.02\(e\)\(iv\)](#).

MISSOURI

Consent is not required, however the presiding judge may entertain objections from parties and choose to limit or prohibit coverage as they deem appropriate. [Mo. Ct. Operating R. 16.03\(d\)](#).

MISSISSIPPI

Consent is not required. Parties may object to coverage by written motion, as laid out in the rules, and the judge may consider objections when making decision to deny or limit coverage. [Miss. R. Electronic & Photographic Coverages of Jud. Proceedings, rule 5](#).

MONTANA

Consent of parties is not required, nor discussed in the general rules and the local rules of the 4th and 19th judicial district.

NEBRASKA

Consent of parties is not required. The rules do lay out procedures for filing objections to coverage, which is to be filed in writing three days prior to the proceeding. The judicial officer may limit or prohibit the coverage based on the objection, or on their own discretion. [Neb. Sup. Ct. R. § 6-2004\(D\)](#).

NEVADA

Consent of parties is not needed, but if a party objects, a judge may choose to rule limiting the scope of media coverage. Consent of jurors is also not needed, but the media may not deliberately focus on the jurors when recording. [Nev. Sup. Ct. R. 240, 238](#).

NEW HAMPSHIRE	<p>No, consent of parties is not required. However, the rules to state parties can bring a motion to limit or prohibit the coverage. Upon filing the motion, the judge may hold a hearing involving all interested parties to the request for coverage. It is the burden of the moving party to show: "(1) that the relief sought[to limit or prohibit coverage] advances an overriding public interest that is likely to be prejudiced if the relief is not granted; (2) that the relief sought is no broader than necessary to protect that interest; and (3) that no reasonable less restrictive alternatives are available to protect the interest." NH, R. Superior Ct. 204(d), (f).</p>
NEW JERSEY	<p>Consent of parties, witnesses, or any participant is not required. However, parties may object to coverage and the judge may hold a pretrial conference with all involved parties to make a decision on the request and consider the merits of the objection. Any limitation or conditions to the coverage that will be imposed as a result must be reduced to writing by the judge. N.J. Sup. Ct. Guidelines on Media Access & Electronic Devices in Cts. (H) § 2, 8.</p>
NEW MEXICO	<p>Consent is not required, but the rules to establish a process by which parties may object to media coverage. Objection are to be considered by the presiding judge and the outcome is ultimately left up to their sole discretion and is not appealable. N.M. Sup. Ct. Gen. R., 23-107(G).</p>
NEW YORK	<p>Consent of parties is not required. However, objections to coverage by parties may be considered when a judge is determining whether or not to grant media access. N.Y. R. of the Chief Admin. Judge §131(b)(2), (c).</p>
NORTH CAROLINA	<p>Consent of parties is not required, nor is the objection of parties even contemplated in the rules. See Gen. R. of Pract. Superior & Dist. Cts. of N.C., rule 15(b)(3).</p>
NORTH DAKOTA OHIO	<p>Consent is not required, however, the rules do describe how parties may enter objections to requested media coverage, which must happen in writing three days prior to the proceeding. In considering the objection, the judge may request parties present additional evidence on the matter. N.D. Sup. Ct. Admin. R. 21 §6.</p>
OKLAHOMA OREGON	<p>Consent of parties is not required. R. of Superintendence for Cts of Ohio, rule 12. Local rule example: consent of parties is not required, unless a party is a testifying witness. Any testifying witness may object to being recorded and such objection must be honored. Ct. R. 7th & 26th Admin. Dist of Okla., rule 39.01(A)(4).</p>
PENNSYLVANIA RHODE ISLAND	<p>Consent of parties is not required. See Or. Uniform Trial Ct. R. 3.180. Consent of all parties is required, in addition to consent of any testifying witness is also required, limited to non-jury civil trials. Penn. Sup. Ct R. 1910(c)(2).</p>
SOUTH CAROLINA	<p>Consent of parties is not required. See, R.I. Sup. Ct. R., Art. VII.</p>
SOUTH DAKOTA	<p>If the recording is being made for "educational use" then consent of parties and witnesses is required. S.C. Appellate Ct. R. 605(e)(2). If the recording is being taken by media representatives, then consent is not required. See S.C. Appellate Ct. R. 605(f). Consent of all parties and witnesses is required for any photographic and electronic recording. S.D. Cannons of Jud. Conduct 3(b)(12)(b).</p>
TENNESSEE	<p>Consent of parties is not required, except for juvenile proceedings. Tenn. Sup. Ct. R. 30C(5).</p>
TEXAS	<p>Local rules example: consent of parties is not required. See R. Governing Recording and Broadcasting of Ct. Proceedings in Crim. Cases, Tarrant County Tex.</p>
UTAH	<p>Consent of parties is not required, nor is it or even objections from parties discussed in the rules. See Utah Code of Jud. Admin. 4-401.01.</p>
VERMONT	<p>Consent of parties is not required, but can be considered as a factor when the court is determining to permit, deny, or otherwise limit media access. Vt. R. Crim. Proceed. 53(e).</p>
VIRGINIA	<p>Consent of parties is not required. See Cd. of Va. R. Crim. P. § 19.2-266.</p>
WASHINGTON	<p>Consent of parties is not required. See Wash. St. Ct. Gen. R. 16</p>
WEST VIRGINIA	<p>No rules establishing consent required. Parties may object, but judicial officer holds discretion.</p>
WISCONSIN	<p>Consent required from jurors.</p>
WYOMING	<p>Requests to limit media coverage enjoy presumption of validity in cases involving victims of crimes, confidential informants, and undercover agents, as well as evidentiary suppression hearings. (include this in Substantive nature limitations)</p>

IS THERE A PRESUMPTION THAT THE PROCEEDING IS OPEN FOR AUDIO/VIDEO RECORDING OR IS THE PRESUMPTION THAT NO AUDIO/VIDEO RECORDING IS ALLOWED? OR IS THERE NO PRESUMPTION?

	Pretrial	Trial	Post-conviction
ALABAMA		There is no presumption directly stated in the rules. However because recording may only be done with Supreme Court authorization, in addition to consent of parties and local officials, its fair to say the presumption is against recording with such a high bar to meet. Ala. Cannons Jud. Ethics, canon 3a .	
ALASKA		Although not stated in such terms, for Court of Appeals and Supreme Court arguments, the presumption is in favor of recording. For district court trials, the presumption is against recording because if no application for recording is submitted and approved, no recording will be allowed. Alaska Ct. R. Admin. 50 .	
ARIZONA		There is no presumption directly stated in the rules. However the rules do specify that a properly submitted request to record should be approved, but it is ultimately up to the judge, who can deny, or limit coverage. If no application is submitted, no recording will be allowed. Ariz. R. Sup. Ct. 122 . The rules do not directly state a presumption either way. However the wording of the rule states "a judge may authorize" such recording, so this is ultimately a discretionary standard. Ark. Admin. Ord. 6(b) .	
ARKANSAS		The rules specifically state that there is no "presumption for or against granting of permission to photograph, record, or broadcast court proceedings." Cal. R. Ct. 1.150(a) .	
CALIFORNIA		There is no presumption directly stated in the rules, but any recording or photography will not be allowed without submitting a written request for coverage to the presiding judge. Colo. Pub. Access. R. 316(a) .	
COLORADO		The rules state that recording "should be allowed" subject to the limitations laid out in the rules. In my opinion, this language should serve as a presumption in favor of allowing recording. Conn. R. Superior Cts. §1-108(a) .	
CONNECTICUT		n/a	
DELAWARE		The rules state that electronic media and still photography shall be allowed. Although a presumption is not stated directly, this language seems to default in favor of allowing coverage. Fla. R. Gen. Prac. & Jud. Admin. 2.450(a) .	
FLORIDA		The rules directly state "a properly submitted request for recording should generally be approved," this language clearly serves as a presumption in favor of the recording. Uniform R. Superior Cts. Ga. 22(G) .	
GEORGIA		The presumption is in favor of allowing the recording. "A Judge shall grant requests for extended coverage of a proceeding unless, by a preponderance of the evidence, good cause is found to prohibit such coverage." Haw. R. Sup. Ct. 5.1(f)(3) .	
HAWAII		There is no direct presumption stated in the rules, but without approval of the judge no coverage will be allowed. See generally, Idaho Ct. Admin. R. 45 .	
IDAHO		There is no presumption in the rules. The general rule is that no photography, broadcast, or recording is allowed, unless an applicable exception applies, which includes the Supreme Court's Extended Media Coverage order, and the exception for remote hearings that are open to the public. Ill. Sup. Ct. R. 44 .	
ILLINOIS		Because the general rule states a prohibition on any broadcasting, with limited exceptions for appellate arguments and the pilot projects, this basically functions as a presumption against recording. Ind. Code Judicial Conduct 2.17 .	
INDIANA		Expanded media coverage is prohibited unless judicial officer approval, however the language indicates a presumption that the court room is open for audio and video recording because the judge must conclude that the media coverage would materially interfere with the rights of the parties to a fair trial. Iowa R. Civ. P. 25.2(2) .	
IOWA		There is no presumption directly stated in the rules. However, the preface to the governing rule does include language that states, "The Courts should champion the enhanced access and the transparency made possible by the use of these [recording] device while protecting the integrity of the court." R. Adopted Sup. Ct. Kan. 1001(a) .	
KANSAS		The Kentucky Supreme Court Rules do not state any applicable presumptions. See generally, Ky. SCR .	
KENTUCKY		There are no presumptions directly stated in governing rules. However, the overarching rule does state a general prohibition on "broadcasting, televising, recording, or taking of photographs in the courtroom" unless the exceptions of the Code of Judicial Conduct apply. See La. District Ct. R., title I, 6.1(e) .	
LOUISIANA		There is no presumption stated directly in the rules. See Me. Sup. Jud. Ct. Admin. Ord. JB-05-15(A. 9-11) .	
MAINE		There is a presumption in favor of allowing extended coverage. The rules direct that extended media coverage is permitted unless an exception, limitation or condition of the rules apply. "Nothing in this Chapter is intended to restrict the general right of the news media to observe and report judicial proceedings." Md. R. Ct. Admin. 16-503 .	
MARYLAND		There is no presumption stated directly in the rules. See Mass. Sup. Jud. Ct. R. 1-19 .	
MASSACHUSETTS		The rules state "media coverage shall be allowed upon request in all court proceedings." This language serves as a presumption in favor of coverage. Mich. Sup. Ct. Admin. Ord. 1989-1, 2(a)(i) .	
MICHIGAN		The general rule states no visual or audio recording is allowed, unless an exception in the rules, or other order of the Supreme Court applies. This language serves as a presumption against allowing coverage. Minn. Ct. Gen. R. Prac. 4.01 .	
MINNESOTA		There is no presumption stated in the governing rules. See Mo. Ct. Operating R. 16 .	
MISSOURI		The presumption is against allowing recording. The comments to the rules make this clear, where it states: "Section 3B(12) of the Code of Judicial Conduct prohibits broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto except as authorized by rule or order of the Supreme Court. Also, Rule 1.04 of the Uniform Rules of Circuit and County Court allows cameras only "in accordance with the Code of Judicial Conduct." Thus, electronic coverage is allowed only for special purposes authorized in Section 3B(12), or under these Rules for Electronic and Photographic Coverage of Judicial Proceedings (MREPC)." Comments to the Miss. R. Electronic & Photographs Coverages of Jud. Proceedings .	
MISSISSIPPI		The general rules serve as a presumption in favor of allowing media coverage, by stating the presiding judge "shall permit" media coverage "unless he is convinced" that such coverage will "substantially and materially interfere with the primary function of the court." Mont. Cannon of Jud. Ethics, 35 .	
MONTANA		The general rule states "Expanded news media coverage shall be permitted in the county and district courtrooms in Nebraska courts, except as otherwise provided for within these rules." which serves as a presumption in favor of allowing recording. Nebr. Sup. Ct. R. 6-2001(A) .	
NEBRASKA		There is a presumption that any proceeding open to the public is open for media coverage. Nev. Sup. Ct. R. 230 .	
NEVADA		There is a strong presumption in favor of recording, as the general rule requires the judge to allow the coverage unless a few of the limited exceptions apply. See NH. R. Superior Ct. 204(a) .	
NEW HAMPSHIRE		The general rule serves as a presumption in favor of allowing recording, stating the judge "should permit broadcasting, televising, recording and the taking of photographs in the courtroom" so long as the directives of the Supreme Court order are followed. R. Governing Cts. of N.J., Code of Jud. Conduct, rule 3-1.1 .	
NEW JERSEY		There is no presumption in favor, nor against allowing media coverage. The "authorize" the broadcasting of proceedings in accordance with the rules, but leave decisions entirely up to the discretion of the presiding judge. See N.M. Sup. Ct. Gen. R. 23-107 .	
NEW MEXICO		The language of the rules serves as an indirect presumption in favor of recording, in stating "It is the policy of the Unified Court System to facilitate the audio-visual coverage of court proceedings to the fullest extent permitted by the New York Civil Rights Law and other statutes." N.Y. R. of the Chief Admin. Judge §131(a) .	
NEW YORK		The rules state "Electronic media and still photography coverage of public judicial proceedings shall be allowed in the appellate and trial courts of this state, subject to the conditions below." This language serves as a presumption in favor of allowing media coverage, but ultimately left to the discretion of the presiding judge. Gen. R. of Pract. Superior & Dist. Cts. of N.C., rule 15(b) .	
NORTH CAROLINA		There is no presumption directly in the rules, however, the rule strictly uses "may" language, implying it is all permissive at the judges discretion, and not mandatory. See N.D. Sup. Ct. Admin. R. 21 .	
NORTH DAKOTA		Presumption is in favor of allowing recording, in stating the judge "shall permit" the recording if the proceeding is open to the public. R. of Superintendence for Cts. of Ohio, rule 12(A) .	
OHIO		Local rule example: presumption is against allowed recording or any media coverage, in stating at the preamble "the use of cameras, television or other recording or broadcasting equipment is prohibited in a courtroom." Ct. R. 7th & 26th Admin. Dist of Okla., rule 39.01(A) .	
OKLAHOMA		The rules state electronic recording "shall be allowed in any courtroom except as provided underw this rule." Or. Uniform Trial Ct. R. 3.180(2) . This language serves as a presumption in favor of allowing recording.	
OREGON		Presumption is against recording of any sort. The preamble to the applicable rules state "Judges should prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions..." with a limited exception for non-jury civil trials. Penn. Sup. Ct. R. 1910 .	
PENNSYLVANIA		There is no presumption directly in the rules, rather the decision to allow media coverage rests solely in the presiding trial justice. R.I. Sup. Ct. R., Art. VII canon 1 .	
RHODE ISLAND		There is a presumption against allowing any type of recording, the general rule states "the broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions is prohibited." S.C. Appellate Ct. R. 605(b) .	
SOUTH CAROLINA			

SOUTH DAKOTA	<p>There is a presumption against allowing any type of recording. The general rule states "a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recess between sessions..." S.D. Canons of Jud. Conduct 3(b)(12).</p>
TENNESSEE	<p>There is a presumption in favor of allowing media coverage. The general rule states "Media coverage of public judicial proceedings in the courts of this State shall be allowed in accordance with the provisions of this rule." Tenn. Sup. Ct. R. 30A(1).</p> <p>Local rules example: there is no direct presumption, but they do state "The policy of these rules is to allow electronic media coverage of public criminal court proceedings to facilitate the free flow of information to the public concerning the judicial system and to foster better public understanding about the administration of justice." R. Governing Recording and Broadcasting of Ct. Proceedings in Crim. Cases, Tarrant County Tex. 1.</p>
TEXAS	<p>Yes, there is a presumption in favor of allowing recording stated directly in the rules. "There is a presumption that electronic media coverage by a news reporter shall be permitted in public proceedings where the predominant purpose of the electronic media coverage request is journalism or dissemination of news to the public. The judge may prohibit or restrict electronic media coverage in those cases only if the judge finds that the reasons for doing so are sufficiently compelling to outweigh the presumption." Utah Code of Jud. Admin. 4-401.01(2)(A).</p>
UTAH	<p>There are no presumptions directly in the rules. See, Vt. R. Crim. Proceed. 53.</p>
VERMONT	<p>There is no presumption in the rules, all language used is permissive, not mandatory. See Cd. of Va. R. Crim. P. 4.19.2-266.</p>
VIRGINIA	<p>There is a passive presumption in favor of allowing recording, in stating that "Video and audio recording and still photography by the news media are allowed in the courtroom during and between sessions." Wash. St. Ct. Gen. R. 16(a). This presumption is made more clear in the comment to rule 16, where it states "The intent of the 1991 change[in which rule 16 was adopted] was to make clear both that cameras were fully accepted in Washington courtrooms and also that broad discretion was vested in the court to decide what, if any, limitations should be imposed." Wash. St. Ct. Gen. R. 16, comment.</p>
WASHINGTON	<p>No presumptions.</p>
WEST VIRGINIA	<p>The presumption of courtroom openness includes access for reports and their cameras in the courtroom.</p>
WISCONSIN	<p>There is a general presumption in favor of media coverage except in specified situations where objections to media coverage are presumed valid (e.g., evidentiary hearings, cases involving victims of crimes, confidential informants, and undercover agents). Wyo. R. Cr. P. 53.</p>
WYOMING	

IF THE JUDGE HAS DISCRETION, WHAT IS THE STANDARD (e.g., good cause) What factors are considered?

Post-conviction

	Pretrial	Trial
ALABAMA		The Supreme Court, when considering authorization of a plan to allow recording, looks at the following: the recording will not (1) detract from the dignity of the court proceedings, (2) distract any witness in giving testimony, (3) degrade the court, or (4) otherwise interfere with the achievement of a fair trial. Ala. Canons of Jud. Ethics, canon 3. The use of cameras and electronic devices in a courtroom is subject at all times to the authority of the judicial officer or the clerk of the appellate courts to ensure: (A) decorum and prevent distractions; (B) the fair administration of justice in the pending case and future proceedings; (C) protection of the reasonable privacy interests of a minor or any other person; and (D) the security of the court and all court users. Alaska Ct. R. of Admin. 50.
ALASKA		Judges may deny or limit a request for coverage only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the following factors: (A) the impact of coverage upon the right of any party to a fair hearing or trial; (B) the impact of coverage upon the right of privacy of any party, victim, or witness; (C) the impact of coverage upon the safety and well-being of any party, victim, witness, or juror; (D) the likelihood that coverage would distract participants or that coverage would disrupt or detract from the dignity of a proceeding; (E) the adequacy of the physical facilities of the court; (F) the timeliness of the request pursuant to paragraph (c)(2) of this rule; (G) whether the person making the request is engaged in the dissemination of news to a broad community; and (H) any other factor affecting the administration of justice. Ariz. R. Sup. Ct. 122.
ARIZONA		The rules state a judge may authorization recording, "provided that the participants will not be distracted, nor will the dignity of the proceedings be impaired." This is the only discussion of standards by which decisions should be made in the rule. Ark. Admin. Ord. 6(b).
ARKANSAS		The judge is to consider the following factors when granting or denying a request for coverage: (A) The importance of maintaining public trust and confidence in the judicial system; (B) The importance of promoting public access to the judicial system; (C) The parties' support of or opposition to the request; (D) The nature of the case; (E) The privacy rights of all participants in the proceeding, including witnesses, jurors, and victims; (F) The effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding; (G) The effect on the parties' ability to select a fair and unbiased jury; (H) The effect on any ongoing law enforcement activity in the case; (I) The effect on any unresolved identification issues; (J) The effect on any subsequent proceedings in the case; (K) The effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness; (L) The effect on excluded witnesses who would have access to the televised testimony of prior witnesses; (M) The scope of the coverage and whether partial coverage might unfairly influence or distract the jury; (N) The difficulty of jury selection if a mistrial is declared; (O) The security and dignity of the court; (P) Undue administrative or financial burden to the court or participants; (Q) The interference with neighboring courtrooms; (R) The maintenance of the orderly conduct of the proceeding; and (S) Any other factor the judge deems relevant. Cal. R. Ct. 1.150(e)(3).
CALIFORNIA		When deciding to grant expanded media coverage, the presiding judge is to consider the following factors: (A) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial; (B) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court; and (C) Whether expanded media coverage would create adverse effects which would be greater than those caused by traditional media coverage. Colo. Pub. Access R. 3(2). "The judicial authority, in deciding whether to limit or preclude electronic coverage of a criminal proceeding or trial, shall consider all rights at issue and shall limit or preclude such coverage only if there exists a compelling reason to do so, there are no reasonable alternatives to such limitation or preclusion, and such limitation or preclusion is no broader than necessary to protect the compelling interest at issue." Conn. R. Superior Cts. 51-11(f).
CONNECTICUT		n/a
DELAWARE		The rules charge the presiding judge to consider the following when making determinations on media coverage in the courtroom: "(i) control the conduct of proceedings before the court; (ii) ensure decorum and prevent distractions; and (iii) ensure the fair administration of justice in the pending cause." Fla. R. Gen. Prac. & Jud. Admin. 2.450(a).
FLORIDA		The rules require the judge to use a balancing test when determining whether to grant a request for recording, that "there is a substantial likelihood of harm arising from one or more of the following factors, and that the harm outweighs the benefit of the recording to the public." The factors to be considered are: (a) The nature of the particular proceeding at issue; (b) The consent or objection of the parties, witnesses, or alleged victims whose testimony will be presented in the proceedings; (c) Whether the proposed recording will promote increased public access to the courts and openness of judicial proceedings; (d) The impact upon the integrity and dignity of the court; (e) The impact upon the administration of the court; (f) The impact upon due process and the truth finding function of the judicial proceeding; (g) Whether the proposed recording would contribute to the enhancement of or detract from the ends of justice; (h) Any special circumstances of the parties, witnesses, alleged victims, or other participants such as the need to protect children or factors involving the safety of participants in the judicial proceeding; and (i) Any other factors affecting the administration of justice or which the court may determine to be important under the circumstances of the case. Uniform R. Superior Cts. Ga. 22(G)(1).
GEORGIA		A presumption in favor of allowing exists, because the rules require "good cause" to limit or deny a request for coverage. Good cause exists in the following circumstances: (i) the proceeding is for the purpose of determining the admissibility of evidence; or (ii) testimony regarding trade secrets is being received; or (iii) testimony of child witnesses is being received; or (iv) testimony of a complaining witness in a prosecution for any sexual offense under Part V of the Hawai'i Penal Code is being received; or (v) a witness would be put in substantial jeopardy of serious bodily injury; or (vi) testimony of undercover law enforcement agents who are involved in other ongoing undercover investigations is being received. Haw. R. Sup. Ct. 5.1 (f)(5).
HAWAII		While the rules make clear the presiding judge has discretion in making these decisions, there are no formal standards laid out in the rules to guide that decision making. However, the rules do state that authorization may be revoked at the discretion of the court if it appear that the coverage is "interfering in any ways with the proper administration of justice." Idaho Court Admin. R. 45(a).
IDAHO		The rules don't direct state any standards. However they do state the judge may "refuse, limit, amend, or terminate" media coverage when the judge finds that "substantial rights of individual participants or rights to a fair trial will be prejudiced. Ill. Sup. Ct. Ord. MR 2634, 1.2(i). The rules also require that "extended media coverage shall not be distracting or interfere with the solemnity, decorum and dignity of the court making decisions that affect the life, liberty, or property of citizens. Ill. Sup. Ct. Ord. MR 2634, 1.0.
ILLINOIS		There are no standards described in the rules for the judicial discretion granted in the pilot project order. See generally Ind. Sup. Ct. Ord. 215-MS-454.
INDIANA		

IOWA	Expanded news media coverage of a proceeding is permitted, unless the judicial officer concludes, for reasons stated on the record, that under the circumstances of the particular proceeding, such coverage would materially interfere with the rights of the parties to a fair trial. Iowa R. Civ. P. 25.2(2) . Witnesses must demonstrate good cause in order to object to media coverage. See Person Type Limitations.	
KANSAS	The rules do not describe any applicable standards to guide the judges discretion, but the rules do make clear the judge does have absolute discretion and states "The privilege granted by this rule does not limit or restrict the judge's power, authority, or responsibility to control the proceedings." R. Adopted Sup. Ct. Kan. 1001(e)(3) . The Kentucky Supreme Court Rules does not provide a judicial discretion standard beyond requests for coverage shall be made to the presiding judge. Ky. SCR 1(d) . If the media cannot agree on "pooling" arrangements, the judge shall exclude all contesting media from the proceeding. Ky. SCR 1(e) . There are no standards directly stated in the governing rules, but they do state the following principle: "All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle." La. Code Jud. Conduct, Cannon 3.ii .	
KENTUCKY		
LOUISIANA		
MAINE	There are no formal standards in the rules to guide the judges use of discretion. The rules make clear the decision to allowing recording is left to the sole discretion of the presiding judge, and may be granted "if the integrity of the court proceedings will not be adversely affected." Me. Sup. Jud. Ct. Admin. Ord. JB-05-15(A. 9-11) . The rules require the presiding judge to find "good cause" to limit, deny, or terminate extended coverage. "Examples of good cause include unfairness, danger to a person, undue embarrassment, or hindrance of proper law enforcement." The rules also state that good cause shall be presumed in cases that involve: domestic violence, custody of or visitation with a child, divorce, annulment, minors, relocated witnesses, and trade secrets. Md. R. Ct. Admin. 16-608 . There are no standards stated in the rules. See Mass. Sup. Jud. Ct. R. 1:19 . No standards are directly stated in the rules. However, they do state that a judge is to terminate, suspend, limit, or exclude coverage when "the fair administration of justice requires such action." Mich. Sup. Ct. Admin. Ord. 1989-1, 2(a)(ii) .	For criminal proceedings after a guilty plea has been accepted or guilty verdict returned, the following factors are to be considered when determining if good cause exists to prohibit coverage: (1) the privacy, safety, and well-being of the participants or other interested persons; (2) the likelihood that coverage will detract from the dignity of the proceeding; (3) the physical facilities of the court; and, (4) the fair administration of justice. Minn. Ct. General R. Prac. 4.02(e) .
MARYLAND		
MASSACHUSETTS		
MICHIGAN		
MINNESOTA	There are no standards directly discussed, but the rules do state "a judge shall limit or disallow media coverage of a proceeding if the judge concludes, under the circumstances, such coverage would materially interfere with the rights of the parties, including but not limited to the security or privacy of participants to the proceedings, or the fair administration of justice." Mo. Ct. Operating R. 16.03(d) . Any coverage is subject to the authority of the presiding judge, who is charged to "(i) control the conduct of the proceedings, (ii) ensure decorum and prevent distraction, and (iii) ensure fair administration of justice in the pending case." Miss. R. Electronic & Photographic Coverages of Jud. Proceedings, rule 3(a) . This statement is the closest the rules come to directly describing standards. Standards to guide the judicial discretion are not discussed in the general, nor local rules of the 4th and 19th judicial district. However, the general rules do require that if the judge wishes to limit or prohibit coverage, "he must state his reasons for such prohibition in the record of such case." Mont. Cannon of Jud. Ethics, 35 . "Good cause means a substantial reason; one that affords a justifiable basis which is a subjective, factual question within the sole discretion of the judicial officer. A finding of good cause by the judicial officer for exclusion, suspension, or termination of expanded news media coverage does not constitute closing in whole or in part judicial proceedings." Neb. Sup. Ct. R. § 6-2002(C) . The judge may consider the following factors: (a) The impact of coverage upon the right of any party to a fair trial; (b) The impact of coverage upon the right of privacy of any party or witness; (c) The impact of coverage upon the safety and well-being of any party, witness or juror; (d) The likelihood that coverage would distract participants or would detract from the dignity of the proceedings; (e) The adequacy of the physical facilities of the court for coverage; and (f) Any other factor affecting the fair administration of justice. Nev. Sup. Ct. R. 230. Standards are not directly stated in the rules, however they do require the judge to "ensure that the photographing, recording or broadcasting will not be disruptive to the proceedings and will not be conducted in such a manner or using such equipment as to violate the provisions of this rule." NH. R. Superior Ct. 204(a) . The rules state that recording "may be excluded in any proceeding where the court determines such use would cause a substantial increase in the threat of, or the potential for, harm to a litigant, juror, witness, or any other participant in the case or would otherwise unduly interfere with the integrity of the proceeding. In determining whether such substantial increase in the threat of, or the potential for, harm exists, a court may appropriately consider the potential for intimidation of witnesses, victims and others when exercising its discretion." N.J. Sup. Ct. Guidelines on Media Access & Electronic Devices in Cts. (h) §7(a) . The rules state that media coverage is entirely discretionary to the presiding judge, who is to consider the following when considering requests: (a) control the conduct of the proceedings before the court; (b) ensure decorum and prevent distractions; and (c) ensure fair administration of justice in the pending case. N.M. Sup. Ct. Gen. R., 23-107(A)(1) .	
MISSOURI		
MISSISSIPPI		
MONTANA		
NEBRASKA		
NEVADA		
NEVADA		
NEW HAMPSHIRE		
NEW JERSEY		
NEW JERSEY		
NEW MEXICO		
NEW MEXICO		
NEW YORK	The presiding judge is to consider the following factors when considering a request for coverage: (1) the type of case involved; (2) whether the coverage would cause harm to any participant; (3) whether the coverage would interfere with the fair administration of justice, the advancement of a fair trial, or the rights of the parties; (4) whether the coverage would interfere with any law enforcement activity; (5) whether the proceedings would involve lewd or scandalous matters; (6) the objections of any of the parties, victims or other participants in the proceeding of which coverage is sought; (7) the physical structure of the courtroom and the likelihood that any equipment required to conduct coverage of proceedings can be installed and operated without disturbance to those proceedings or any other proceedings in the courthouse; and (8) the extent to which the coverage would be barred by law in the judicial proceeding of which coverage is sought." In addition, the presiding judge "shall consider and give great weight to the fact that any party, victim, or other participant in the proceeding is a child." N.Y. R. of the Chief Admin. Judge §131.3(d) . There are no standards directly stated in the rules, but they make clear that "The presiding justice or judge shall at all times have authority to prohibit or terminate electronic media and still photography coverage of public judicial proceedings, in the courtroom or the corridors immediately adjacent thereto." Gen. R. of Pract. Superior & Dist. Cts. of N.C., rule 15(b)(1) .	
NORTH CAROLINA		

NORTH DAKOTA	<p>A judge may deny or limit coverage when they find: (1) Expanded media coverage would materially interfere with a party's right to a fair trial; (2) A witness or party has objected and shown good cause why expanded media coverage should not be permitted; (3) Expanded media coverage would include testimony of an adult victim or witness in a prosecution under N.D.C.C. chapter 12.1-20 or for charges in which an offense under that chapter is an included offense or an essential element of the charge, unless the victim or witness consents; (4) Expanded media coverage would include testimony of a juvenile victim or witness in a proceeding in which illegal sexual activity is an element of the evidence; or (5) Expanded media coverage would include under cover agents or relocated witnesses. N.D. Sup. Ct. Admin. R. 21.54(b). Good cause is defined as follows: "Good cause," for exclusion under subsection 21(4)(b)(2), means expanded media coverage having a substantial effect on the objector which would be qualitatively different from the effect on members of the general public and from coverage by other types of media." N.D. Sup. Ct. Admin. R. 21.52(a). There are no formal standards in the rules, but they do state the recording shall be allowed "if the judge determines that to do so would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with the achievement of a fair trial." R. of Superintendence for Cts of Ohio, commentary to rule 12(A).</p>
OHIO	<p>Local rule example: there is no standard described in the rules. See Ct. R. 7th & 26th Admin. Dist of Okla., rule 39.01.</p>
OKLAHOMA	<p>The rules state: "The granting of such permission[to record a proceeding] to any individual person or entity is subject to the court's discretion, which may include considerations of the need to preserve the solemnity, decorum, or dignity of the court; the protection of the parties, witnesses, or jurors; or whether the requestor has demonstrated an understanding of all provisions of this rule." Or. Uniform Trial Ct. R. 3.180(3). It further states: "The court shall not wholly prohibit all electronic recording of a court proceeding unless the court makes findings of fact on the record setting forth substantial reasons that establish: (i) There is a reasonable likelihood that the electronic recording will interfere with the rights of the parties to a fair trial or will affect the presentation of evidence or the outcome of the trial; or(ii) There is a reasonable likelihood that the costs or other burdens imposed by the electronic recording will interfere with the efficient administration of justice." Or. Uniform Trial Ct. R. 3.180(4).</p>
OREGON	<p>Coverage may only be granted in non-jury civil trials when the court finds "the means of recording will not distract participants or impair the dignity of the proceedings." Penn. Sup. Ct R. 1910(c)(1).</p>
PENNSYLVANIA	<p>There are no formal standards discussed, but the rules make clear that "Proceedings in court should be conducted with fitting conduct and decorum." R.I. Sup. Ct. R., Art. VII, cannon 11.</p>
RHODE ISLAND	<p>There are no standards directly in the rules, but they do state the presiding judge has the authority to refuse and limit media coverage "as may be required in the interests of justice." S.C. Appellate Ct. R. 605(f)(1)(iii).</p>
SOUTH CAROLINA	<p>The judge may authorize recording 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 being 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." S.D. Cannons of Jud. Conduct 3(b)(12).</p>
SOUTH DAKOTA	<p>The rules make clear that any media coverage is subject to the judge's discretion, who must consider the requests while balancing their requirements to: "(i) control the conduct of the proceedings before the court; (ii) maintain decorum and prevent distractions; (iii) guarantee the safety of any party, witness, or juror; and (iv) ensure the fair and impartial administration of justice in the pending cause." Tenn. Sup. Ct. R. 30A(1).</p>
TENNESSEE	<p>Local rules example: there are no direct standards in the rules, but they do state the rules that "Nothing in these rules shall be construed to limit or deny access by the public [to] the courts. However, the Sixth Amendment right to a public trial is not absolute and may be outweighed by other competing rights or interests, such as interests in security, preventing disclosure of non-public information, or ensuring that a defendant receives a fair trial." R. Governing Recording and Broadcasting of Ct. Proceedings in Crim. Cases, Tarrant County Tex. 1.2.</p>
TEXAS	<p>Yes, there is a presumption in favor of allowing recording stated directly in the rules. "There is a presumption that electronic media coverage by a news reporter shall be permitted in public proceedings where the predominant purpose of the electronic media coverage request is journalism or dissemination of news to the public. The judge may prohibit or restrict electronic media coverage in those cases only if the judge finds that the reasons for doing so are sufficiently compelling to outweigh the presumption." Utah Code of Jud. Admin. 4-401.01(2)(A).</p>
UTAH	<p>The court may permit, prohibit, terminate, limit, or postpone the recording or transmitting of all or any part of a proceeding. When deciding on such an issue, the court is to consider the following factors: the impact of recording or transmitting on the rights of the parties to a fair trial; whether the private nature of testimony outweighs its public value; the likelihood that physical, emotional, economic, or proprietary injury may be caused to a witness, a party, the alleged victim, or other person or entity; the age, mental condition, and medical condition of the party, witness, or alleged victim; whether sequestration of the jury, a delay in transmitting until a verdict has been rendered (if agreed upon by the media or person seeking to transmit), or some other means short of prohibition would protect the interests of the parties, witnesses, or other persons; other good cause. Vt. R. Crim. Proced. 53(e)(3).</p>
VERMONT	<p>The rule requires a finding of "good cause" under which "the presiding judge may prohibit coverage in any case and may restrict coverage as he deems appropriate to meet the ends of justice." The rules do not further define "good cause." Cd. of Va. R. Crim. P. § 19.2-266(1).</p>
VIRGINIA	<p>In determining what, if any, limitations should be imposed on the news media coverage, the judge shall be guided by the following principles: (1) Open access is presumed; limitations on access must be supported by reasons found by the judge to be sufficiently compelling to outweigh that presumption; (2) Prior to imposing any limitations on courtroom photography or recording, the judge shall, upon request, hear from any party and from any other person or entity deemed appropriate by the judge; and (3) Any reasons found sufficient to support limitations on courtroom photography or recording shall relate to the specific circumstances of the case before the court rather than reflecting merely generalized views. Wash. St. Ct. Gen. R. 16(c).</p>
WASHINGTON	<p>Any party, witness, or counsel may object to the use of cameras or audio recording and the judicial officer has the discretion to approve the media coverage. WV Trial Ct. Rule 8.02.</p>
WEST VIRGINIA	<p>A trial judge more for cause prohibit media coverage of a participant in the court proceedings on the judge's own motion or at the request of the participant. Wis. Sup. Ct. R. 61.11.</p>
WISCONSIN	<p>Trial judge has broad discretion in deciding whether there is cause for prohibition of coverage. Wyo. R. Cr. P. 53(9). In major trials, the judge may appoint a media coordinator. Wyo. R. Cr. P. 53(2).</p>
WYOMING	

DOES THE STATE ALLOW LIVESTREAMING OF DISTRICT COURT TRIALS OR OTHER PROCEEDINGS? ARE ANY SPECIFIC TYPES OF PRETRIAL PROCEEDINGS ADDRESSED (BAIL HEARINGS, PROBABLE CAUSE)?

Pretrial	Trial	Post-conviction
ALABAMA	Yes, but only as part of an authorized plan signed off on by the Supreme Court, parties and local officials. The rules do not differentiate between different types of proceedings and methods of recording. Ala. Canners Jud. Ethics, canon 3.	
ALASKA	Yes, allowed if specifically requested via application and such application is approved. The rules do not differentiate what types of recording is allowed at which type of proceeding. Alaska Ct. R. Admin. 50. Livestreaming is not prohibited by the rules, however all technology used is up to the decision of the presiding judge. The judge may also direct the location of equipment within the courtroom, and limit the number and types of equipment allowed. If the judge approves multiple requests to record or live broadcast, then the parties who submitted requests must pool resources to limit the pieces of equipment in the courtroom. Ariz. R. Sup. Ct. 122.	
ARIZONA	Yes. Based on the full context of these rules, the term broadcasting does encompass livestreaming. The rules do not discuss different types of proceedings that can be livestreamed, this is ultimately up to the decision of the presiding judge. The rules do discuss how various pieces of equipment may be used and has provisions for pooling of resources. Ark. Admin. Ord. 61(b).	
ARKANSAS	Livestreaming is not prohibited by the rules, however all types of technology used is up to the decision of the presiding judge and depends on what is specifically requested. The rules do not differentiate between pretrial, trial, and post conviction proceedings. The presiding judge may also order jury pooling when two or more requests are made for the same type of media coverage. Cal. R. Ct. 1.150(c)(3).	
CALIFORNIA	Livestreaming is prohibited by the rules, so long as authorized by the judge as prescribed in the rules it would be allowed. However any recording or photography remains off limits for pretrial criminal hearings (with an exception for advisements and arraignments). Colo. Pub. Access R. 3(A). The rules do set forth various limitations on where and how technology can be used in the courtroom, including pooling arrangements when there are multiple requests for the same proceeding. Colo. Pub. Access R. 3(5).	
COLORADO	Livestreaming is not prohibited by the rules. The rules implement restrictions on the number of pieces of technology that can be used and set forth media pooling requirements. Conn. R. Superior Cts. 43-11(CD). No livestreaming is allowed trial courts. However, the Delaware Supreme Court does livestream and post recordings of all Oral Arguments. Video for all arguments dating back to December 11, 2013 are available online, and prior to that audio-only recordings are available dating back until February 3, 2004. No such archives exist nor are allowed for trial courts. See Supreme Court Oral Arguments Video Recordings, Delaware Courts.	
CONNECTICUT	Livestreaming is not directly discussed in the rules, nor is it prohibited. See generally Fla. R. Gen. Prac. 8, Jud. Admin. 2.450.	
DELAWARE	Livestreaming is allowed, subject to approval of the judge per the process laid out in the rules. The rules also give the judge the ability to place pooling requirements in place to limit the amount of equipment in the courtroom. Uniform R. Superior Ct. of Ga. 22(I).	
FLORIDA	Livestreaming is not prohibited. The rules do limit the number of pieces of equipment that can be allowed in the courtroom, and do require pooling arrangements if multiple parties request the same type of coverage are made. Haw. R. Sup. Ct. 5.1(b), 5.2(a).	
GEORGIA	Livestreaming is not prohibited by the rules. The rules lump in livestreaming with other forms of live broadcast, which is not prohibited when approval is received per the rules. The rules do limit the number of pieces of equipment and operators that can be present, and requires media pooling in certain circumstances. Idaho Ct. Admin. R. 45(b).	
HAWAII	Livestreaming is not prohibited in the rules, nor is it directly discussed. However, live broadcasting is allowed, with proper advanced approval, and subject to certain equipment limitations and media pooling requirements. Ill. Sup. Ct. Ord. MR 2634, 1.4.	
IDAHO	Livestreaming is allowed as part of the limited pilot project. Ind. Sup. Ct. Ord. 215-MS-454, 2(a). Judicial officers may broadcast or livestream a judicial proceeding to alternative locations outside the courtroom to accommodate overflow crowds or for other purposes at the presiding judge's discretion. Iowa R. Civ. P. 25.2(4). These rules do not apply to appellate court oral argument or hearing that are livestreamed or broadcasted. Iowa R. Civ. P. 25.5(2).	
ILLINOIS	Livestreaming is not prohibited by the rules. The rules do require media pooling if there are multiple requests from different groups, and also limit the location where the equipment may be used and the number of people who can be used to operate said equipment. R. Adopted Sup. Ct. Kan. 1001(e)(12-14).	
IOWA	The governing rules do not prohibit livestreaming. Live video and audio broadcasting of Supreme Court oral arguments available live and archived. Livestream available for appellate courts, no archives. Kentucky Court of Justice.	
KANSAS	Livestreaming is not prohibited by the rules, however all technology used is up to the decision of the presiding judge. The rules do place some limitations on the type of equipment that can be used, how it can be used, where it can be set up, and does provide for media pooling as needed. La. Code Jud. Conduct, Appendix to Canon 3, VII-XI.	
KENTUCKY	Livestreaming is not discussed by the rules, however all technology used is up to the decision of the presiding judge, including the location the equipment can be set up, and requires media pooling when there are multiple requests. Md. Sup. Jud. Ct. Admin. Ord. 18-05-15(A), 9, 311, 46.	
LOUISIANA	Livestreaming is not directly stated in the rules, but they do allow for "broadcasting" of the proceedings, which in effect is the same. Md. R. Ct. Admin. 16-601(a).	
MAINE	Livestreaming is not discussed by the rules, nor are the specific types of recording or equipment allowed described. The rules to provide for where equipment can be placed in the courtroom, and also provide for media pooling as needed. Mass. Sup. Jud. Ct. R. 1-19, 2(d).	
MARYLAND	Livestreaming is not discussed in the rules. What is allowed is "any recording or broadcasting of court proceedings be the media using television, radio, photographic or recording equipment." Livestreaming should be allowed under this standard as a form of electronic broadcast. Mich. Sup. Ct. Admin. Ord. 1989-1, 1(a).	
MASSACHUSETTS	Livestreaming may be allowed as a form of visual coverage or recording, assuming all other requirements of the rules can be satisfied. See Minn. Ct. Gen'l R. Prac. 4.02.	
MICHIGAN	Livestreaming is not discussed in the rules. However, livestreaming is likely allowed as a form of "media coverage" which includes "audio, video or electronic recording; broadcasting, filming or televising; photographing; or otherwise transmitting information, including by text, electronic mail, online post or other electronic message, whether for live or later dissemination in any medium." Mo. Ct. Operating R. 16.01(c).	
MINNESOTA	Livestreaming is not discussed in the rules. However, the rules define "electronic media coverage" very broadly, which likely encompasses livestreaming. "Electronic media coverage" and "electronic coverage" shall mean any reporting, recording, broadcasting, narrowcasting, cablecasting, and webcasting of court proceedings by the media using television, radio, photographic, recording, or other electronic device." Miss. R. Electronic & Photographic Coverages of Jud. Proceedings, rule 2(b).	
MISSOURI	Local rule example: livestreaming is not discussed directly, however the local rules do limit coverage to "local broadcast networks." "limits the amount of equipment that can be used, and prevents the usage of any distracting equipment." Mont. 4th Jud. Dist. R. of Pract. 29.	
MISSISSIPPI	Livestreaming is allowed, as it fits the definition of "live electronic reporting" which is an allowable form of "expanded media coverage." Neb. Sup. Ct. R. 56-2002(C).	
MONTANA	Livestreaming is not discussed in the rules. However, the rules define "electronic media coverage" very broadly, which likely encompasses live streaming. "Electronic coverage" means broadcasting, televising, recording or taking photographs by any means, including but not limited to video cameras, still cameras, cellular phones with photographic or recording capabilities or computers. Nev. Sup. Ct. R. 229.	
NEBRASKA	Livestreaming is not discussed in the rules. They do allow for "broadcasting" so long as the technical requirements for technology use that are spelled out in the rules are followed, including limiting the number of pieces of equipment, requiring media pooling as necessary, placing equipment only in designated areas, no artificial lighting or flash, etc. N.H. R. Superior Ct. 204(k).	
NEVADA	Livestreaming is not directly discussed, but the definitions used in the rules does classify "electronic devices" to include those that "transmit (wired or wireless), [or] broadcast" such a broad definition encompasses livestreaming. So we can infer it is allowed so long as all the other provisions of the rules are followed. N.J. Sup. Ct. Guidelines on Media Access & Electronic Devices in Cts. (n.d. 12/1).	
NEVADA	Livestreaming is not directly discussed in the rules, but is likely allowed as a permissible form of "broadcasting" which the rules account for. See N.M. Sup. Ct. Gen. R. 23-107.	
NEW HAMPSHIRE	Livestreaming is not directly discussed in the rules, but the broad definition of "audio-visual coverage" used in the rules, which includes "electronic broadcasting" likely encompasses livestreaming. N.Y. R. of the Chief Admin. Judge §131.2(b).	
NEW JERSEY	Livestreaming is not discussed in the rules. See Gen. R. of Pract. Superior & Dist. Cts. of N.C., rule 15.	
NEW MEXICO	Livestreaming is not discussed in the rules. See N.D. Sup. Ct. Admin. R. 21.	
NEW YORK	Livestreaming is not discussed in the rules, however they do account for "broadcasting" and "recording by electronic means" which likely includes livestreaming. R. of Superintendence for Cts. of Ohio, rule 12(A).	
NORTH CAROLINA	Local rule example: livestreaming is not discussed in the rules. See Ct. R. 7th & 26th Admin. Dist of Okla., rule 39.01.	
NORTH DAKOTA	"Live streaming" is directly listed as a form of acceptable "electronic recording" in the rules, so this is allowed so long as the other provisions of the rule are followed. Or. Uniform Trial Ct. R. 3.180(1).	
OHIO	Livestreaming is not discussed in the rules. See Penn. Sup. Ct. R. 1910.	
OKLAHOMA	Livestreaming is not discussed in the rules. See R.J. Sup. Ct. R. Art. VII, canon 11.	
OREGON	Livestreaming is not discussed in the rules. See S.C. Appellate Ct. R. 605.	
PENNSYLVANIA	Livestreaming is not discussed in the rules, nor are any technical requirements or limitations on equipment. See S.D. Canons of Jud. Conduct 3(b)(12).	
RHODE ISLAND		
SOUTH CAROLINA		
SOUTH DAKOTA		

TENNESSEE

The rules do not directly discuss livestreaming, but the rules definition of "coverage" is broad enough to likely include livestreaming, which states "'Coverage' means any recording or broadcasting of a court proceeding by the media using television, radio, photographic, or recording equipment." [Tenn. Sup. Ct. R. 30B\(1\)](#).

TEXAS

Local rules example: livestreaming is not discussed directly, but likely fits into the definition of "Electronic media coverage" which is defined as "recording or broadcasting of court proceeding by the media using television, radio, photographic, or recording equipment." [R. Governing Recording and Broadcasting of Ct. Proceedings in Crim. Cases, Tarrant County Tex. 3.2](#)

UTAH

Livestreaming is not directly discussed in the rules, but the terminology used in the rules likely encompasses livestreaming. "'Electronic media coverage' as used in this rule means recording or transmitting images or sound of a proceeding." [Utah Code of Jud. Admin. 4-401.01\(1\)\(c\)](#).

VERMONT

Livestreaming is not discussed in the rules. [See Vt. R. Crim. Proceed. 53](#).

VIRGINIA

Livestreaming is not discussed in the rules, nor are any specifics regarding what technology can be used under the rules. They do limit the location equipment can be placed, and limit the number of pieces of equipment and personnel, if those number limits are exceeded media pooling is mandated. [Ct. of Va. R. Crim. P. § 19.2-266](#).

WASHINGTON

Livestream, nor any technology or restrictions on media personnel, are discussed in the rules. [See Wash. St. Ct. Gen. R. 16](#).

WEST VIRGINIA

West Virginia's highest court provides live audio and visual broadcastings. [See West Virginia Judiciary. Argument Webcast.](#)

WISCONSIN

Wisconsin Supreme Court and Court of Appeals provide live audio streaming of oral arguments. [See Wisconsin Court System: Livestream courts.](#)

WYOMING

The Wyoming District Courts, Circuit Courts, and Supreme Court provides a live courtroom-audio broadcast to the public. [See Wyoming Judicial Branch: Live Broadcast.](#)

ANY OTHER STATE-SPECIFIC ISSUES?
Pretrial

Trial

Post-conviction

ALABAMA

Alaska rules provide a mentod by which a request to record can be reconsidered after the initial application has been denied, which is done via written letter to the presiding judge. On reconsideration, the presiding judge may request memoranda from parties to seek their input on the request. [Alaska Ct. R. Admin. 50](#).

ALASKA

The rules also prescribe that any recording or photograph of a judicial proceeding may not be used to supplement the record at future proceedings, nor can it be used as evidence unless it satisfies the Arizona Rules of Evidence. [Ariz. R. Sup. Ct. 122](#)

ARIZONA

The rules state that "decisions made as to the details [of the recording] are final and are not subject to appeal." And further, that the court may terminate the recording at any time "in the interest of justice." [Ark. Admin. Ord. 6\(d\)\(2\)](#).

ARKANSAS

Some California trial courts(called Superior Courts) have their own local rules on recording in the courtroom. These local rules must not violate the California Rules of Court provisions. Los Angeles local rules describe limitations on use of personal recording/photography and cell phones. [See the Los Angeles Superior Court local rule 2.17](#).

CALIFORNIA

The rules specifically state that a judge may authorize the use of electronic technology for the perpetuation of the record and for other purposes of judicial administration. [Colo. Pub. Access R. 3\(5\)](#).

COLORADO

Connecticut has different rules governing media coverage for appellate and trial matters. The Supreme Court and Appellate courts are presumed to be open to coverage by cameras and electronic media, which is governed by the Rules of Appellate Procedure. [Conn. R. App. Proc. § 70-9, 70-10](#)

CONNECTICUT

Delaware Courts did launch a trial period in 2004 where media coverage was permitted in a handful of select counties, but only for non-jury proceedings. The trial period was originally six months, but ended up being extended, and eventually ended on May 16th, 2005. [Del. Cts. Admin. Directive No. 155](#). Many (if not all) Delaware Court still ban any use of cellphones, cameras, or any other personal electronic devices in their entirety from courtrooms.

DELAWARE

The rules place strict limits on the amount of equipment and equipment operators allowed in the courtroom. No more than 1 still photographer, using two cameras, will be allowed. No more than 1 audio recording/broadcast system is allowed. The number of tv cameras is left up to the discretion of the presiding judge. The rules also require media pooling arangments and place limits on where equipment can be set up. [Fla. R. of Gen. Prac. & Jud. Admin. 2.450\(b-d\)](#).

FLORIDA

Of note, these rules apply only to Georgia Superior Courts, which are general jurisdiction trial courts. Juvenile proceedings are subject to a separate set of rules called the "Uniform Rules of the Juvenile Courts of the State of Georgia." Georgia also hasmagistrate courts(handling low level criminal and small dollar civil matters), probate courts, state courts(county courts handling some pretrial criminal matters and other civil matters), all of which have their own set of rules governing media coverage. The state appellate courts also have their own rules around media and recording. [See Sup. Ct. Ga. R.](#)

GEORGIA

Consent of the presiding judge is only required trial court matters, for appellate matters a request for extended coverage must still be submitted, but only to give notice to the Court and parties. [Haw. R. Sup. Ct. 5.1\(f\)\(1\)](#)

HAWAII

The Idaho Supreme Court and Court of Appeals has a separate rule governing cameras in courtrooms, as opposed to the general rules which apply to the trial courts. [See Idaho Ct. Admin. R. 46\(a\)](#).

IDAHO

The general rule, which is cameras are not allowed, is laid out in Rule 44 of the Illinois Supreme Court Rules. Rule 44 provides that cameras may be permitted if the provisions of the Supreme Court's Extended Media Coverage Policy(III. Sup. Court Order MR 2634). The rule also states that live broadcasts of remote proceedings which are open to the public is allowed(subject to the remote proceeding rules 45, and 241). [Ill. Sup. Ct. R. 44](#).

ILLINOIS

Even though the Indiana Code of Judicial Conduct prohibits cameras in, the Supreme Court does live stream all oral arguments and places the recordings online. The same is true of the Indiana Court of Appeals. [See Indiana Courts: Oral Arguments Online](#).

INDIANA

Distinct provision for state Supreme Court and Court of Appeals. The rules in chapter 25 do not apply to remote viewing of any appellate court oral argument or other hearing being livestreamed or broadcasted. Iowa R. Civ. P. 25.5(2).

IOWA

The Kansas Supreme Court does directly livestream all oral arguments onto their website. [See Kansas Judicial Branch: Supreme Court Oral Argument Livestream](#).

KANSAS

The governing rules limit the number of recording devices and still cameras permitted in the courtroom. For example, the rules permit one television camera in trial court proceedings and two television cameras in appellate court proceedings. [Ky. SCR 1\(a\)](#)

KENTUCKY

Louisiana's governing rules on this affirmatively state that when extended coverage is permitted, all media representatives shall have equally the right to provide coverage. [La. Code Jud. Conduct, Cannon 3, VII](#). This is the first such affirmative right extended to media i have seen granted by a state so far in working on this project.

LOUISIANA

Advanced approval is not required for proceedings in front of the Supreme Judicial Court, however notice must still be given and the process for that is laid out in the same set of rules. [Me. Sup. Jud. Ct. Admin. Ord. JB-05-15\(A, 9-11\), ID](#).

MAINE

The Court of Appeals does livestream its arguments to its website in real time, video archives of arguments are also available. [See Maryland Courts: Courts of Appeals Live Webcast](#).

MARYLAND

The Supreme Court does livestream its arguments through a partnership with the Suffolk University Law School. [See Suffolk University Law School: Massachusetts Supreme Judicial Court, Oral Arguments](#).

MASSACHUSETTS

Michigan Supreme Court, Court of Appeals, and Court of Claims, all make their proceedings available for livestream through their website. [See Michigan Courts, Court Livestreams](#).

MICHIGAN

The rules describe in depth technical standards required for any visual, audio, or broadcast coverage that may be allowed, which includes limiting number of personnel, location of equipment, and sound and light restrictions. [See Minn. Ct. General R. Prac. 4.03](#).

MINNESOTA

The rules also state that a judge may limit or terminate coverage after it has already been granted, if the judge finds that "(1) Any media has violated this operating rule or any directives the judge imposed pursuant to this operating rule; or (2) Any substantial rights of individual participants or rights to a fair trial may be prejudiced if media coverage is allowed to continue." [Mo. Ct. Operating R. 16.02\(a\)](#).

MISSOURI

The rules limit the ability to cover the proceeding to "media" members, which is defined in the rules as " all persons and organizations engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, professional journal, and other news reporting or news gathering agencies." [Miss. R. Electronic & Photographic Coverages of Jud. Proceedings, rule 2\(a\)](#).

MISSISSIPPI

Media coverage of Supreme Court oral arguments is generally allowed, and subject to its own rules and regulations. [See Mont. Code. R. Civ. Procedure, Rule 19](#).

MONTANA

NEBRASKA	<p>The rules also lay out technical requirements that must be followed for any media coverage, including limiting the number or pieces of equipment, pooling requirements, and location of equipment. See Neb. Sup. Ct. R. § 6-2005.</p> <p>Unless specifically authorized by the judge, no more than one television camera person and one still photographer may be taking pictures in the courtroom at any one time. If more than one news reporter has permission to participate, it is up to the news reporters to determine who will participate. If news reporters cannot agree, the judge shall decide who may participate. Nev. Sup. Ct. R. 233.</p>
NEVADA	
NEW HAMPSHIRE	<p>New Hampshire has two separate trial courts, the Superior Courts and the District Division of the Circuit Courts. Both have areas of independent jurisdiction, and areas of overlapping jurisdiction. Both are subject to their own set of rules, however the rules governing photographing, recording and broadcasting in the courtroom are identical for both. For the purposes of this project I focused on the Superior Court rules, but the District Division of the Circuit Court rules on this subject matter are identical. See NH. R. Cir. Ct. Dist. Division.</p>
NEW JERSEY	<p>The rules also establish technical requirements on the use of devices to record in the courtroom, these include limiting the locations where equipment can be placed, requires pooling of media in certain circumstances, limits artificial lighting, etc. See Appendix 1, §9 A, B, C, to N.J. Sup. Ct. Guidelines on Media Access & Electronic Devices in Cts.</p> <p>The rules list technical requirements on both equipment and personnel, limiting the number of pieces of equipment and the number of people who can operate them. The rules also require media pooling as needed to comply with the equipment and personnel limitations. N.M. Sup. Ct. Gen. R. 23-107(E).</p>
NEW MEXICO	<p>When a judge has approved media access to a proceeding, they must hold a pretrial conference with members of the media and all parties to the proceeding, to consider any objections that have been raised, to determine any limitations on the coverage, and to discuss a plan for the coverage in terms of equipment/personnel in the courtroom and to make media pooling arrangements if necessary. N.Y. R. of the Chief Admin. Judge §131.5.</p>
NEW YORK	<p>The rules also regulate location, and technical specifications of equipment and personnel. Gen. R. of Pract. Superior & Dist. Cts. of N.C. rule 15(c), (e).</p>
NORTH CAROLINA	<p>The rules establish the right of the judge to revoke permission at any time if there is a failure to comply with the conditions of the rule or judge. R. of Superintendence for Cts of Ohio, rule 12(D).</p>
NORTH DAKOTA	<p>Local rule example: violations of the local rules, or any condition imposed by a judge related to recording in the courtroom can lead to contempt of court proceedings. Ct. R. 7th & 26th Admin. Dist of Okla., rule 39.01(B).</p>
OHIO OKLAHOMA	<p>The rules explicitly state that the court may order any person who has recorded a proceeding to turn over that recording to the court for an in camera review to determine whether terms of the rules have been violated, or "to assure the effective administration of justice." Or. Uniform Trial Ct. R. 3-180(42).</p>
OREGON	<p>The same strict standards for trial courts apply to the Supreme Court, who does not publically broadcast or record Oral Arguments unless exceptional circumstances warrant it.</p>
PENNSYLVANIA RHODE ISLAND	<p>The Supreme Court issued an Order on 9/28/2020, which extended the Appellate Court Rule 605 to all proceedings, including all Circuit, Family, Probate, Master in Equity and Summary court proceedings. The order was granted in response to the Covid-19 pandemic, and remains in effect today. See Sup. Ct. S.C. Ord. 2020-09-08-01.</p>
SOUTH CAROLINA	<p>Audio broadcasts of Supreme Court arguments are made available on their website. See South Dakota Unified Judicial System: Supreme Court Hearings.</p>
SOUTH DAKOTA TENNESSEE	
TEXAS	<p>Texas does not have state wide rules or regulations on the broadcasting of criminal proceedings, but rather local rules for the given district/county control the issue. The Supreme Court of Texas must adopt the local rules, essentially giving their stamp of approval, so long as the local rules are in line with US Supreme Court and Texas precedent regarding sixth amendment and due process rights.</p>
UTAH VERMONT	<p>Although there is a strong presumption in the rules in favor of allowing recording, there is a disclaimer rule which states: "Except as provided by this rule, recording or transmitting images or sound of a proceeding without the express permission of the judge is prohibited. This rule shall not diminish the authority of the judge conferred by statute, rule, or common law to control the proceedings or areas immediately adjacent to the courtroom." Utah Code of Jud. Admin. 4-401.01(7).</p>
VIRGINIA WASHINGTON	<p>The statute says these rules "shall serve as guidelines" under which local districts may implement more detailed regulations. Cd. of Va. R. Crim. P. § 19.2-266.</p>
WEST VIRGINIA	<p>Any media coverage may not be admissible as evidence unless the presiding officer designated it as part of the official record of the proceeding. WV Trial Ct. Rule 8.09. 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. WV Trial Ct. Rule 8.06.</p>
WISCONSIN	<p>SCR 61.10 provides process for resolving disputes involving this chapter, Rules Governing Electronic Media and Still Photography Coverage of Judicial Proceedings.</p>
WYOMING	<p>In the Wyoming Supreme Court, absent express authorization by the court, individuals attending or participating in open court or confidential proceedings cannot use or operate any camera, video recording device, or audio recording device to record, broadcast, or photograph the proceedings. Rule 5 of the Supreme Court of Wyoming. Also of note: Uniform Rule 804 for District Courts of the State of Wyoming provides: "Media access, as set forth in Rule 53, W.R. Cr. P., is available in civil cases governed by the Wyoming Rules of Civil Procedure." Uniform Rules for District Courts of the State of Wyoming</p>

STATE OF MINNESOTA
FOURTH JUDICIAL DISTRICT COURT

PETER A. CAHILL
JUDGE
HENNEPIN COUNTY GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55487-0422
(612) 596-8733
peter.cahill@courts.state.mn.us



January 28, 2022

To the Advisory Committee on the Rules of Criminal Procedure

Re: Cameras in the courtroom

Thank you for the opportunity to comment on potential modifications to the rules governing cameras in the courtroom. My comments are limited to the use of cameras in criminal cases.

As a district court judge, I have opposed the use of cameras in the courtroom in criminal cases, but my recent experience in *State v. Chauvin* has changed my opinion such that I now believe cameras in the courtroom can be helpful in promoting trust and confidence in the judicial process and are sometimes necessary to safeguard both the defendant's right to a public trial and the public's right of access to criminal trials. I am not, however, a proponent of removing all limits on the use of cameras. Instead, I believe the use and limitations on cameras in criminal cases should be left primarily to the discretion of the trial judge presiding over an individual case. As trial judges, it is our responsibility to manage hearings and trials such that dignity and decorum are maintained while constitutional rights and Due Process requirements are respected. As part of that process, cameras can facilitate effective trial management in the right case but might be unnecessary or inappropriate in other cases. While parties certainly should have input into the court's decision, the party-consent provision that is currently in the rules should be eliminated.

A trial court judge's discretion should not be completely unfettered and should be subject to certain presumptions and prohibitions. For example, I believe that there should be a presumption against broadcasting pretrial hearings. Those hearings will often involve litigation about evidence that might ultimately not be admissible and the possibility that potential jurors could be inadvertently exposed to such excluded evidence should be limited as much as possible before trial. On the other hand, there should be a presumption that cameras be allowed in trials and sentencings. Jurors are routinely ordered to avoid media coverage once jury selection begins, and my experience, based on post-trial discussions with jurors, is that jurors regularly follow that order. To guide trial judges in deciding whether cameras will be allowed, factors

should be listed in the rule, including whether there is high public interest in the trial, whether security or public health concerns exist that would merit restriction of observers from the physical courtroom itself, and whether the use of cameras would promote transparency and public access.

If cameras are allowed, limitations should be placed in the rule concerning what proceedings should be limited to audio coverage only or not broadcast at all. Jurors should never appear on video. No minor witnesses should appear on video. No criminal sexual conduct victims should appear on video or audio. Autopsy photos or video should never be broadcast outside the courtroom. The same should be true for any exhibits that are extremely graphic or emotionally disturbing.

Finally, as you can tell from my order in *State v. Chauvin* (attached), details matter, and the trial judge should have wide discretion over the choice of the pool camera vendor and the procedures to be followed during the trials or hearings. A single person claiming to be a member of the media who just wants to prop a camera up in the courtroom would be distracting and not meet the goal of cameras being unobtrusive. To effectuate all the detailed procedures that should be a part of any court order allowing cameras, only experienced and professional media sources should be utilized.

Thank you again for allowing me to share my thoughts.

Sincerely,

Peter A. Cahill
Judge of District Court

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

vs.

DEREK MICHAEL CHAUVIN,
TOU THAO,
THOMAS KIERNAN LANE,
J. ALEXANDER KUENG,

Defendants.

**ORDER ALLOWING
AUDIO AND VIDEO COVERAGE
OF TRIAL**

Dist Ct. File 27-CR-20-12646
Dist Ct. File 27-CR-20-12949
Dist Ct. File 27-CR-20-12951
Dist Ct. File 27-CR-20-12953

This matter came before the Court on June 29, 2020 and September 11, 2020, on Defendants' motions for audio and video broadcast of the trial(s) in these cases.

Matthew Frank, Assistant Attorney General, appeared on behalf of the State of Minnesota at the June 29, 2020 hearing. Keith Ellison, Minnesota Attorney General, Matthew Frank, Assistant Attorney General and Neal Katyal, Special Assistant Attorney General, appeared on behalf of the State of Minnesota at the September 11, 2020 hearing. The State does not consent to audio or video coverage of any trials in these cases.¹

Eric J. Nelson, Attorney at Law, appeared on behalf of Defendant Chauvin. Robert M. Paule and Natalie R. Paule, Attorneys at Law, appeared on behalf of Defendant Thao. Earl P. Gray, Attorney at Law, appeared on behalf of Defendant Thomas Lane. Thomas C. Plunkett,

¹ The State filed its July 27, 2020 letter stating this position into all for cases. *See, e.g., Chauvin, 27-CR-20-12646, Dk # 62; Thao, 27-CR-20-12949, Dk # 66; Lane, 27-CR-2012951, Dk # 76; and Kueng, 27-CR-20-12953 Dk # 70.*

Attorney at Law, appeared on behalf of Defendant Kueng. All Defendants were present at the June 29 and September 11, 2020 hearings, with Chauvin appearing remotely via Zoom at the June 29, 2020 hearing. All Defendants have requested audio and video broadcast of the trial pursuant to Rule 4.02(d) of the Minnesota General Rules of Practice for the District Courts.

Based upon all the files, records, and proceedings, the Court makes the following:

ORDER

1. The joint jury trial to be held in the above-captioned cases commencing March 8, 2021 may be recorded, broadcast, and livestreamed in audio and video subject to the conditions listed below.
2. Audio and video recording, broadcasting, and livestreaming will be allowed only from Courtroom 1856, the trial courtroom, of the Hennepin County Government Center and only during trial sessions. Only matters that are on the record are subject to audio coverage. Sidebar discussions among the Court and counsel will be presumed to be off the record unless the Court indicates otherwise. Off the record matters may be covered by video, but only when the judge is on the bench and the trial is in session.
3. No video photography, still photography, or audio recording may be conducted in any other Hennepin County Government Center location where the use of recording devices is otherwise prohibited.
4. Up to three video cameras may be installed in the trial courtroom: one in the back of the courtroom facing the witness stand, one on the wall behind the jury box, and one on or near the bench facing the lectern where counsel examines witnesses. After installation before the beginning of trial, cameras will not be moved from their fixed positions.

5. Video cameras will be installed and operated by a single media organization (“Pool Producer”), selected by the Court, that is experienced in televising court proceedings. The Pool Producer will also be responsible for producing a single transmission feed to the Court for use in overflow courtrooms and to media outlets for recording, broadcasting, and livestreaming. The Pool Producer will not be compensated for its operation of the cameras and production of the single transmission feed. Neither the Pool Producer nor any media outlet will hold a copyright or any other intellectual property right for any of the raw footage from cameras or the single transmission feed that is produced that would prevent any other media outlet or entity from using, broadcasting, or sharing the footage or any other free use thereof. The Pool Producer shall also manage an audio, still photography, and video feed from the computers being used to publish exhibits to the jury, and may include such footage in its production of the single transmission feed. Finally, the Pool Producer will provide a “YouTube ready” version of the single transmission feed for the Minnesota Judicial Branch to use as it wishes.
6. Pan, tilt, and zoom (PTZ) functions of cameras may be used at the discretion of the Pool Producer, but with the following limitations:
 - a. No juror or potential juror shall appear in any video at any time. Audio of potential jurors during jury selection will be allowed, except that no audio shall be allowed for any *in camera* examination of a juror pursuant to Minn. R. Crim. P. 26.02 subd. 4(4).
 - b. No witness under the age of 18 shall appear in any video unless the witness and at least one parent or guardian of the witness consents in writing before the witness is called. Audio coverage shall be allowed regardless of whether video is allowed.
 - c. No members of the George Floyd family shall appear in any video unless the witness consents in writing or orally on the record before the witness is sworn. Audio coverage shall be allowed regardless of whether video is allowed.

- d. With the exception of when a verdict is taken, no video of counsel tables, including video of counsel for the State, the defendants, or defense counsel, shall be allowed unless all tables, counsel and parties are visible in the image (*i.e.*, no zooming in on any one table of participants).
 - e. The camera on or near the bench cannot be positioned or manipulated to view anything on the horizontal surface of either the bench or witness stand.
 - f. Camera PTZ functions shall be performed remotely and as quietly as possible so as to be imperceptible to trial participants.
7. The Pool Producer shall have a technician present in the courtroom during trial to troubleshoot and to facilitate communication between the Court and the Pool Producer.
8. No microphones will be placed at any counsel table and no audio coverage of conversations occurring at counsel tables shall be allowed.
9. Within two weeks of the conclusion of trial, the Pool Producer will provide to the Fourth Judicial District Administrator four copies of the single transmission feed. The District Administrator will file a copy of the single transmission feed as a court exhibit in each of the four cases. The format of the copies should be in a format approved by the Court.
10. The attached memorandum is incorporated.

BY THE COURT:

Peter A. Cahill
Judge of District Court

Memorandum

The right to a public trial, guaranteed by both the Sixth Amendment of the United States Constitution and Art I, § 6 of the Minnesota Constitution, is for the benefit of the defendant, not the public. *Gannett Co., Inc. v. DePasquale*, 443 U.S. 368, 381 (1979); *State v. Lindsey*, 632 N.W.2d 652, 660 (Minn. 2001). This right ensures that:

the public may see [the defendant] is fairly dealt with and not unjustly condemned, and that the presence of interested spectators may keep his triers keenly alive to a sense of their responsibility and the importance of their functions.”

Gannett Co., 443 U.S. at 380; *see also Estes v. Texas*, 381 U.S. 532, 538-39 (1965).

But concurrent with the defendant’s right to a public trial is the press and general public’s First Amendment right of access to public trials, recognized in *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573, 580 (1980), *Globe Newspaper Co. v. Superior Court for Norfolk County*, 457 U.S. 596, 605-06 (1982), and *Waller v. Georgia*, 407 U.S. 39, 44 (1984). The interests promoted by this First Amendment right of public access are similar to those promoted by the defendant’s Sixth Amendment right to a public trial:

Public scrutiny of a criminal trial enhances the quality and safeguards the integrity of the factfinding process, with benefits to both the defendant and to society as a whole. . . . Moreover, public access to the criminal trial fosters an appearance of fairness, thereby heightening public respect for the judicial process. And in the broadest terms, public access to criminal trials permits the public to participate in and serve as a check upon the judicial process – an essential component in our structure of self-government.

Globe Newspaper, 457 U.S. at 606 (citations omitted).²

² *See also Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 508-09 (1984) (emphasis in original; citations omitted):

The value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed; the sure knowledge that *anyone* is free to attend gives assurance that established procedures are being followed and that deviations will become known. Openness thus enhances both the basic fairness of the criminal trial and the appearance of fairness so essential to public confidence in the system. . . . [The openness of criminal trials] has what is sometimes described as a “community therapeutic value.” . . . Criminal acts . . . often provoke public concern, even

The defendant's Sixth Amendment right to a public trial and the public and media's rights of access to criminal trials under the First Amendment are not unlimited. *Globe Newspaper*, 457 U.S. at 606; *State v. Fageroos*, 531 N.W.2d 199, 201 (Minn. 1995). In the past, failures to restrict public and media access inside the courtrooms of high-profile trials resulted in media action that was so intrusive and disruptive that defendants' rights to a fair trial were violated.³ While the right of the press and public to attend criminal trials is sacrosanct, and carries with it the right to report what has occurred during the trial, the right does not include a right to "telecast" the actual proceedings. *Estes v. Texas*, 381 N.W.2d 532, 541-542 (1965).

Against this historical background, the Minnesota Supreme Court promulgated the current version of Minn. Gen. R. Prac. 4, which limits audio and visual media coverage of criminal proceedings. While that rule sets out a general rule of prohibition,⁴ it also allows for the visual and/or audio recording and reproduction of trial proceedings with the consent of all parties.⁵ Even with the consent of all parties, visual or audio recording of trial proceedings is limited.⁶ Normally, this rule can be applied without concern that it will impinge on the right to a public trial or the right of access held by the public and press. Spectators may freely attend trials, and the usual trial receives little attention, except from family and friends of the victim or

outrage and hostility; this in turn generates a community urge to retaliate and desire to have justice done. . . . Whether this is viewed as retribution or otherwise is irrelevant. When the public is aware that the law is being enforced and the criminal justice system is functioning, an outlet is provided for these understandable reactions and emotions. Proceedings held in secret would deny this outlet and frustrate the broad public interest; by contrast, public proceedings vindicate the concerns of the victims and the community in knowing that offenders are being brought to account for their criminal conduct by jurors fairly and openly selected.

³ See *Estes v. Texas*, 381 U.S. 532 (1965); see also *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 548-549 (1980) (discussing trial in the Lindbergh baby kidnapping and murder).

⁴ Minn. Gen. R. Prac. 4.01.

⁵ Minn. Gen. R. Prac. 4.02(d). All Defendants have moved for audio and video broadcast of the trial. The State has objected.

⁶ Minn. Gen. R. Prac. 4.02(d)(i)-(v).

the defendant and the Court can easily accommodate those wishing to attend the trial in person. On occasion, members of the media attend and report on the proceedings. All spectators, whether journalists, interested parties, or casual observers, may, in normal times, come and go as they please.

The instant situation, however, not only is abnormal—it is in fact quite unique. The COVID-19 pandemic persists and requires social distancing, especially during jury trials. All four Defendants here have been joined for trial by separate order filed today in all four cases in which this Court has granted the State’s motion for trial joinder. The joint trial requires extra counsel tables, and thus a higher demand on the space within the courtroom. Even when this Court used the largest courtroom in the Fourth Judicial District⁷ for the joint motion hearing on September 11, 2020, only a handful of family and media representatives could fit into the courtroom given all the parties and counsel and the social distancing requirements in the courtroom necessitated by the COVID-19 pandemic and various orders issued by Chief Justice Gildea and the Judicial Council in the wake of the COVID-19 pandemic.⁸ Most family and media had to observe the proceedings through a closed-circuit feed to other courtrooms,⁹ and even then had trouble hearing all of the proceedings. The general public could only observe from a closed-circuit feed to a courtroom several blocks away in the Hennepin County Government Center. The closed-circuit feed was limited to a static wide-view of the courtroom

⁷ Courtroom 630 of the Hennepin County Family Justice Center.

⁸ See, e.g., <https://mncourts.gov/mncourtsgov/media/CIOMediaLibrary/COVID-19/Statewide-JMRT-Recommendations-for-Jury-Trials.pdf>; <https://mncourts.gov/mncourtsgov/media/CIOMediaLibrary/COVID-19/Order-5152020.pdf>; <https://mncourts.gov/mncourtsgov/media/CIOMediaLibrary/COVID-19/Order-070720.pdf>.

⁹ Arguably, the use of these “overflow courtrooms” necessitates audio and video coverage of the proceedings that is not permitted by Minn. Gen. R. Prac. 4.02(d).

from a single camera above the jury box. This was a hearing that did not require space for jurors and it was still cramped.

A courtroom has been rebuilt in the Hennepin County Government Center, Courtroom 1856, for the upcoming joint trial in these cases. Spacing requirements mean there will be little, *if any*, room for any spectators in that courtroom during the trial.¹⁰ That includes not only family members and friends of George Floyd and the Defendants, but also members of the public and the press.

Not surprisingly, these cases continue to hold the interest of the press and the general public on an international scale. Virtually every filing by the parties in these cases is reported in the media, both locally and nationally. This Court's substantive orders also receive local and national news coverage. Protests demanding justice for George Floyd continue. It is expected that, even with some overflow courtrooms, the demand by family members, the public, and the press to attend the joint trial will outstrip the court's ability to provide meaningful access.

This Court concludes that the only way to vindicate the Defendants' constitutional right to a public trial and the media's and public's constitutional right of access to criminal trials is to allow audio and video coverage of the trial, including broadcast by the media in accordance with the provisions of the attached order. As the U.S. Supreme Court observed in *Sheppard v. Maxwell*, 384 U.S. 333, 350 (1966):

A responsible press has always been regarded as the handmaiden of effective judicial administration, especially in the criminal field. . . . The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the police, prosecutors, and judicial processes to extensive public scrutiny and criticism.

¹⁰ A non-traditional setting for the trial (high school auditorium, *etc.*) is not a feasible alternative because of the security concerns outlined in a separate Order for an anonymous jury, also being filed today.

The Court acknowledges that the attached order allows for greater audio and video coverage than that contemplated by Minn. Gen. R. Prac. 4.02(d), even if all parties had consented. It could be argued that the Court should simply follow the limitations of the rule to protect the constitutional rights of the Defendants, the public, and the press. The limitations of the rule are so extensive, however, that nothing would be known about the empaneled jurors, all witnesses could veto coverage of their testimony, and the public would be left with nothing but the arguments of counsel. That is hardly a basis for the public “to participate in and serve as a check upon the judicial process.”

The Court’s attached order seeks to accommodate the interests served by the current rule by expanding audio and video coverage only as necessary to vindicate the Defendants’ constitutional right to a public trial and the public’s and press rights of access to criminal trials in the unique circumstances currently prevailing in the COVID-19 pandemic and the intense public and media interest in these cases. By doing so, the Court is confident that “the public may see [that Defendants] [are] fairly dealt with and not unjustly condemned, and that the presence of interested spectators may keep [their] triers keenly alive to a sense of their responsibility and the importance of their functions.”

PAC

Date: 1/31/2022

To: Advisory Committee on the Rules of Criminal Procedure

From: Adrienne McMahon, Assistant Public Defender

Re: Audio and Visual Coverage of District Court Criminal Proceedings

Please accept this memo as my comments re: the proposal to review the rules regarding cameras in the courtrooms for criminal proceedings. As a public defender who has been practicing for 13 years, I am strongly opposed to changing the rules to allow for cameras to be present in the courtrooms and I worry that allowing that to happen would only serve to diminish the quality of justice, rather than improve it. While transparency in the court process is extremely important, it is my opinion that the current rules allow for the appropriate level of public access, and that allowing cameras in the courtroom will not improve the system. There are several reasons I have this concern.

1. The Chauvin trial was the first live-streamed criminal case in my memory in Minnesota. I watched this trial the entire way through, either as it was happening live or later on in the day, when I had time after work. I also followed the trial on social media and stayed up to date on the things that were being said and done within the community as a result of all of the public being able to see the trial, instead of just the people who could physically be present in a courtroom (assuming, of course, normal, non-pandemic times). I was horrified to hear that people were going after the defense expert witness because he testified for the defense, including leaving a pig's head at the expert's former residence¹. As a public defender, I found this extremely troubling. In order to be able to zealously advocate for my clients, I need to be able to ensure that expert witnesses are able to testify and when situations like this occur, it can cause a chilling effect on potential expert witnesses who will not want to be harassed or targeted by members of the public who disagree with their testimony. This occurred after the expert had testified; if it becomes a concern for experts or other witnesses before they testify, they may choose to not testify or they may disregard a subpoena. In the case of lay witnesses, they may choose not to cooperate with the defense investigation for fear that they may be called to testify and could be targeted. It is worth noting that the pig's head incident took place in California, a completely different state than ours, which shows the reach of cameras and the publicity of cases and just how far it can extend if members of the public want to harass and intimidate witnesses, regardless of where they are located.
2. In addition to the potential for intimidation and retaliation against witnesses, there is also concern for me as a defense attorney and for my clients. Earl Gray, one of the attorneys

¹ <https://apnews.com/article/derek-chauvin-expert-witness-pig-head-ca8eacbbfdc14928e1480671bff648f9>

who represents Thomas Lane, a co-defendant of Mr. Chauvin, reported that he and his client were physically attacked outside of the courthouse by a mob of people and that the mob damaged the car that they were in². As a public defender, I do not have the option of declining cases and I must represent anyone that I am assigned to represent. That includes people who are charged with very awful crimes, in which the parties involved can feel very strongly about the outcomes and the court process. I have dealt with angry family members of victims and the occasional insulting comment on a newspaper article about how I am a terrible person for defending “criminals.” However, those are very limited instances and when the vitriol has been directed at me in person at a courthouse, it has been one or two people, usually family members or friends of the alleged victim(s), and I have not felt unsafe by this. However, with cameras in the courtrooms allowing everyone to be aware of the cases that are ongoing, especially high-profile cases, I worry that I will be targeted in much the same way as Mr. Gray reported he was targeted. As a woman and a defense attorney, I would not feel safe having to navigate through an angry mob of people in order to get to my court hearings. I would feel like I was risking physical harm or that my client would be risking physical harm. Cameras in the courtrooms broadcasting everything that is happening in a case lets members of the public who may have no connection whatsoever to the case be aware of everything happening in a case, very easily, and the advent of social media means that people can coordinate efforts much faster than they used to be able to do. It would not be difficult for a section of the public to congregate outside of the courthouse on a day that I have a hearing in a high-profile case and threaten, harass, or intimidate me. The cameras make everything much more highly visible and as a result, allows people who otherwise would have no interest or awareness in a case suddenly become activists, not all of whom are going to be reasonable about their activism. I would be very worried about something like what Mr. Gray reported happening to him happening to me in the future if cameras are allowed.

3. Similar to my second point, I would also worry about members of the general public finding out where I live and harassing me. Again, defense attorneys are not very well respected by the general public, who see us as “getting criminals off.” We battle with that stigma every day already. But, I have never had to be worried that I would be bombarded at my home by angry members of the public who don’t like that I do the work that I do. This has happened recently, to Judge Regina Chu, where a mob showed up outside of what they believed to be her residence³. I am a single woman who lives alone—the terror I would feel at a group of people outside my first floor residence, screaming at me, would be indescribable. Cameras in the courtroom mean that everyone will be able to see every single thing that happens, not just something that a reporter

² <https://www.mprnews.org/story/2020/10/01/attorney-angry-crowd-justifies-a-change-of-venue-in-floyd-trial>

³ <https://www.startribune.com/demands-against-judge-in-kimberly-potter-trial-lead-to-protest-at-condo-unit/600114225/>

picks up and chooses to publish in an article. That means that people can get upset about everything that happens, anything they disagree with can set them off and cause them to rally together to go after a person in the courtroom. And the reality is that most of the time, it's going to be the defendants and their lawyers that are going to be held up as the villains. With a reporter in the courtroom, they generally have a routine of being in the courtrooms so they have a better understanding of how things work in courtrooms and what to expect than members of the general public who don't understand the nuances of things or whether things are common or not. In the Rittenhouse case in Wisconsin, there was much made about the fact that the judge determined that the prosecution could not refer to the alleged victims as "victims⁴." I had family and friends who were extremely upset about that ruling and I had to explain to them that that is actually quite common for the defense to request that, that I make that request in every case I have that goes to trial, and that it's fairly common that a judge will grant that request. As members of the general public, they didn't know that, so seeing that made them extremely upset. That was the consensus of many people on social media, as well. People who aren't in the courtroom every day, or very often, do not have the understanding of what is common, what is controversial, or what is important or not. A reporter has more experience in this realm and is less likely to blow something out of proportion that is actually quite insignificant.

4. Outside of the potential for in person threats or intimidation due to cameras making cases more widely accessible to non-involved persons, there is the very real issue of harassment in other forms that defense attorneys would most certainly receive. Eric Nelson, the attorney who represented Mr. Chauvin, received plenty of hateful emails, letters, and phone calls, as did another attorney named Eric Nelson who was not at all related to the case⁵. The Hill ran an opinion piece urging people should not hate Eric Nelson for simply doing his job⁶, a job which is absolutely vital, absolutely critical, to maintaining the legitimacy of our judicial system. People who didn't appear at the courthouse or the attorneys' homes to express their unhappiness with attorneys representing high profile defendants in the Chauvin and Potter cases still had to deal with a deluge of hateful vitriol in the form of emails, letters, and phone calls. Being a public defender is extremely hard work. We often feel like we are not respected by anyone else in the courtroom, by our clients, by our clients' families, or by the general public. When someone actually *thanks* me for the work I do, it almost brings me to tears because it is so rare for me to hear that. Other public defenders feel the same way. It's hard enough to be screamed at by clients or their families, to hear from your boss that despite everything you have done for a client

⁴ <https://www.cnn.com/2021/10/27/us/kyle-rittenhouse-trial-victim-terminology/index.html>

⁵ <https://bringmethenews.com/minnesota-lifestyle/thats-not-me-divorce-lawyer-with-same-name-as-chauvin-attorney-clarifies>

⁶ <https://thehill.com/opinion/criminal-justice/549420-chauvin-verdict-dont-hate-his-lawyer>

they have still contacted your boss to say how terrible you are, to have clients tell a judge that you are just a “public pretender.” We deal with it, since it’s part of the work and we can handle this from a few clients at a time. The stress of having to constantly be barraged with emails, letters, and phone calls from people who have no affiliation with the case, telling me how horrible I am and how I should die and how I am the devil, etc., etc. would be enough to break me and cause me to leave this job. I know for many public defenders, especially now with the pandemic backlog, our psyches are hanging on by a thread, our mental health is in poor shape, and we are barely holding it together. Add on the stress of being screamed at by total strangers and told how terrible and worthless you are when you answer your work phone, and you will not have many people who will be willing to do this work. None of this is happening now because the general public has to actually *come to the courthouse* to see the minutia of what’s going on in a case, or catch a recap in the news. But if people can sit at home, streaming the action in the courtroom, and simply pop off a scathing, insulting email from their laptop or phone from the comfort of their couch, the level of hatred we get is going to skyrocket.

5. Even if people in the general public don’t reach out in person or via letter, email, or phone to harass the lawyers involved in high profile, media covered cases, the fact remains that people will always mock others and by allowing everyone to have constant access to the courtroom by way of cameras in court, rather than people coming to the courthouse or catching it on the news, that enables more and more widespread and public mockery. One can argue that it’s just words, but over time, those things can become too much for a person to bear. Memes circulate now quickly on social media and the lawyers involved in recent high-profile cases have become the butt of cruel and unkind jokes. Multiply that into the thousands every day and try to imagine the toll that would play on someone’s mental health. Memes about attorney Eric Nelson cropped up almost instantly, as did comments on social media about how he was stupid, evil, dumb, unethical, etc. Reading that, hearing that, finding out about that over and over and over again is inevitably going to run someone into the ground. Access to videos, either live or recorded, of courtroom proceedings means that clips of a person speaking in court can be turned into a gif or a meme; images of someone in court can be turned into a cruel internet joke. All this adds up to take its toll on someone’s mental health and well-being.

The chilling effect that cameras would have on witnesses, experts, and even attorneys themselves who wish to avoid being ridiculed, harassed, threatened, or intimidated, would destroy the foundation of the judicial system. Perhaps if social media were not such a prevalent factor in our lives today, this would be different, but the reality is that social media can and does quickly create mobs and momentum to attack, harass, intimidate, or ridicule people that the public has decided is the villain. That includes attorneys who are assigned to represent the indigent. There is nothing preventing someone from coming in to the courtroom and viewing a trial or court proceeding if they wish—even in today’s world with the pandemic, a person can request and receive the Zoom courtroom login from court administration for a particular case/hearing and

they can watch as an observer, without there being a live-stream to the general public or a recording. People are able to be in courtrooms, in person or virtual, to see what is happening and have transparency. Trials continue to be public events as required by the Constitution, even during covid, with the ability to have two-way closed circuit video from the courtroom to a viewing room and vice versa. Adding cameras to the courtrooms to “improve” transparency will do nothing more than create targets on defendants’ and defense attorneys’ backs. It will impede the ability for the defense to find witnesses, lay or expert, willing to work with the defense for fear of retaliation. It will harm attorneys’ mental health and well-being.

I strongly urge the Committee to leave the Rules as they are and not to expand or modify them.

MINNESOTA COALITION ON GOVERNMENT INFORMATION (MNCOGI)
Minnesota Supreme Court Advisory Committee on the Rules of Criminal Procedure

Hal Davis

Comment on Cameras in Courtrooms

February 4, 2022

The Minnesota Society of Professional Journalists endorses this statement.

The Minnesota Coalition on Government Information urges the Minnesota Supreme Court Advisory Committee on the Rules of Criminal Procedure to recommend that Court procedures for audio or video coverage of criminal proceedings be expanded to accommodate public access to all proceedings.

MNCOGI supports expanding cameras in Minnesota courts as a way for the public to see what happens in its courtrooms. Cameras allow the public to observe government officials perform important duties that only a select few can witness in person. Such coverage provides the public with information vital to its role in a functioning democracy and helps ensure that the information disseminated is more complete and accurate.

With national viewership of the livestreamed murder trial of former Minneapolis police Officer Derek Chauvin in the death of George Floyd, Ramsey County Judge Richard Kyle Jr., Chair of the Advisory Committee, pointed out the proceedings went smoothly.

Several committee members have argued against cameras.

Some members said cameras may intimidate witnesses or encourage attorneys to grandstand. The Chauvin trial proved those fears groundless. The cameras did not disrupt the proceedings, and the public saw for themselves what happened in court.

On November 9, 2021, in her “Order Granting A/V Coverage of Trial [of *State v. Kimberly Ann Potter*],” Hennepin County Judge Regina Chu stated: “Televising the trial will not and does not violate the Defendant’s right to a fair trial. The Chauvin trial should allay any trepidations about cameras in the courtroom.” (p. 3.)

Some defense lawyers contend that the current rules give the public a distorted view of criminal defendants since video is allowed only after a finding of guilt. Brief camera coverage of sentencing hearings doesn’t shed light on what has occurred in the course of a criminal case.

MNCOGI agrees. The best way to shed light would be to allow cameras at every stage of criminal proceedings, since many such cases end in acquittals.

On January 19, 2022, Hennepin County Judge Peter Cahill [ordered](#) that trial exhibits in the Chauvin case, including the entirety of the trial filmed by Court TV, be made available to the public and the news media for viewing and inspecting, from Feb. 7 to Feb. 18. Court TV's hard drive of the livestream of jury selection and trial is Court Exhibit 30. Judge Cahill ordered that the Court Administration shall make copies of Exhibit 30 requested by any member of the public or press who provides a suitable hard drive and pays the standard court copying charge.

Judge Cahill's order shows that the Court Administration can order full video of a trial made available to the public. In fact, one member of this committee – Greg Scanlan, a Hennepin County assistant public defender – suggested the Minnesota Judicial Branch provide video coverage of all trials.

This has been the case in at least one state since 2012. In Ohio, video is one way the court makes a record of day-to-day activities at the trial level.

This is from the Rules of Superintendence for the Courts of Ohio:

<http://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/Superintendence.pdf>

RULE 11. Recording of Proceedings.

- (A) **Recording devices.** Proceedings before any court and discovery proceedings may be recorded by stenographic means, phonographic means, photographic means, audio electronic recording devices, **or video** recording systems. The administrative judge may order the use of any method of recording authorized by this rule. (*Emphasis added.*)

This means that the transcript of trial court proceedings can be video public record. A member of the public can call the Ohio Office of Court Services and ask for the minutes of, for example, June 10, 2021, of Courtroom X of the Montgomery County Court of Common Pleas, and get a DVD of the public proceedings the same day.

As to the effect of cameras on Ohio jurisprudence, Ohio Chief Justice Maureen O'Connor wrote [this](#): “As a prosecutor and trial judge, I spent nearly three decades in courtrooms with cameras and, over the past 10 years, have heard hundreds of cases at the Ohio Supreme Court that were broadcast live on TV. I have seen no evidence that the presence of cameras has a negative effect on proceedings.”

MNCOGI believes it is time to let the people of Minnesota see what goes on in the people's courtrooms.

T H E M I N N E S O T A
C O U N T Y A T T O R N E Y S
A S S O C I A T I O N

February 7, 2022

Mr. Kyle Christopherson
Communications Specialist
Court Information Office
305 Minnesota Judicial Center
25 Rev. Martin Luther King Jr., Blvd.
St. Paul, MN 55155

RE: Comment on Cameras in Courtrooms

Dear Mr. Christopherson,

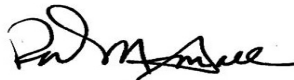
The Minnesota County Attorneys Association is deeply committed to protecting the rights of victims, witnesses and litigants in criminal cases. Prior to the adoption of the pilot project regarding cameras in the courtroom, the members of our association, along with a number of victim advocacy groups, expressed strong reservations about victims and witnesses being further traumatized by the presence of cameras during the proceedings.

We appreciate that the Court's August 12, 2015 Order instituting the pilot program recognized these concerns. The Court significantly limited the kinds of cases where audio and visual could be present, limited the coverage to post-verdict hearings, prohibited the coverage of victims and their families to those instances where the victims affirmatively consented, prohibited the coverage of other witnesses where those witnesses objected to the coverage, and required adequate notice by news media prior to any coverage.

The Criminal Rules Committee has now invited any person or organization to provide written comments in support of or in opposition to modification or expansion of the requirements of Rule 4 of the General Rules of Practice. The Minnesota County Attorneys Association is opposed to any further expansion of audio and video coverage in criminal cases. We are committed to implementing these current rules in a manner that assures they work for all of the stakeholders.

Thank you for considering our comments.

Sincerely,



Robert M. Small
Executive Director

Before the Minnesota Supreme Court Advisory Committee on the Rules of Criminal Procedure

Comments on Cameras in Minnesota State Courts

Silha Center for the Study of Media Ethics and Law

February 2022

On June 18, 2021, the Minnesota Supreme Court directed the Advisory Committee on the Rules of Criminal Procedure to review Rule 4.02 of the General Rules of Practice for the District Courts, and “consider whether the requirements set forth in that rule for audio and video coverage of criminal proceedings should be modified or expanded.”¹

Rule 4 of the Minnesota General Rules of Practice governs “Visual and Audio Recordings.” Rule 4.02 (d) currently allows media cameras to record most criminal proceedings only when the defense, prosecution and presiding judge consent.² The Silha Center believes that this rule should be modified and expanded to create a presumption allowing camera access to all criminal district court proceedings. Encouraging extended media access to criminal court proceedings will help enhance public oversight of and trust in the judicial process and fulfill the First Amendment access rights of the press and public.

Minnesota is an outlier among the states because it allows cameras in most criminal proceedings only with the consent of all parties. Most surrounding states, including Iowa and Wisconsin, have allowed cameras in criminal trials for many years. Although opponents of cameras in Minnesota criminal trials have argued that the presence of cameras could detract from

¹ In Re The Minnesota Supreme Court Advisory Committee on the Rules of Criminal Procedure. Minnesota Office of Appellate Courts. June 18, 2021.
https://www.mncourts.gov/mncourtsgov/media/CIOMediaLibrary/News%20and%20Public%20Notices/Orders/ADM10-8049_Order_6-18-2021.pdf.

² MINN. R. 4 (last amended Sept. 1, 2018).
<https://www.mncourts.gov/mncourtsgov/media/Appellate/Supreme%20Court/Court%20Rules/GRP-Tit-I.pdf>.

or disrupt the solemnity of the proceedings, the successful “gavel-to-gavel” coverage of the Derek Chauvin and Kimberly Potter trials demonstrates that Minnesota is ready to implement this change.

Citing the unique circumstances of the Chauvin trial during the COVID-19 pandemic, Hennepin County District Judge Peter Cahill permitted limited audio and video recording, broadcasting, and livestreaming of the trial, informed by the advocacy of a media coalition which included the Silha Center and with the support of Hennepin County Chief Judge Toddrick Barnette. His order expanded public access to a degree that was unprecedented in this state. According to Nielsen, at least 23.2 million Americans watched the trial live on television, and even more watched via cellphones or laptops.³

Moreover, the order allowing camera coverage increased public access without detracting from the proceedings. Many individuals who had opposed cameras in Minnesota criminal trials, based largely on hypothetical concerns, changed their minds after observing expanded access in practice. Minnesota Attorney General Keith Ellison initially opposed camera coverage, but told KMSP-TV on April 28, 2021 that his opinion had changed. “I wanted this trial to be a pursuit of truth and I was worried cameras might interfere with that goal,” he said. “But it turned out, it worked better than I thought, so I’ll say, I can be wrong, I guess I was a little bit.” Hennepin County Chief Judge Barnette told Minnesota Public Radio on April 29, 2021 that he was a “longtime skeptic” of cameras in the courtroom, but that working with journalists in the media pool during the trial changed his mind. “Over time, I felt more comfortable that they were really interested in the integrity of the process and worked very hard to make sure there were no

³ Nielsen: at least 23.2 million watched Chauvin verdict. AP NEWS. Apr. 22, 2021. <https://apnews.com/article/george-floyd-death-of-george-floyd-arts-and-entertainment-90295405db812108acd9c45433b2a879>.

violations of Judge Cahill’s order,” he said. Law professor Mary Moriarty, who served as Chief Public Defender for Hennepin County from 2014 to 2020, also initially opposed cameras in court. She told MPR on April 29, 2021 that her view changed. “I think it was important for people to see what happened, what the witnesses said, what the lawyers said, what the judge did, for the legitimacy of the process.”

Similarly, presiding Judge Regina Chu permitted cameras to cover the trial of former Brooklyn Center police officer Kimberly Potter. In her order allowing coverage, Chu said the success of media coverage during the Chauvin trial “should allay any trepidations about cameras in the courtroom.”⁴ Former Hennepin County District Court Chief Judge Kevin Burke told MPR News on Feb. 3, 2022 that the success of media coverage in the Potter trial advanced the argument for making this access permanent. “I believe that the Chauvin trial, and more recently, the Potter trial, have gotten a lot of people who historically had been opposed to say, ‘Maybe we should go ahead and do this.’”⁵ Televising the Chauvin and Potter trials demonstrated that cameras were not disruptive and did not violate the privacy interests of jurors or witnesses.⁶

As it considers recommending revisions to Rule 4, we urge the Advisory Committee to create a presumption that camera access will be permitted, while still allowing presiding judges to exercise appropriate discretion. For example, Judge Cahill prohibited video of Floyd family members and juvenile witnesses unless they consented, as well as prohibiting video coverage of jurors’ faces. That said, in our view, judges should limit or exclude cameras only if one of the

⁴ Order Granting A/V Coverage of Trial. 27-CR-21-7460. Nov. 9, 2021. https://mncourts.gov/mncourtsgov/media/High-Profile-Cases/27-CR-21-7460/Order-Regarding-Audio-Video-Coverage_1.pdf.

⁵ Nina Moini. *Federal trial of former MPD cops raises court access concerns*. MPR NEWS. Feb. 3, 2022. <https://www.mprnews.org/story/2022/02/03/federal-trial-of-former-officers-raises-court-access-concerns>.

⁶ Steve Karnowski. *Media groups protest restrictions for 3 ex-officers’ trial*. ASSOCIATED PRESS. Jan. 18, 2022. <https://apnews.com/article/death-of-george-floyd-paul-magnuson-tou-thao-george-floyd-minneapolis-9d7bb83a893ad3cfd842912b21bf5136>.

parties can demonstrate that the presence of cameras will cause harm. As a former Justice of the Florida Supreme Court, Peggy A. Quince, has written, the standard for demonstrating such harm must be high, and attorneys representing the media must have an opportunity to be heard in opposition.⁷

Expanding camera access permanently would be a positive step in the larger movement to increase public access to the courts. The COVID-19 pandemic kickstarted acceptance of remote proceedings and has dramatically enhanced public access to court processes. After the public health situation improves, it is essential that this momentum is not lost. As Robert B. Mitchell and Monica A. Romero wrote in the *National Law Review* in January 2022, “Of the [38] states that have adopted a live audiovisual broadcasting system in response to the COVID-19 pandemic’s impact on court access, public engagement has greatly increased ... fear of the unknown and dark predictions of grandstanding have lost much of their power in the debate over cameras in the appellate courtroom.”⁸

Minnesota must not return to the pre-COVID status quo. Abstract concerns about the presence of cameras intimidating witnesses or jurors, creating security problems, or violating privacy all proved to be unfounded during the Chauvin and Potter trials. Those hypothetical concerns pale in comparison to the reality of diminishing public trust in American institutions, including the courts. Allowing meaningful public access to courtrooms by admitting cameras will help to revive that public trust. As the Minnesota Supreme Court’s June 18, 2021 order acknowledged, public access has an integral role in promoting civic confidence and engagement:

⁷ Peggy A. Quince. *Cameras in the Courtroom: Looking Back Over 30 Years*. FLORIDA BAR NEWS. Apr. 1, 2009. <https://www.floridabar.org/the-florida-bar-news/cameras-in-floridas-courts/>.

⁸ Robert B. Mitchell & Monica A. Romero. *COVID-19: Cameras in the Courtroom: Public Access to Appellate Proceedings Post-COVID-19*. NAT’L L. REV. Jan. 10, 2022. <https://www.natlawreview.com/article/covid-19-cameras-courtroom-public-access-to-appellate-proceedings-post-covid-19>.

“Public interest in and access to judicial proceedings is vital to the fair, open, and impartial administration of justice; it promotes confidence in the basic fairness that is an essential component of our system of justice.”

Building and restoring confidence in government institutions is essential. As Judge Burke wrote for the Hennepin County Bar Association in June 2020: “Trust is a precious commodity, and as a result, courts need to pay attention to building a reservoir of trust to withstand the tide winds that inevitably occur when an unpopular decision is issued. . . . Trust in institutions is fractured. And while that fractured trust is not mostly directed at courts, it is dangerously close.”⁹

Although the U.S. Supreme Court has not yet found an explicit right for cameras to be present in courts, its case law overwhelmingly favors robust interpretation of its long-recognized First Amendment presumption of access for the press and public to criminal proceedings. The High Court first found this right of access to criminal trials in *Richmond Newspapers v. Virginia*, 448 U.S. 555 (1980). Subsequently, in *Globe Newspaper Co. v. Superior Ct. for Norfolk Cty.*, the High Court held that this right was so strong that a blanket state law excluding public and press from criminal trials involving minor victims of sexual offenses was unconstitutional. 457 U.S. 596 (1982). The *Press Enterprise* cases extended this First Amendment right of access to preliminary hearings and *voir dire*. *Press-Enter. Co. v. Superior Ct.*, 464 U.S. 501 (1984); *Press-Enter. Co. v. Superior Ct.*, 478 U.S. 1 (1986). Significantly, in *Chandler v. Florida*, although the High Court declined to hold that the First Amendment guarantees camera access to courtrooms, it did determine that allowing cameras in criminal courts does not violate criminal defendants’ constitutional rights. 449 U.S. 560 (1981).

⁹ Kevin S. Burke. *Cameras in the Courtroom: An Outmoded Issue*. HENNEPIN LAWYER. June 29, 2020. <https://www.mnbar.org/hennepin-county-bar-association/resources/hennepin-lawyer/articles/2020/06/29/cameras-in-the-courtroom-an-outmoded-issue>.

All these cases recognize a constitutionally-based right of *meaningful* public and media access to state criminal proceedings. Expanding Rule 4 to create a presumption of camera coverage is a reasonable interpretation of this right. Livestreaming, recording, and broadcasting criminal trials allow all members of the public – not only those who are physically able to attend court proceedings – the opportunity to observe and draw their own conclusions about the judicial process and to participate meaningfully in the criminal justice process.

Perhaps former Supreme Court Justice Warren Burger said it best: “People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.”¹⁰

Respectfully submitted,

SILHA CENTER FOR THE STUDY OF MEDIA ETHICS AND LAW

By Jane E. Kirtley, J.D.*
Director, Silha Center for the Study of Media Ethics and Law
Silha Professor of Media Ethics and Law
Hubbard School of Journalism and Mass Communication
University of Minnesota**

kirtl001@umn.edu
(612) 625 9038

*Admitted to practice in New York, the District of Columbia, and Virginia.

**For identification purposes only.

¹⁰ *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980).

APPENDIX TO COMMENTS OF THE SILHA CENTER FOR THE STUDY OF MEDIA ETHICS AND LAW

This is a link to a column written by Silha Professor and Silha Center Director Jane E. Kirtley on the topic of cameras in the courts in July 2021.

“Making the Case for Cameras in the Court,” *Smerconish for Independent Minds*, July 3, 2021. <https://www.smerconish.com/exclusive-content/making-the-case-for-cameras-in-the-courts>

Brief biography:

JANE E. KIRTLEY is the Silha Professor of Media Ethics and Law at the Hubbard School of Journalism and Mass Communication at the University of Minnesota, where she directs The Silha Center for the Study of Media Ethics and Law. Prof. Kirtley is also an affiliated faculty member at the University of Minnesota Law School, and has held visiting professorships at Suffolk University and Notre Dame law schools. She was a Fulbright Scholar teaching U.S. media law and media ethics at the University of Latvia’s Law Faculty in Riga during Spring 2016, and has received numerous Speaker and Specialist grants to lecture abroad for the U.S. State Department, most recently in Brazil in May 2019. Prof. Kirtley has written friend of the court briefs filed in the U.S. Supreme Court, two books, and many book chapters and articles for scholarly journals and the popular and professional press, including *The New York Times*, *The Conversation*, and the *Guardian* (UK).

Before coming to Minnesota in 1999, Prof. Kirtley served as Executive Director of The Reporters Committee for Freedom of the Press for 14 years. Prior to that, she practiced law in New York, Virginia, and Washington, D.C., and was a reporter for newspapers in Indiana and Tennessee. Her honors include the Edith Wortman First Amendment Matrix Foundation Award; the National FOI Hall of Fame; and the John Peter Zenger Award for Freedom of the Press and the People’s Right to Know. She was a Pulitzer Prize juror in 2015. Prof. Kirtley’s J.D. is from Vanderbilt University Law School, and her bachelor and master of journalism degrees from Northwestern University’s Medill School of Journalism.



One West Water Street, Suite 260, St. Paul, Minnesota 55107
Phone (612) 940-8090 / (866) 940-8090 · www.mnallianceoncrime.org

RE: RULE 4 of the General Rules of Practice

I am providing feedback regarding the use of cameras in the courtroom, on behalf of MAC's ninety-six (96) member programs who provide support and services to victims of crime throughout Minnesota. Seventy-two (72) are victim/witness programs that reside within prosecutorial offices. Remaining members are either community or law enforcement-based victim service programs.

MAC surveyed member programs to collect feedback regarding the current requirements of Rule 4 of the General Rules of Practice. While there certainly have been acknowledged benefits, the majority of victim advocates would not support broader use of cameras in courtrooms and they would like to see increased exclusions to include most, if not all, person crimes.

The benefits that have been documented center around two themes;

- 1) Education of the general public regarding the current criminal/legal system in Minnesota; and
- 2) Increased accountability of all courtroom players, e.g. disparaging comments towards a victim and dispositional sentencing that is not supported by the facts of a case.

While both of these examples of benefits should be taken into consideration, there is also strong sentiment that educating the public about the court process and holding judicial officials accountable can both be achieved without use of cameras in the courtroom.

The concerns and documented negative experiences by those victimized as a result of cameras being present in the courtroom far outweigh any benefits. In reviewing all feedback MAC received, we heard several recurring themes

- 1) Victims/survivors and families need additional preparation for the pressures of the cameras. Adding this burden on top of the already intense feelings regarding courtroom testimony can sometimes be too much. The mental health of the victim and/or family members should be prioritized over the use of cameras.
- 2) The identity of the victim/survivor should be preserved despite the cameras. State witnesses can be instructed and cautioned regarding this, however, the state has no control over defense witnesses who may deliberately try to disclose the identity of the victim despite best efforts. This has resulted in a loss of victim participation. A victim advocate from Hennepin County wrote: "I have a difficult time getting victims to 1) want to appear for court on their case even on Zoom, 2) request restitution since they think that will make a defendant angry and retaliate, 3) provide a victim impact statement for the same reason as #2. Witnesses that are subpoenaed for court always try to not be needed and believe they will be retaliated against if they testify. Now add cameras to the mix. Trying to find justice for victims and their families is difficult even without cameras. With social media and the internet, in general, trying to stay private is an ever-eluding issue even for those of us who work in the system. I



One West Water Street, Suite 260, St. Paul, Minnesota 55107
Phone (612) 940-8090 / (866) 940-8090 • www.mnallianceoncrime.org

believe any expanded use of cameras in the courtroom will mean critical witnesses will not show, let alone other people (who do not want to not be connected) to the case. The level of violence is escalating in the community-victims are being chased down if they run from being carjacked, people are being watched and then followed home to be robbed at gunpoint, victims are getting shot even after giving up their car keys. Why would any victim choose to participate in the prosecution of their perpetrator if we cannot guarantee safety and privacy?"

- 3) For small communities (namely BIPOC, immigrant, and other marginalized communities), seeking justice via the legal system may not be seen as a supported option or choice. If a victim/survivor chooses to report an incident of violence against the wishes or practices of their community, this could mean expulsion from the community, the inability to return to a home country, or alienation from family and community at an increased rate if cameras were allowed in the courtroom.

MAC also identified potential future negative impacts that should also be considered;

- 1) We know that what is found on the internet can have a drastic impact on people's future. We are concerned about what impact televised court proceedings could have on a victim/survivor's ability to find housing, employment, social relationships, etc.
- 2) Victim/survivors fleeing violence require confidentiality to ensure their safety as they move through the court process and beyond. In many court proceedings, it is essential to establish venue, that victim/survivors must on the record current addresses, locations, and other personal information. How will Safe at Home participants be protected?

Unfortunately, Minnesota has experienced too many tragic "high profile" criminal cases over the past two (2) years. This has resulted in the call for transparency within the criminal/legal systems and expanded use of cameras in the courtroom. There is no evidence that the outcome of cases or public response to the dispositions was benefited from having cameras in the courtroom. Instead, it has fed a voyeuristic hunger that has no connection to achieving just outcomes for victims and/or their family members and further marginalizes the safety and accessibility of the criminal/legal system for victims and witnesses of crime.

In closing, on behalf of MAC's membership who work with crime victims and witnesses every day, inside of courtrooms throughout Minnesota, we oppose and change to Rule 4 that would expand opportunities for cameras in the courtroom and ask that the Advisory Council explore adding all person crimes to the list of crime types that automatically exclude cameras in the courtroom.

Sincerely,

A handwritten signature in black ink that reads "Bobbi Holtberg".

Bobbi Holtberg/Executive Director

Feb. 9, 2022

To the committee on rules of criminal procedure

My name is Joe Spear. I am the managing editor of the Mankato Free Press where I have worked for 31 years, the last 16 as managing editor. I am also the media coordinator for the 5th and 1st Judicial Districts for the cameras in the court program.

I am past president and current member of the Minnesota Chapter of the Society of Professional Journalists, who I represent here today.

I have become very familiar with how the current cameras in the court program works. In the last 10 years or so that I have seen all the media requests for cameras in those districts, I have heard of no complaints from victims, witnesses, lawyers, judges or others involved in a trial where cameras were allowed.

I submit that evidence and evidence provided by my colleagues and the recent high-profile televised cases of the George Floyd murder trial and the Daunte Wright manslaughter trial to strongly advocate that the cameras in the court be allowed in all criminal proceedings as outlined by various proposals.

In all my years in journalism, I have met face to face with many people who are angry at the courts or who do not understand the courts. These folks were both victims, the accused and the general public who often think sentences are too easy on criminals.

I realize there are competing interests here with press freedom and victim privacy. But the committee should also consider damage done to the institution of the judiciary by the current lack of transparency.

Of course, complete victim privacy can never happen in public courts.

My colleagues and others will point out cameras in courts have been the norm in our neighboring states for years. There appears to be little or no evidence of disruption of the courts or damage to victims in those states.

As a member of the media, I appreciate recent outreach efforts of the courts to hold hearings in outstate locations, and to allow for full broadcast of appeals court and Minnesota Supreme Court arguments.

But criminal courts have a broader impact on the public. It is the place where rights and freedom are decided. Freedom from incarceration in a democracy should be taken

seriously. The governed have a huge stake in the power of prosecutors and judges and the freedom of the people. The masses have a right to easily see how their courts work.

In the end, the truth is the truth. A camera doesn't change that. It only sheds more light on it.

Joe Spear

Managing Editor

Mankato Free Press

Past President MNSPJ

507-317-8073

jspear@mankatofreepress.com

Artika Roller
Executive Director
The Minnesota Coalition Against Sexual Assault
161 St. Anthony Avenue
Suite 1001
St. Paul, MN 55103



February 9, 2022

To Kyle Christopherson,

The Minnesota Coalition Against Sexual Assault (MNCASA) is the voice for over 60 sexual assault victim advocacy programs statewide. These programs support survivor needs on a 24-7 basis through crisis lines, support groups, connection to services, and access to the legal system.

MNCASA supports upholding Rule 4 of the General Rules of Practice with no changes. In particular, we support the continued prohibition of cameras in courtrooms in sexual assault cases.

Even in this #MeToo era of heightened awareness about sexual harassment and sexual violence, we see survivors encounter disbelief and outright hostility when they go public. This is true especially in high profile cases when they report against someone powerful and well-known in the community or when the victim/survivor is a member of an oppressed community. The allowance of cameras often amplifies the backlash victims/survivors experience in the criminal legal system, potentially endangering and retraumatizing them. In addition, allowing cameras may discourage other survivors from reporting and may be triggering.

MNCASA does agree that an open and transparent legal system and independent media monitoring government activities are central to a healthy democracy. There may be cases when the allowance of cameras is necessary to uphold human rights and transparency. But, the fact remains that we live in a society that continues to place the burden on victims of sexual violence to prove that the violence was not their fault. For that reason, MNCASA asks the court to make no changes to Rule 4 and ensure the continued privacy of survivors.

Thank you for your consideration. Please contact MNCASA if the Advisory Committee on the Rules of Criminal Procedure has any questions or would like more information.

Sincerely,

Artika Roller

Executive Director
The Minnesota Coalition Against Sexual Assault

MINNESOTA DISTRICT
JUDGES ASSOCIATION
MDJA

February 22, 2022

The Honorable Richard H. Kyle Jr.
Chair, Minnesota Supreme Court Advisory Committee on Rules
15 West Kellogg Boulevard
St. Paul, MN 55102

Dear Judge Kyle and Members of the Committee:

Thank you for your work in reviewing Rule 4.02. Also, thank you for the opportunity to submit a letter and provide testimony regarding the contemplated rule change.

The Minnesota District Judges Association objects to any change to Rule 4.02. Our Board of Directors met on February 19, 2022, and by unanimous vote (with your understandable abstention) objects to any change to expanding mandates for cameras in the courtroom. This reaffirms MDJA's long-held position.

In 2014, our then MDJA President and now current First Judicial District Chief, Judge Kevin Mark wrote the Advisory Committee on Rules, "[T]he Board met on October 17, 2014, and by unanimous vote, directed me as President of the Association to express our strenuous objection and disapproval of the recommendations made by the Supreme Court Advisory Committee on the Rules of Criminal Procedure in its report of July 29, 2014." Seven years later, our position remains the same.

Justice will not be served by the expansion of Rule 4.02. Judges must continue to retain the discretion to weigh factors, such as the nature of the case, the procedural posture, the parties, the public's right to observe, the hardship on a victim, the hardship on the victim's family, and the Defendant's right to a fair trial. When judges stop examining these factors, a judge is no longer ensuring a result that is right and just.

Any change to the Rule appears to be a solution in search of an undefined problem. We have many recent examples in Minnesota of high-profile cases where the court has carefully weighed the issues of cameras in the courtroom. In some cases, cameras were permitted and in others, they were not. Justice is best administered on a case-by-case basis carefully weighing both the advantages and disadvantages of having cameras in the courtroom.

For these reasons, we urge the Committee not to make any changes to Rule 4.02. Thank you for your work and for considering our position.

Warmest regards,



Judge Lois R. Conroy
President, MDJA

PRESIDENT

Judge Lois Conroy
Fourth Judicial District
Hennepin County Gov't Center
300 South Sixth Street
Minneapolis, MN 55487
lois.conroy@courts.state.mn.us
(612) 596-9010

VICE-PRESIDENT

Judge Eric Schieferdecker
Ninth Judicial District
Clearwater County Courthouse
213 Main Avenue, #303
Bagley, MN 56621
eric.schieferdecker@courts.state.mn.us
(218) 694-6177

PAST-PRESIDENT

Judge John C. Hoffman
john.hoffman@courts.state.mn.us

TREASURER

Judge Richard H. Kyle Jr.
Second Judicial District
Ramsey County Courthouse
15 West Kellogg Blvd.
St. Paul, MN 55102
Richard.kyle@courts.state.mn.us
(651) 266-8467

~~~

**STAFF ATTORNEY**

Jenifer J. O'Leary  
Minnesota Judicial Center, Suite 130  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
jenifer.oleary@courts.state.mn.us  
(651) 297-7582

**PROGRAM COORDINATOR**

Jen Rico  
Minnesota Judicial Center, Suite 120  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
jen.rico@courts.state.mn.us  
(651) 297-6821