

ARTICLE VII. MEDIA COVERAGE OF JUDICIAL PROCEEDINGS

PREAMBLE

Proceedings in court should be conducted with fitting conduct and decorum. Although this rule permits the taking of photographs, the broadcasting, televising, and recording of court proceedings, such activities shall be subject to the requirements set forth in these rules.

RULES OF MEDIA ACCESS

Rule 1. Authority of Trial Justice.

Rules of conduct under these rules do not limit or restrict the power, authority or responsibility vested in the trial justice to control the conduct of judicial proceedings. The authority of the trial justice over the inclusion or exclusion of the press or the public at particular proceedings or during the testimony of particular witnesses is applicable to any person engaging in any activity authorized by these rules. For purposes of this provision, the term “trial justice” includes any judicial officer or master who conducts a judicial or quasi-judicial proceeding.

Rule 2. Media.

For purposes of these rules the term “media” includes persons engaged in televising, broadcasting, videotaping and/or photographing (either with still or motion picture camera) of court proceedings. Persons engaged in taking written notes for the printed press shall not be included in the term, except where specifically so indicated.

Rule 3. Court Proceedings.

For purposes of these rules the term “court proceedings” shall include all judicial proceedings in the Supreme Court, Superior Court, District Court, Workers' Compensation Court and Family Court, except that media coverage shall not be permitted in respect to juvenile proceedings, adoption proceedings or any other matters in the Family Court in which juveniles are significant participants in the court proceedings.

(a) Coverage Outside Court Proceedings Prohibited. No televising, photographing or broadcasting shall take place in courthouse corridors or other portions of the courthouse building, save the courtroom during court proceedings. No televising, photographing or broadcasting shall take place within the courtroom during recesses or at any other time when the trial justice is not present and presiding.

(b) Hearings Outside Presence of the Jury. During or immediately preceding a jury trial, there shall be no televising or broadcasting during hearings which take place outside the presence of the jury. Without limiting the generality of the foregoing, such hearings would include 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).

Rule 4. Equipment and Personnel.

(a) Not more than one television camera or video tape electronic camera, operated by not more than one camera person, shall be permitted in any trial court proceeding. Not more than two television cameras, operated by not more than one camera person each, under a pooling arrangement, shall be permitted in any appellate court proceeding.

(b) Not more than one still photographer, utilizing not more than two still cameras with not more than two lenses for each camera and related equipment for print purposes shall be permitted in any proceeding in a trial or appellate court.

(c) Not more than one audio system for radio broadcast purposes shall be permitted in any proceeding in a trial or appellate court. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility, where practicable. If no technically suitable audio system exists or is available in the court facility, microphones and related wiring essential for media purposes shall be unobtrusively installed and shall be located in places designated in advance of any proceeding by the trial justice.

(d) Any “pooling” arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the trial justice to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed equipment or personnel issues, the trial justice shall exclude all contesting media personnel from a proceeding.

Rule 5. Sound and Light Criteria.

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

(b) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. Specifically, such still camera equipment shall produce no greater sound or light than a 35mm Leica “M” Series Rangefinder camera, and no artificial lighting device of any kind shall be employed in connection with a still camera.

(c) It shall be the affirmative duty of media personnel to demonstrate to the trial justice adequately in advance of any proceeding that the equipment sought to be utilized meets the sound and light criteria enunciated herein. A failure to obtain advance judicial approval for equipment shall preclude its use in any proceeding.

Rule 6. Location of Equipment and Personnel.

(a) Television camera equipment shall be positioned in such location in the courtroom as shall be designated by the trial justice. In respect to courtrooms which are used by a number of trial justices for limited periods, television camera equipment shall be positioned in such location in the court facility as shall be designated by the presiding justice or chief judge of the trial court which utilizes such facilities. The area designated shall provide reasonable access to coverage. If and when areas remote from the court facility which permit reasonable access to coverage are provided, all television camera and audio equipment shall be positioned only in such areas. Video tape recording equipment which is not a component part of a television camera shall be located in

an area remote from the court facility.

(b) A still camera photographer shall position himself or herself in such location in the court facility as shall be designated by the trial justice. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed position within the designated area and once a photographer has established himself or herself in a shooting position, he or she shall act so as not to call attention to himself or herself through further movement. Still camera photographers shall not be permitted to move about in order to obtain photographs of court proceedings.

(c) Broadcast media representatives shall not move about the court facility while proceedings are in session, and microphones or taping equipment once positioned as required by 4(c) above shall not be moved during the pendency of the proceeding.

Rule 7. Movement During Proceedings.

News media photographic or audio equipment shall not be placed in or removed from the court facility except prior to commencement or after adjournment of proceedings each day, or during a recess. Neither television film magazines nor still camera film or lenses shall be changed within a court facility except during a recess in the proceeding.

Rule 8. Courtroom Light Sources.

With the concurrence of the presiding justice or chief judge of a trial court utilizing such courtroom facilities, modifications and additions may be made in light sources existing in the facility, provided that such modifications or additions are installed and maintained without public expense, and further providing that such modifications and additions are approved by the appropriate building authorities for safety and compatibility with electrical services established in such facilities.

Rule 9. Conferences of Counsel.

To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences which occur in a court facility between attorneys and their clients, between co-counsel of a client, or between counsel and the trial justice held at the bench.

Rule 10. Photographing of Jurors.

During the voir dire examination of prospective jurors, no photographing, broadcasting, or televising of such examinations of individual jurors or prospective jurors shall take place. After the jurors are empaneled and sworn, individual jurors shall not be photographed except in instances in which a juror or jurors consent. In courtrooms where photography and televising is impossible without including the jury as part of the unavoidable background, such photography is permitted, but closeups that clearly identify individual jurors are prohibited. Trial justices shall enforce this rule for the purpose of providing maximum protection of juror anonymity.

Rule 11. Exclusion of Media by Trial Justice.

The trial justice may in his or her sole discretion prohibit the video recording, broadcasting

and/or photographing of a participant with a film, videotape, or still camera on the trial justice's own motion or on the request of a participant in a court proceeding. The trial justice may entirely exclude media coverage of any proceeding or trial over which he or she presides in his or her sole discretion. From any decision by a trial justice excluding the media in whole or in part, or limiting the photographing or recording of a participant in a court proceeding, there shall be no review by the Presiding Justice, Chief Judge of the trial justice's court, or by the Supreme Court.

Rule 12. Governance of Media by Chief Justice, Presiding Justice, Chief Judges or Chief Magistrate.

The Chief Justice of the Supreme Court, the Presiding Justice of the Superior Court, the Chief Judges of the Family, District or Workers' Compensation Courts, or the Chief Magistrate of the Rhode Island Traffic Tribunal may in their discretion issue special orders concerning the conduct or presence of media representatives and/or equipment in areas of the courthouse outside a particular courtroom that is subject to the control of the trial justice or magistrate. These orders may, without limiting the generality of the foregoing, include the assignment of areas or restriction of areas used by media representatives for the placing of equipment and parking of vehicles--whether these vehicles are utilized to assist in broadcasting or otherwise--as well as limitations upon placing of equipment on land or sidewalks contiguous to a courthouse assigned to the use of courts under the supervision of the Chief Justice, Presiding Justice, Chief Judges or Chief Magistrate. For violation of orders issued, the Chief Justice, the Presiding Justice, the Chief Judge or the Chief Magistrate may exclude media representatives and/or equipment from areas under his or her control for the duration of a trial or other proceedings or for such other period as he or she may deem appropriate in his or her discretion.

Rule 13. Evaluation of Program.

A Media Advisory Board to the Chief Justice (consisting of the Chief Justice, the Associate Justices of this court, the Presiding Justice of the Superior Court, the Chief Judge of the Family Court, the Chief Judge of the District Court, the Chief Judge of the Workers' Compensation Court and the Chief Magistrate of the Traffic Tribunal) will continue to evaluate the effects of media access to judicial proceedings. To this end the Advisory Board, directly or through its agents retained for this purpose, may submit to trial judges, parties, witnesses, jurors, and other participants in trial proceedings questionnaires to be completed, or may cause such individuals to be interviewed as part of the evaluation process. All trial justices, parties, witnesses, jurors, and other participants in trial proceedings are expected to cooperate fully with the Advisory Board to the Chief Justice, or its agents, in this evaluation process and the furnishing of all relevant information in implementation thereof.