



Maneke's law column

Changes coming for cameras in courts

The Supreme Court has announced changes in its Operating Rule 16 – the rule governing cameras in the courtroom – which are effective July 1. There are enough changes that every member of Missouri Press needs to look at the revised rule and become familiar with it right away. (You can find the new rule at <https://bit.ly/2qkJU7Y>).

The most important change in the rule is that the Court now recognizes that we are talking about more than bringing television and still cameras into the courtroom. The new rule covers all electronic media devices, including laptops, tablets and phones. But media coverage using such devices still requires permission of the judge, and certain conditions are required.

The rule is clear that the judge's focus is still on the propriety of the proceeding and the ability to control courtroom decorum. It still prohibits any coverage of a criminal proceeding until a defendant is represented by counsel or has waived that right, and no coverage of the face of a juror is permitted, as well as no coverage of victims of a crime, a police informant, undercover agent or witness or juvenile.

And, as before, cameras cannot be placed where attorney-client communications or attorney notes could be recorded. If any of these restrictions are inadvertently violated, the media must prevent that recording from being disseminated in any

manner and the judge (and media coordinator) may do what is necessary to ensure it doesn't happen again, including excluding the media from the courtroom. The rule also allows judges to prohibit recording video or reporters doing interviews in the hallway adjacent to the courtroom.

Judges have authority to appoint coordinators in their jurisdictions – either a member of the media or a person they otherwise designate to serve that role. Those persons make all arrangements for media coverage and reporters make their initial request to those persons. Requests for access for media equipment in the courtroom must be made to the coordinator in writing as soon as practical but at least two business days before the proceeding they wish to cover. (The rule previously said five days.) Once this notice is received, the coordinator needs to give notice to counsel for all parties of the request.

The judge may limit the number of media personnel and equipment in the courtroom and, if necessary, may require the media personnel to pool coverage. The rule continues to require that equipment used in the courtroom be unobtrusive in size and appearance, quiet and without distracting lights. Only one still photographer, with two devices, is permitted. Only one videographer, with a single camera, is permitted. If it is possible under the room arrangements, the preference is that electronic audio recording

equipment and those operating them be located outside the courtroom. All equipment must be cleared with the media coordinator prior to its use. Equipment must be in the courtroom at least 15 minutes before the proceeding begins. The judge has the authority to choose where cameras in the courtroom are located.

If a pool camera is used, the pool representative is responsible for supplying other media copies of the recording at a price not exceeding actual cost. Failure to timely apply to cover the trial is a basis to deny a member of the media a copy of the coverage.

Similarly, failure to timely apply to use other electronic devices in the courtroom, such as a tablet or laptop to be used solely for notetaking, may result in the court prohibiting its use. Use of such equipment for making audio or video recording of the proceeding is not permitted without express permission of the judge.

The term "media" has been broadened to cover anyone who "regularly gathers, processes and disseminates news or information about matters of public interest in any medium, and includes educational institutions. Finally, the court rule reminds those covering trials to dress in suitable business attire when appearing in the courtroom and to avoid drawing attention to themselves as they go about their job.

This amended rule is the result of several years of hard work by the Missouri Press-Bar Commission, working with judges around the state. Missouri Press appreciates the work of the commission and the support of the Supreme Court in making these changes to modernize the rule.

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