



JUDICIARY OF GUAM

Administrative Office of the Courts
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MEDIA FREQUENTLY ASKED QUESTIONS (FAQS)

1. How can I make a request for case and/or hearing information or documentation?

Media requests for case and/or hearing information or documentation should be directed to the Director of Policy, Planning and Community Relations (“DPPCR”) and/or a Judiciary of Guam (“Judiciary”) employee designated by the Administrator of the Courts (“AOC”) either by telephone or by email.

Depending on the request, the DPPCR and/or the AOC’s designated employee will respond to the request or, if necessary, refer the media representative to the appropriate Judiciary division for further assistance.

2. What rules govern the use of electronic devices by the media during judicial proceedings?

The Judiciary of Guam Rules Governing Electronic Coverage of Judicial Proceedings (the “Rules”) govern the use of electronic devices by the media at the Judiciary. The Rules are available on the Judiciary of Guam’s website at www.guamcourts.org. The Rules do not govern the coverage of a judicial proceeding by media who are not using electronic devices in the courtroom.

Before a media representative may use an electronic device in the courtroom, the representative must apply for media credentials and execute an agreement for electronic coverage of judicial proceedings as provided by Rule 4 of the Rules. The Agreement for Electronic Coverage of Judicial Proceedings (the “Agreement”) and the Application for Media Credentials (the “Application”) are available on the Judiciary’s website at www.guamcourts.org. The Application and Agreement shall be submitted to the AOC, or his designee, for approval.

If the Application is approved, a Media Identification Badge shall be issued to the applicant. The Media Identification Badge shall be worn and be clearly visible to the judge and other Judiciary employees while at the court and in the courtroom. A copy of an approved Application and a copy of the executed Agreement signed and dated by the AOC, or his designee, shall be provided to the applicant.

The approved Application and Agreement shall be valid for a two (2) year period from the date of approval, provided all information set forth by the applicant shall remain complete and accurate during that period.

3. What do valid media credentials allow me to do?

Media with valid credentials may use an electronic device inside a courtroom to silently take notes and/or transcribe information, without obtaining prior authorization from the judge

presiding over the judicial proceeding. The judge may prohibit or further restrict use of electronic devices used to take notes or transcribe information, if such use interferes with the administration of justice, poses a threat to safety or security, or compromises the integrity of the judicial proceedings. However, in order to transmit, broadcast, televise, record or photograph a judicial proceeding, aside from possessing valid media credentials, permission must be granted by the judge after submission of a signed Media Request for Electronic Coverage Form (the “Media Request Form”) as provided in the Rules. The Media Request Form is available on the Judiciary’s website at www.guamcourts.org.

4. How do I submit a Media Request Form?

A Media Request Form shall be submitted by email at mediarequests@guamcourts.org in accordance with the Rules. Only requests from individuals with valid media credentials shall be processed by the Judiciary.

In the event the Judiciary’s email is not accessible on a specific day, the Media Request Form may be submitted by facsimile at 477-3184 or by hand delivery to the AOC’s Office.

Each day at 11 a.m. and 3 p.m., media requests shall be reviewed and forwarded to the judge presiding over the judicial proceeding for disposition. Requests received after 3 p.m. may not be acted upon on the same date. Such requests will be reviewed the following day. Upon receipt of a response from the judge, the DPPCR and/or the AOC’s designated employee, shall inform the media representative of the disposition of requests.

5. How do I make a request for electronic coverage of an initial appearance in a criminal case?

Pursuant to Rule 5, for initial appearances in criminal proceedings, a Media Request Form shall be submitted at least 24 hours before the criminal proceeding commences unless such criminal proceeding is scheduled on less than 24 hours’ notice. Such electronic coverage, if authorized by the judge, is subject to objection by the prosecutor, defendant or defendant’s attorney.

A judge’s authorization of electronic coverage of an initial appearance in criminal proceedings applies only to the particular initial appearance. Authorization for electronic coverage of judicial proceedings subsequent to the initial appearance must be requested separately under Rule 6.

6. How do I make a request for electronic coverage of other Superior Court proceedings?

In accordance with Rule 6, all requests for electronic coverage in Superior Court proceedings, except initial appearances in criminal cases, shall be made in writing through the Media Request Form at least three (3) business days in advance of the time the judicial proceeding is scheduled to begin, but the judge may grant such a request on shorter notice.

When the judicial proceeding is not scheduled at least three (3) business days in advance, the request for electronic coverage must be made as soon as practicable after the judicial proceeding is scheduled. The attorneys of record and *pro se* parties shall be informed by the Judiciary that a

request for electronic coverage has been made, unless circumstances make it impractical to do so. The judge may authorize the request for electronic coverage, but such authorization shall be subject to the objection of any party to a judicial proceeding.

All requests for electronic coverage which are timely filed as provided by the Rules shall be determined by the judge prior to the commencement of the judicial proceeding.

7. How do I make a request for electronic coverage of a Supreme Court proceeding?

Pursuant to Rule 7, all requests for electronic coverage of Supreme Court proceedings shall be made through the Media Request Form at least 24 hours before the judicial proceeding commences, however, the judge may grant such a request on shorter notice. The provisions in the Rules allowing objections to electronic coverage by parties do not apply to Supreme Court proceedings.

If the judge denies or places limitations on electronic coverage, including the requirement that pooling arrangements be utilized, the judge shall issue a written or oral order stating the reasons for the denial or limitations placed on electronic coverage.

8. Can the judge modify or terminate electronic coverage of a judicial proceeding?

The judge may, as to any or all media participants, modify or terminate electronic coverage at any time during the judicial proceedings for reasons including, but not limited to, finding that the Rules or orders issued by the judge have been violated, or that substantial rights of individual participants or rights to a fair trial will be prejudiced if electronic coverage is allowed to continue.

9. Are there restrictions on the electronic coverage of judicial proceedings?

Rule 9 provides the following restrictions to the electronic coverage of judicial proceedings.

a. Proceedings Closed to the Public. There shall be no electronic coverage of any judicial proceedings which are by law closed to the public, or which may be closed to the public and have been closed by the judge, including but not limited to, judicial proceedings held in chambers, grand jury proceedings and juvenile proceedings.

b. Jurors. There shall be no electronic coverage of jury selection. Electronic coverage of the return of the jury's verdict may be permitted. In all other circumstances, electronic coverage of jurors is prohibited except to the extent it is unavoidable in the coverage of other trial participants or judicial proceedings. The policy of the Rules is to prevent unnecessary or prolonged photographic or video coverage of individual jurors that would permit the identification of any juror.

c. Witnesses. At any time, and *for any reason*, the judge may exclude electronic coverage of any witness in the courtroom.

d. Court Conferences. To protect the attorney-client privilege there shall be no audio recording, broadcasts and/or transmissions of conferences between attorneys and their clients, between co-attorneys, between attorneys and the judge held at the bench, or between judges in an appellate proceeding. Still photographs and silent video are permitted.

10. Does the media need approval to use electronic devices in the common areas of the courthouse?

The media may use electronic devices in the common areas of the courthouse, subject to reasonable restrictions that may be put into place by the Judiciary and/or judge that are appropriate to maintain safety, decorum and order. Media shall take appropriate measures to ensure that the entrances and exits to the courthouse are kept clear in order that the public may enter and leave the courthouse safely and without undue interference.

11. Do the Rules impose technical requirements on the media?

Rule 10 provides information on the technical requirements imposed on the media.

a. Equipment Specifications. Equipment used by the media in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, such equipment must satisfy the following criteria, where applicable:

(1) Still cameras and lenses must be unobtrusive and not cause distracting light or sound.

(2) Television cameras, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting light or sound. Television cameras are to be designed or modified so that participants in the judicial proceedings are unable to determine when recording is occurring.

(3) Microphones, wiring and audio equipment must be unobtrusive and of adequate technical quality to prevent interference with the judicial proceedings being covered. The judge must approve any changes in existing courtroom audio systems. No modifications of existing systems shall be made at public expense.

(4) Media personnel shall not interrupt a judicial proceeding with a technical or equipment problem.

b. Setup of Personnel and Equipment. All media personnel and equipment must be in place at least fifteen (15) minutes prior to the scheduled time of commencement of the judicial proceeding.

c. Lighting. Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be used in the courtroom. With authorization from the judge, modifications may be made to light sources, provided such modifications are installed and maintained without public expense.

d. Location of Equipment and Personnel. Equipment and operating personnel must be located and coverage of the judicial proceedings must take place from an area or areas the judge designates within the courtroom.

e. Movement during Proceedings. Equipment and personnel may be installed in or removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. Media personnel are prohibited from moving about the courtroom while judicial proceedings are in session and from engaging in any movement that attracts undue attention.

f. Equipment and Pooling. The following limitations on the amount of equipment and number of media personnel in the courtroom apply:

(1) Where circumstances make it necessary, the judge shall require the media to pool equipment and personnel. The judge may order pooling arrangements in the event media representatives are unable to agree to such an arrangement.

(2) If pooling arrangements are employed, such data or information is to be available equally to all pool participants in a generally accepted form or format, and the pool representative shall charge no fees or expenses to other pool participants. The pool representative is not to be given any economic or coverage advantage over the other pool participants. If costs are associated with establishing media pool coverage, the costs shall be shared among the pool participants.

12. Does the media have any recourse in the event a judge denies the request for electronic coverage?

Rule 11 provides that there shall be no appellate review of the interpretation or application of the Rules available to the media or the parties. The media or parties may, however, seek extraordinary relief by way of writ petition.

13. Do the Rules specify how the media shall dress or behave in the courtroom?

Rule 3 requires that the media should present a neat appearance in keeping with the dignity of the judicial proceedings. Further, the decorum and dignity of the court, the courtroom and the judicial proceedings must be maintained at all times.

14. Can the media be sanctioned under the Rules?

Under Rule 12, any violation of the Rules or an order made under the Rules is an unlawful interference with the judicial proceedings of the court and may be the basis for an order terminating electronic coverage, an order for contempt of court, cancellation or suspension of media credentials or an order imposing monetary or other sanctions.

15. What if I have questions regarding the Rules?

Any questions regarding the Rules shall be directed to the DPPCR.