

CAMERAS AND EQUIPMENT IN THE COURTROOMS

RULES AND REGULATIONS

(enacted pursuant to P.L. 25-142, May 26, 2000)

1. Authority and Purpose.

1.1. Authority. Pursuant to the mandate of Public Law Number 25-56, these Rules and Regulations are hereby promulgated to implement an Act to Admit Cameras and Audio Equipment in Courtrooms.

1.2. Purpose. These guidelines are meant to ensure the fair administration of justice in the pending cause while allowing electronic media and still photography coverage of public judicial proceedings in the Superior Court of Guam. These guidelines are subject at all times to the authority of the presiding judge to: (1) control the conduct of proceedings before the Court; and (2) ensure decorum and prevent distractions.

2. Definitions.

For the purpose of An Act to Admit Cameras and Equipment in Courtrooms Rules and Regulations, the following general definitions shall apply:

(a) 'Designated area' is defined as those areas that the presiding judge designates for the purposes of media coverage. Normally, those areas will be the rooms immediately adjacent to each courtroom that houses a one-way window for viewing courtrooms.

(b) 'Good cause' means that, under the circumstances of the particular proceeding, or any portion thereof, media coverage would materially interfere with the rights of any party to a fair trial.

(c) 'Juror' means any person who is a member of any jury, including a grand jury, impaneled by any court of Guam or by any public servant authorized by law to impanel a jury, and also includes any person who has been drawn or summoned as a prospective juror.

(d) 'Judge' means the justice, judge, referee, administrative hearing officer or judicial official presiding over the proceedings in which media coverage is, or is requested to be taking place.

(e) 'Media' means any news gathering or reporting agencies and the individual persons involved, and includes newspapers, radio, television, radio and television networks, news services, magazines, trade papers, in-house publications, professional journals, or other news reporting or news gathering agencies whose function it is to inform the public or some segment thereof.

(f) 'Media coverage' means any photographing, recording or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment. Media coverage also includes all print media.

(g) 'Pooling arrangements' means any system for media accreditation, and internal media cooperation resulting in request for media coverage or compliance

with these guidelines for media coverage, or any method or distributing extended coverage to all media sources seeking the type of coverage obtained.

(h) 'Presiding judge' means any judge as defined by (d) above.

(i) 'Presiding Judge for the Superior Court of Guam' means the Judge who is designated by law to be the chief administrative judge for the Superior Court of Guam.

(j) 'Proceeding' means any trial, hearing, motion, hearing on an order to show cause or petition, or any other matter held in open court that the public is entitled to attend.

(k) 'Request for pooling order' means that media may request an order permitting media coverage on a form approved by the Judicial Council. The form shall be filed at least five (5) business days *prior* to the proceeding to be covered, *unless* good cause is shown. A completed, proposed order on a form approved by the Judicial Council must be filed with the request. The judge assigned to the proceeding shall rule upon the request. The judges' ruling is final and *not* subject to appeal. *If* no judge has been assigned, the request shall be submitted to the judge in charge of assignment of cases and thereafter ruled upon by the judge subsequently assigned to the proceeding. The clerk for each judge shall notify the parties that a request has been filed.

(l) 'General Notification of Appearance Order' means the Presiding Judge for the Superior Court of Guam or that person's designee, will issue an order specifying which individual from each media type shall be allowed to generally appear and cover court proceedings. The order shall also specify two (2) alternatives from each media type. The media shall be responsible for submitting the names of individuals who shall be placed upon the order. The General Notification of Appearance Order shall *not* be valid when pooling arrangements are necessary, and shall act as a general order for day-to-day (no routine) media coverage. The media shall be responsible for asking for an updated order due to personnel changes.

3. Equipment and Personnel.

3.1. Number of Television Equipment and Personnel. *Not more than one* (1) television camera, operated by *not more than one* (1) person, shall be permitted in any proceeding in any court designated area, *unless* otherwise prohibited by law and these regulations.

3.2. Number of Still Photography Equipment and Personnel. *Not more than one* (1) still camera photographer, utilizing *not more than one* (1) still camera with *not more than two* (2) lenses for such camera and related equipment for print purposes, shall be permitted in any proceeding in any court designated area, unless prohibited by law and these regulations.

3.3. Number of Audio Equipment and Personnel. *Not more than one* (1) audio system for radio broadcast purposes shall be permitted in any proceeding in any court designated area, *unless* prohibited by law and these regulations. Audio pickup for all media representatives shall be accomplished from existing audio

systems present in the court facility. *If* no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding.

4. Sound and Light Criteria.

4.1. Television Photographic and Audio Equipment. *Only* television photographic and audio equipment which does *not* produce distracting sound or light shall be employed to cover court proceedings. Absent *prior* approval, no artificial lighting device of any kind shall be employed in connection with a television camera.

4.2. Still Camera Equipment. Only still camera equipment which does *not* produce distracting sound or light shall be employed to cover court proceedings. No artificial lighting device of any kind shall be employed in connection with a still camera.

4.3. Media Responsibility. It shall be the responsibility of media personnel to adequately demonstrate to the court 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.

5. Location of Equipment and Personnel.

5.1. Location of Television Camera Equipment and Personnel. Television camera equipment and camera personnel shall be positioned in such locations within the court facility as shall be designated by the court. The areas designated shall provide reasonable access to coverage. *If* and when areas remote from the court facility permit reasonable access to coverage are provided, all television camera and audio equipment shall be positioned in such areas.

5.2. Location of Still Camera Photographers. Still camera photographers shall be positioned in such locations within the court facility as shall be designated by the court. The areas designated shall provide reasonable access to coverage. Still camera photographers shall assume fixed positions within the designated area, and once the photographers are positioned, said photographers *shall not* move about in way as to attract attention through further movement.

5.3. Media Representatives. All media representatives shall not move about the court facility while proceedings are in session and microphones or taping equipment, once positioned as required by (3.3) shall *not* be removed during the pendency of the proceedings.

6. Movement of Equipment during Proceedings.

6.1. Movement of Photographic or Audio Equipment. Photographic or audio equipment shall *not* be placed in or removed from a designated area *if* such movement will cause distraction.

7. Courtroom Light Sources.

7.1. Modifications or Additions of Existing Light Sources. No modifications or additions may be made in existing light sources within the courtroom.

8. Hearings.

8.1. Media Coverage of Hearings. At any time the judge may order the media excluded from the courtroom. Any such order shall be made in compliance with the law. Furthermore, the judge, on his own motion, *may terminate*, limit or vary the conditions of coverage previously permitted in any case or proceeding.

9. Specific Guidelines.

9.1. Conference of Counsel. To protect the attorney-client privilege, there shall be no audio pickup, recording, photographing, videotaping or filming of conferences that occur in a courtroom between attorneys and their clients, between co-counsel of a client or between counsel and the presiding judge held at the bench.

9.2. Jurors. There shall be no audio pickup, recording, photographing, videotaping or filming of jurors in the courtroom during the period which the jurors are serving in an ongoing case.

9.3. Witnesses. At any time, and *for any reason*, the judge who is presiding over a case may exclude media coverage of any witness in the courtroom. Moreover, nothing in these guidelines shall be construed to limit the powers of any judge to close any proceedings to the media in any fashion allowed by law.