

1.14A EXTENDED MEDIA COVERAGE

This local rule shall be construed consistently so as to not conflict with Illinois Supreme Court M.R. 2634, or Sixteenth Judicial Circuit Local Rule 1.14
PHOTOGRAPHIC, RECORDING, BROADCASTING, OR TELEVISIONING
COURTROOM PROCEEDINGS IN OR NEAR COURTROOMS.

Extended Media Coverage shall be subject, at all times, to the authority of the Judge presiding at the proceeding.

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.

Nothing in this rule shall limit or restrict power, authority or responsibility otherwise invested in the Chief Judge, and the Judge presiding over the case to: a) control the conduct of the proceedings; b) maintain decorum and prevent distractions; c) guarantee the safety of the courtroom, including any party, witness, or juror, and/or d) ensure the fair and impartial administration of justice in the pending case.

A. DEFINITIONS

- (1) **“Extended media coverage”** means any media recording or broadcasting of proceedings by the use of television, radio, photographic, or recording equipment for the purpose of gathering and disseminating news to the public.
- (2) **“News Media”** in general, means established news gathering and reporting agencies and their representatives whose function is to inform the public.
- (3) **“Judge”** means the circuit or associate judge presiding in a trial court proceeding.
- (4) **“Chief Judge”** means the chief judge of the circuit.
- (5) **“Judicial proceedings” or “proceedings”** includes all public trials, hearings or other proceedings of a trial court when extended media coverage is requested, except those specifically excluded by these provisions.
- (6) **“Media Coordinator”** means a member of the news media who has requested extended media coverage, or in the case of more than one media person requesting extended media coverage, a representative chosen by all of the media requesting extended media coverage and approved by the judge.. The Media Coordinator shall work with the Chief Judge and the Judge , or with their designee, in a court proceeding with extended coverage. In the event a Media Coordinator is not available for a particular proceeding, the judge may deny extended media coverage or may appoint an individual from among local working representatives of the media to serve as the coordinator for the media in the proceeding.
- (7) **“Court Media Liaison”** is the Court Administrator or a designee of the Court Administrator approved by the Chief Judge. The Court Media Liaison shall work with the Media Coordinator on all matters pertaining to extended media coverage.

B. General

Broadcasting, television, recording, photographing and otherwise memorializing information may be permitted in the courtroom during sessions of the court, under the following conditions:

- (1) Permission first shall have been granted by the Judge, who may prescribe such conditions of coverage as provided for in this policy. The Chief Judge shall have discretion to deny all extended media coverage.
- (2) In prosecution for sexual abuse, or when sexual abuse is an essential element of a proceeding there shall be no extended media coverage of the testimony of a victim unless the testifying victim consents. Further, an objection to coverage by a testifying victim in any other forcible felony prosecution, and by police informants, undercover agents(s), and relocated witnesses shall be presumed valid. This list is not exclusive. The Judge shall exercise broad discretion in deciding whether there is cause for prohibition.
- (3) The Judge may appoint a Guardian ad Litem to secure the protection of the interests of a minor or a disabled adult.
- (4) Extended media coverage is prohibited in any court proceeding required, under Illinois law to be held in private. No coverage shall be permitted in any juvenile, dissolution, adoption, child custody, evidence suppression or trade secret cases.
- (5) Extended media coverage of jury selection is prohibited. Extended media coverage of the jury and individual jurors is prohibited.
- (6) There shall be no audio, visual or internet, pick up or broadcast or recording of a conference in a court proceeding or in a court facility between attorneys and their clients, between co-counsel, between attorneys and opposing counsel, or attorneys and the Judge.
- (7) Audio, internet or visual equipment authorized by these provisions shall not be operated during a recess in a court proceeding.
- (8) The quantity and type of equipment permitted in the courtroom shall be subject to the discretion of the Judge.
- (9) Upon application of the media, the Judge may permit the use of equipment or techniques at variance with provisions in this policy, provided the variance request is included in the Request for Extended Media Coverage provided for in C(2). Ruling upon a variance application shall be at the sole discretion of the Judge. Variances may be allowed by the Judge without advance application or notice if all counsel and parties consent to it.
- (10) The Judge may refuse, limit, amend or terminate photographic or electronic media coverage at any time during the proceedings in the event the Judge finds that provisions established under this policy, or additional rules imposed by the Judge have been violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced by the manner of coverage, if it is allowed to continue; or if it is necessary to guarantee the safety of the courtroom, including any party, witness, juror or attendee of the proceeding.
- (11) Members of the news media must abide by all Sixteenth Judicial Circuit Local Court Rules regarding filming and photography outside the courtroom, but still within the courthouse, including but not limited to Rule 1.14. The news media is not permitted to film/photograph/record any person present for any grand jury

proceeding. Coverage is only allowed during proceedings taking place inside the courtroom, in the presence of the Judge.

- (12) The rights of extended media coverage may be exercised only by the News Media.
- (13) A decision by a Judge to deny, limit or terminate extended media coverage is not appealable.
- (14) A Judge may authorize extended media coverage of ceremonial proceedings at variance with provisions in this rule as the Judge sees fit.

C. PROCEDURES

- (1) **Requests for Extended Media Coverage.** Requests for extended media coverage shall be filed with the Clerk of the Circuit Court by any News Media who requests coverage. Filing must occur at least fourteen (14) days before the proceeding for which extended media coverage is sought, unless extended or reduced by court order. When the proceeding is not scheduled at least 14 days in advance, filing must occur as soon as practicable after the proceeding is scheduled. Requests shall be filed using a form Request for Extended Media Coverage as designated hereafter by General Order.
- (2) **Notice of Request.** Using a form Notice of Filing of Request for Extended Media Coverage as designated hereafter by General Order, the News Media who requests coverage or, if more than one request is filed, the Media Coordinator shall provide written notice of filing and a copy of the Request(s) for Extended Media Coverage to the following persons:
 - (a) Attorneys of Record;
 - (b) Parties appearing without counsel;
 - (c) Court Media Liaison;
 - (d) Judge presiding over the case for which extended media coverage is sought;

The form Notice of Filing of Request for Extended Media Coverage and Request for Extended Media Coverage shall be transmitted no later than 4:30 p.m. the first business day following filing to the above named parties. Failure to provide notice to all counsel of record and to parties appearing without counsel may result in denial of the request for extended media coverage. Upon receipt of notice, the Judge shall inform the Chief Judge.

- (3) **Objections by Parties.** Any party objecting to extended media coverage shall file with the Clerk of the Court a written objection stating the reasons therefor at least three (3) days before the commencement of the proceeding, unless such time is otherwise extended or reduced by the Judge. Objections shall be filed using a form Objection to Extended Media Coverage as designated hereafter by General Order.
- (4) **Objections by Witnesses.** Parties shall notify any witness they are intending to call at trial or hearing of the witness's right to object to extended media coverage. Parties shall use a form Notice of Filing of Request for Extended Media Coverage as designated hereafter by General Order, and must file a copy with proof of service thereof with the Clerk of the Court. Objections by a witness must be filed

prior to the commencement of the proceeding using a form Objection to Extended Media Coverage as designated hereafter by General order.

(5) **Notice of Objections.**

- (a) Parties and witnesses represented by counsel shall serve any objections on the persons listed in paragraph C(2) above and to the Media Coordinator or News Media..
- (b) Upon the filing of an objection by a party or witness not represented by counsel, the Clerk of the Circuit Court shall provide a copy of any such objection filed to the persons listed in paragraph C(2) above, and to the Court Media Liaison, who shall then forward a copy to the Media Coordinator or News Media.
- (c) Notice of Objection shall be transmitted to the Judge and the Court Media Liaison on the date of filing, and to the other persons listed in C(2) above no later than 4:30 p.m. on the first business day following the filing of the Objection. Time for filing of objections may be extended or reduced at the discretion of the Judge.
- (d) The Judge, in appropriate circumstances, may extend the right of objection to persons not specifically provided for in this rule.

(6) **Disposition of Requests.**

- (a) After the time for objections has elapsed, the Judge shall make a determination as to whether the Request should be granted and/or whether any Objection thereto should be sustained, and, if so, to what extent. All timely Requests and/or Objections shall be heard and determined by the Judge prior to the commencement of the proceedings. The Judge may rule on the basis of the written request or objection alone.
- (b) In addition, the objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by other means as the Judge directs. The Judge may permit presentation of evidence by the Media Coordinator in the same manner.
- (c) If granted, the duration of the permitted Extended Media Request is within the Court's discretion, except that every party added or additional witness disclosed after such an order is granted must receive notice and have an opportunity to file an objection in the matter set out herein.
- (d) The Judge may use the form of order as designated by General Order in ruling on the request.

D. TECHNICAL

- (1) **Equipment specifications.** Equipment to be used in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound, light or other sensory distraction. In addition, equipment must satisfy the following criteria, where applicable:
 - (a) **Still cameras.** Still cameras and lenses must be unobtrusive without distracting light or sound.
 - (b) **Television or video devices and related equipment.** Television cameras or other video devices together with any related equipment to be located in

the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light.

- (c) **Audio equipment.** Microphones, wiring and audio recording equipment shall be unobtrusive and shall be of adequate technical quality to prevent interference with the covered judicial proceedings. Any changes in existing audio systems must be approved by the Judge. Microphones for use of counsel and judges shall be equipped with power switches to facilitate compliance with subsections B(6), B(7) and D(2)(c) of this rule.
 - (d) **Visual or Audio signal.** No light or signal which is visible or audible to participants in the proceeding shall be used on any equipment during extended coverage to indicate whether it is operating.
 - (e) **Advance approval.** It shall be the duty of the media personnel to demonstrate to the Judge reasonably in advance of the proceeding that the equipment sought to be used meets the criteria set forth in this section. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.
 - (f) **Expense.** The cost of any equipment or set up under these guidelines will not be incurred at public expense.
 - (g) **Lighting.** Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With the approval of the Judge, however, modifications may be made in light sources existing in the courtroom, provided modifications are installed and maintained without public expense.
- (2) **Pooling and Equipment.** The following limitations on the number of photographic and broadcast media personnel in the courtroom and the amount of equipment shall apply:
- (a) **Still Photography.** Not more than (2) two still photographers, each using not more than two camera bodies and two lenses, shall be permitted in the courtroom during a judicial proceeding at any one time.
 - (b) **Television.** Not more than two (2) television cameras, each operated by not more than one camera person, shall be permitted in the courtroom during a proceeding. Other than the television cameras, recording and broadcast equipment shall be located outside of the courtroom.
 - (c) **Audio.** Only one audio system for broadcast shall be permitted in a proceeding. Where possible, audio for all media shall be from any existing audio system present in the courtroom. If no technically suitable audio system exists, microphones, wiring and recording equipment shall be furnished and temporarily installed by the news media without public expense, shall not interfere with the sound quality of any existing courtroom audio system, shall be operated by one person, shall have a means of immediately disabling the system (a/k/a “kill switch”) by the Judge and shall be located in places designated in advance by the Judge or designee. When possible, electronic audio recording equipment and any operating personnel shall be located out of the courtroom. Sufficient

video and audio tape capacities should be provided to obviate the need to make changes except during court recess.

- (d) **Pooling.** The media are encouraged to pool equipment and personnel. Where the limitations on equipment and personnel under these provisions make it necessary, the media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the Media Coordinator. No judicial officer or court personnel shall mediate disputes. Priority consideration shall be extended to one of the two television cameras to televise an entire proceeding from beginning to end. In the absence of agreement or in the event of unresolved disputes relating to pooling arrangements, the kind of extended coverage sought shall be prohibited and excluded from the proceeding.
 - (e) **Clothing and Equipment.** No equipment or clothing on any Extended Media Coverage personnel shall bear any insignia or identification of the individual medium or network involved in extended coverage.
- (3) **Location of equipment and personnel.** Equipment and operating personnel shall be located in, and coverage of the proceedings shall take place from, an area or areas designated by the Judge. The area or areas designated shall provide reasonable access to the proceeding to be covered. No equipment or personnel involved in extended media coverage shall impede pedestrian traffic movement into, or from the courthouse, including but not limited to courthouse corridors and courtroom entrances and exits.
- (a) Television, video, and still photography camera equipment should be set up outside the courtroom rail, or if there is no rail, then in the area reserved for spectators. The Court Media Liaison will direct media to their assigned spots.
 - (b) Equipment and operators shall not impede the view of persons seated in the public area of the courtroom.
- (4) **Movement during the proceedings.** Television cameras and audio equipment may only be installed before proceedings begin 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. Changing film or lenses is only allowed during recesses. Still photographers and broadcast media personnel shall not move about the courtroom while proceedings are in session, nor shall they engage in any movement attracting undue attention. Still photographers shall not assume body positions inappropriate for the courtroom. Even if hand held cameras are used, the operator must remain in his/her assigned spot.
- (5) **Equipment Storage.** Equipment shall not be stored in the courthouse overnight, over a holiday or weekend. Equipment left in place overnight, including wiring and electrical, is left at the sole risk of the media. The Sixteenth Judicial Circuit assumes no liability for the protection of such property.

E. OTHER PROVISIONS

- (1) **Restrictions and prohibitions.** The following restrictions and prohibition shall be applicable to all proceedings.

- (a) Audio or visual equipment authorized by this rule shall not be operated during a recess in a court proceeding.
 - (b) Focusing on and photographing of materials on counsel tables is prohibited.
 - (c) Use of parabolic or other highly sensitive long range microphones is prohibited.
- (2) **Expenses.** No court facility may be altered, unless approved in advance by the Chief Judge. Expenses for alterations shall be borne by the news media.
- (3) **Decorum.** Proceedings in the courtroom shall not be disrupted. Members of the news media in the courtroom shall:
- (a) Not make comments in the courtroom during the court proceedings;
 - (b) Not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;
 - (c) Not conduct interviews in the courtroom;
 - (d) Comply with the orders and directives of the Judge, his or her designees and Court Security; and
 - (e) Be properly attired and maintain proper courtroom decorum at all times when covering a judicial proceeding. The Judge has discretion to determine proper attire and courtroom decorum.

At the conclusion of the proceedings and after the Judge leaves the courtroom, all news media will leave the courtroom and may assemble only in designated areas to meet with the parties, families and their attorneys if the parties, families and attorneys wish to be interviewed or comment to the media.

- (4) **Inapplicability to individuals; use of material of advertising prohibited.** The privileges granted by this rule to photograph, televise and record court proceedings may be exercised only by persons or organizations that are part of established News Media as defined in A(3) above. Film, videotapes, photography and audio reproduction shall not be used for advertising purposes.
- (5) **Access to the Building.** Court security policies require all persons and equipment entering the courthouse to pass through screening. News media will not be permitted to bypass screening and should allow sufficient time to get through the screening in advance of the commencement of proceedings.
- (6) **Media Disputes** It shall be the responsibility of the media to settle disputes among media representatives, facilitate pooling where necessary, and implement procedures which meet the approval of the Judge of the particular proceeding prior to any coverage and without disruption to the court.
- (7) **Non-exclusivity.** These guidelines shall not preclude coverage of any judicial proceeding by news reporters or other person who are employing only the means of taking notes or drawing pictures if permitted by the Judge.
- (8) **Sanctions.** In addition to contempt and any other sanctions allowed by law, the Chief Judge or Judge may remove anyone violating these rules from the courtroom and revoke the privileges contained in this rule.
- (9) **Professional Conduct.** Nothing herein shall alter the obligation of any attorney to comply with the provisions of the Illinois Rules of Professional Conduct governing trial publicity.

- (10) **Revocation of Permission.** If any News Media fails to comply with the conditions set by either the Chief Judge, Judge, Court Media Liaison or this rule, permission to broadcast or photograph the trial or hearing may be revoked.

F. Jury Admonishment and Instruction.

- (1) **Jury Admonishment.** The judge shall give the following admonishment to the jury at the commencement of any criminal or civil trial with an approved request for extended media coverage:
- (a) In this case, I have approved a request to allow the news media to film and photograph the proceedings. This is permitted by the Illinois Supreme Court and is subject to numerous restrictions contained in the Policy for Extended Media Coverage in the Circuit Courts of Illinois.
 - (b) The policy in place regarding cameras in the courtroom is very strict and the court closely monitors every policy provision. In general, the policy permits the news media to film and photograph the courtroom setting, the participants in the trial, and any persons who might be in the audience. The policy does not permit the news media to film or photograph any of you as jurors or the jury panel as a whole in the courtroom and outside the courtroom.
 - (c) The presence of cameras does not make this case more important than any other. All trials are equally important to the court and the involved parties. You should not draw any inferences or conclusions from the fact that cameras are present at this particular trial.
 - (d) The news media is generally able to choose which portion or portion(s) of the trial they wish to attend. Therefore, their attendance may be periodic from day-to-day. Also, for legal reasons, the news media may not be permitted to film and photograph certain witnesses. You are not to concern yourself with why certain witnesses are filmed and photographed and others are not.
 - (e) Whether a particular witness is filmed or photographed is not any indication as to the value of, or weight to be given to, that witness's testimony.
 - (f) You should ignore the presence of any cameras. If you find at any time that you are distracted or unable to concentrate because of the cameras, please notify me immediately.
- (2) **Jury Instruction.** The judge shall give the following instruction to the jury when news media was present at any portion of a criminal or civil trial:
- (a) In this case, the news media was permitted to film and photograph the proceedings pursuant to the Illinois Supreme Court Policy for Extended Media Coverage in the Circuit Courts of Illinois.
 - (b) In your deliberation, you should not draw any inferences or conclusions from the fact that cameras were present at this particular trial. Nor should you concern yourself with why certain witnesses were filmed and photographed and others were not. Whether a particular witness was filmed or photographed is not any indication as to the value of, or weight to be given to, that witness's testimony.

Gen. Order 13-22, eff. June 10th, 2013