

**JUDICIAL OFFICERS:  
AUTHORITY & RESPONSIBILITY**

**HIGH PROFILE & COMPLEX  
LITIGATION:  
COMPLICATION REDUCTION**

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Trial work can be rewarding and, at the same time, pleasurable. The convergence of these qualities most frequently occurs when the issues are clear and determined in advance, counsel, as well as the court, are thoroughly prepared and outside distractions are minimal.

Public interest or notoriety related to a particular case can play a vital role in the flow of a trial. Complexity of issues, counsel, parties, as well as witnesses, can all move the trial of a case into the realm of both the complex and the contentious.

For the court, preparation includes not only understanding and shaping the issues but becoming versed in the legal and evidentiary issues presented in the case. Advance planning with regard to management of the flow of a trial and the needs of the public is necessary so that an appropriate pace is maintained.

An important part of trial preparation requires creation of administrative procedures that lighten, or at least do not increase, the burden of trial work upon the court as a whole – judge, court reporter, bailiff and other court staff including the sheriff. These procedures not only aid everyone with the work of the trial but allow counsel and other interested persons to plan on how their trial related needs may be satisfactorily met.

The need for these administrative procedures is made even more important with regard to cases of high public interest and notoriety. These cases invariably involve great increases in courtroom spectators, the need for enhanced courtroom security, media attention as well as additional requests by reporters as well as counsel for services during trial.

Procedures that are helpful to address the pressures arising in high public interest cases are also useful in the trial of other cases presenting complex issues.

### **What is a high profile case?**

A high profile case generally includes at least one of the following:

1. two or more television stations or media markets sending reporters, photographers, producers,
2. national news media are interested,
3. the case is on the front page of the paper consistently and a top TV story or
4. the trial/hearing is set for multiple days and/or includes a sequestered jury.

## **Do you have a high profile case?**

You can always call the Indiana Supreme Court Office of Communication, Education and Outreach (OCEO) for advice on working with the media. If you have a high profile case or a general media question, contact OCEO through the Supreme Court Chief Public Information Officer, Kathryn Dolan. OCEO is located in the Division of State Court Administration and can be reached at 317.232.2542.

If your case fits high profile criteria and, after consulting with OCEO, you want OCEO's ongoing, and potentially in person support, you will be asked to send a written request to the Chief Justice. The request can be by email and simply needs to include the name of the case that it is likely to attract significant media attention and provide a statement of the reasons OCEO's ongoing assistance is needed.

## **Working with news media during high profile matters**

News media routinely request access to documents and exhibits and use of electronic devices—especially with a high profile case. OCEO can provide assistance to judges during high profile cases. The tips offered below focus on high profile matters, but can apply to everyday requests.

## **What help is available?**

OCEO can offer varying levels of support depending on the case and staff availability. In some instances a judge may need media management tips via phone or in-person. It is also possible the judge needs onsite support during the trial/hearing.

It is likely that a judge in a high profile case will need to consider (and OCEO can help with) the following:

- Establishing a single electronic list for messaging to media
- Scheduling (including a pretrial meeting with media)
- Parking and security
- Assessing the need for media credentials
- Designating a media area (including a location for interviews)
- Setting access to the courtroom
- Anticipating seating needs
- Resolving disputes between the media
- Protecting the jury
- Handling photography and video needs
- Establishing an electronic device policy
- Allowing access to exhibits

In many cases a trial management order is needed at the outset of court proceedings to establish a level playing field for court personnel, the media, and the parties. An order provides a judge with an easy way to consistently apply the rules necessary to maintain a smooth court proceeding. It might incorporate exceptions to your usual daily operating procedures.

OCEO has compiled a single sample trial management order after working with many trial court judges around the state in especially difficult situations. The sample order includes an annotated bibliography.

For more information, please contact OCEO through Kathryn Dolan at 317.232.2542 or [kathryn.dolan@courts.in.gov](mailto:kathryn.dolan@courts.in.gov).

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