

In the
Indiana Supreme Court



IN RE PILOT PROJECT)
FOR WEBCASTING LAKE COUNTY) Supreme Court Cause No.
CIRCUIT AND SUPERIOR DIVISIONS) 94S00-1201-MS-46
2 AND 6)

ORDER

Notwithstanding the prohibitions against broadcasting, televising, recording, or taking photographs in the courtroom or and adjacent areas in the Code of Judicial Conduct Canon 2.17, the Supreme Court, following discussions initiated by *The Times of Northwest Indiana* (“*The Times*”), in conjunction with the Hoosier State Press Association, will authorize a limited pilot project for video and audio coverage of certain Indiana trial court proceedings to be webcast by *The Times*, under the following terms:

Term. 18 months from the date of this order.

Judges. Lake Circuit Court Judge George C. Paras; Lake Superior Court Judge Calvin D. Hawkins, Civil Division 2; and Lake Superior Court Judge John R. Pera, Civil Division 6 have given their consent to participate in a Supreme Court-approved pilot project that would permit *The Times* to webcast certain approved proceedings.

Consent. Judges Paras, Hawkins and Pera are authorized, pursuant to the terms and conditions of this order, to allow video and audio coverage of certain proceedings. The judges have wide discretion in allowing or denying the webcasting or a portion of the webcasting to ensure the fair administration of justice. The proceedings will not be webcast live. They will be delayed at least two hours to permit the judge discretion to deny or permit the webcasting.

Scope. Except as provided below, all civil proceedings will be eligible for video and audio coverage by *The Times*, except for proceedings closed to the public by state statute or Indiana Supreme Court rules.

Prohibitions Regarding Coverage. The judges shall prohibit the audio and video recording of the following:

- Police informants
- Undercover agents
- Minors
- Victims of sex-related offenses
- Attorney-client communications
- Bench conferences

Juvenile and CHINS matters
Jurors and Jury Selection
Proceedings held in chambers
Dissolutions involving custody and parenting time
Guardianship and Adoption
Commitment
Paternity
No contact orders

Procedure for Objecting To Coverage Counsel/parties can object to the webcasting and ask the judge to determine if the webcasting proceeds. In courts where webcasting is constant, any party can object by written notice no later than two (2) days before the proceeding. In courts with intermittent webcasting, *The Times* must give written notice to the court and the parties that *The Times* intends to webcast the proceeding no later than three (3) days before the proceeding. If there is an objection, the court must determine in an open hearing whether the interests of justice and public education warrant webcasting or not.

Transmission and Use of Content The proceedings are not webcast live. They will be delayed at least two hours to permit the judicial officer discretion under the guidelines to deny or permit the webcasting. *The Times* maintains the link to the court webcast on its newspaper website. The content will be captured and maintained on *The Times* website for 7 days. If *The Times* publishes any portion of the material, the entirety of the proceeding shall be available for 30 days.

Equipment. Unless otherwise agreed upon by the court, audio and video recording equipment shall be paid for by *The Times* and operated from areas specifically designated by the court. The equipment must not be intrusive of the judicial process. Camera and recorder locations are to be set up only in areas designated by the judge after consultation with the media.


Decorum. Media personnel are to be non-intrusive to the judicial process. Personnel may enter and leave only prior to the commencement of proceedings, during recess, or after adjournment. Courtroom proceedings shall not be disrupted or interrupted. Appropriate attire is required.

Evaluation. The project will be evaluated by the Valparaiso School of Law as described in Attachment A. Valparaiso will conduct a survey with participants including witnesses, jurors, attorneys and judges. Technical data, including the number of visitors to the court webcast website and the length of time visitors spent on court related stories will also be compiled as part of the evaluation. All costs of the evaluation will be paid by *The Times*.

The Clerk is directed to send copies of this order to the Hon. Calvin D. Hawkins, Judge of the Lake Superior Court; to the Hon. George C. Paras, Judge of the Lake Circuit Court; to the Hon. John R. Pera, Judge of the Lake Superior Court; to Supreme Court Public Information Officer Kathryn Dolan; to Dean Jay Conison, 656 S Greenwich Street, Valparaiso, IN 46383; to Stephen Key, Hoosier State Press Association, 41 East

Washington Street, Suite 301, Indianapolis, IN 46204; and to the Hon. Margret Robb, Chief Judge of Indiana Court of Appeals. The Clerk is also directed to post this order on the Court's website, and Thomson Reuters is directed to publish this order in the bound volumes of this Court's decisions.

Done at Indianapolis, Indiana, this 27th day of January, 2012.



Randall T. Shepard
Chief Justice of Indiana

Shepard, C.J. and Sullivan, Rucker and David, J.J., concur.

Dickson, J. dissents as stated *In Re Pilot Project For Electronic News Coverage In Indiana Trial Courts*, 895 N.E. 2d 1161, 1163 (Ind. 2006) (Dickson, J., dissenting).

Assessment

The sponsors of the above-captioned proposal approached the Valparaiso University School of Law to see if it would independently assess the project once it was in operation. Dean Jay Conison asked the two of us, Bruce Berner and Ivan Bodensteiner, faculty members and members of the Indiana Bar, if we would oversee such an assessment. We are pleased to do so.

The Valparaiso University School of Law (VUSL) requires, as a prerequisite to graduation, each of its students to complete *pro bono* projects totaling 40 hours working under the supervision of licensed attorneys. (It should be noted that many students log many more hours than are required by the rule.) This not only provides a local service to lawyers and clients but also instills in students the habit of using their knowledge and skills in service of the least fortunate among us. We would offer the opportunity of working on the assessment of this project as one way of satisfying that requirement.

The assessment would be conducted on two fronts. First, we would develop a brief set of questions for the students to ask of jurors, attorneys, witnesses, etc. (with the Court's approval) after their time in court about their experience and about the presence of the camera(s) in particular. This could be done either in writing as a kind of survey which the students would then review or in interview form by the students. Second, we will analyze technical information about the number of hits to the project's website, how many pages each visitor viewed, how many video plays were started and how many completed. This study will be carried on for a minimum of 12 months. We believe that beginning it roughly 3 months after the webcasting begins would provide enough time for the public to become cognizant of the availability of the web-streaming and its associated educational components.

We think that assessing both what effects, if any, the pilot project has on participants and the quantum of education actually being experienced by viewers will be strong indicators of whether or not the project is fulfilling the hopes of its sponsors.

Bruce Berner
Ivan Bodensteiner