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CLERK OF THE INDIANA SUPREME COURT COURT OF APPEALS AND TAX COURT

In the
Indiana Supreme Court

STANDARDS GOVERNING ELECTRONIC MEDIA AND STILL PHOTOGRAPHY AT THE COURT OF APPEALS OF INDIANA ORAL ARGUMENTS	))))	Supreme Court Cause No. 94S00-1311-MS-762

ORDER

The Court directs that, notwithstanding the prohibitions contained in Canon 2.17 of the Code of Judicial Conduct, cameras and other electronic devices may be used for press coverage of oral arguments held before the Court of Appeals in accordance with this order, until further order of the Court.

The Supreme Court first granted permission for video, audio and still photography coverage of oral argument held before the Court of Appeals by order dated August 20,1997. This order was made effective indefinitely by order dated November 23, 1998.

The Court's longstanding commitment to making appellate oral arguments easily viewed by the public and accessible to the press continues with this order allowing continued camera coverage of oral arguments.

1. Location

In any location, whenever the three-judge panel hearing the case determines that the courtroom can accommodate cameras and microphones without any negative effect on the proceedings.

2. Request

(a) News organizations must request the court's permission to record or photograph an oral argument. The request must be e-mailed to the Court Administrator, Steve Lancaster, at courtofappeals@courts.in.gov at least 48 hours before the scheduled start of the oral argument. The request must specify the news organization and type (e.g. TV, radio) and provide a contact name, phone number and e-mail address.

(b) Alternatively, the panel hearing the request may, on its own initiative, approve the use of cameras and microphones during oral argument.

3. Procedure

If permission is granted, the following rules shall apply:

(a) Equipment and personnel to record when the oral argument is held outside of the Statehouse:

(1) Not more than two television news cameras and two still cameras shall be permitted. Camera operators shall not move about the courtroom nor shall operators change lenses during proceedings.

(2) Only one audio system for radio news shall be permitted. Audio pickup for all media purposes shall be accomplished from existing audio systems present unless no technically suitable system exists. In such cases, microphones and related wiring essential for media use shall be unobtrusive and shall be placed as designated by the court.

(3) If pooled broadcast coverage is necessary to accommodate (a)(1) above, authorized TV crews must be present in the courtroom at least 30 minutes before the start of each day's oral argument. Print and radio journalists who require minimal setup must be present 30 minutes beforehand to be part of the pool. Journalists will decide among themselves which organization or organizations will represent the pool inside the courtroom. All pool representatives must be able to share materials with those who are present but not part of the in-court pool.

(4) The Court will not mediate any pool-related disputes among news organizations. If the organizations themselves cannot resolve any such disputes, the court will prohibit all recorded coverage of the proceeding.

(b) Equipment and personnel to record when the oral argument is held in the Indiana Supreme Court courtroom:

The Court will provide an audio/video feed of oral arguments to media in a designated area outside the courtroom under the following terms and conditions when the oral argument is held in the Indiana Supreme Court courtroom:

(1) Media are responsible for arriving no later than 30 minutes in advance of oral argument for set-up and an audio/video technical check.

(2) Media must set-up the pool feed using the equipment and directions provided by the Supreme Court.

(3) Media must bring their own recording equipment to obtain the pool feed.

(4) Media who are not present at the Statehouse cannot receive the pool feed.

(5) If the number of media present to take the feed exceeds the number of inputs available, news media will decide amongst themselves which organizations will take the pool feed.

(6) To handle a technical problem or unexpected complication, the Director of Communications (or Director's designee) and the Court Administrator (or a designee) are authorized to permit one video camera inside the courtroom. The Court can require the media representative inside the courtroom to serve as the pool to media outside the courtroom. Court staff will dictate the camera location. The camera must be mounted on a tripod and may not be moved during the proceeding. No artificial lighting may be used. To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences in the courtroom between attorneys and their clients or between co-counsel.

(c) Still photography

(a) Not more than two still cameras shall be permitted inside the courtroom during any oral argument.

(b) If more than two still photography requests are made to the Court before the deadline expressed in the preceding paragraph, then press who submitted timely requests are required to develop a pool arrangement to provide photographs to photographers present at oral argument who were not allowed inside the courtroom.

(c) Only equipment that does not produce distracting sound or light shall be employed to cover oral arguments. No flash photography or artificial lighting device of any kind shall be used.

(d) It shall be the affirmative duty of media to demonstrate adequately to the Director of Communications or the Court Administrator (or their designees) in advance of the proceeding that the equipment sought to be utilized meets the sound and light criteria outline herein.

(e) Court staff will dictate the location of the photographers.

(f) The photographers must remain in place for the proceeding and cannot move from the locations designated by court staff.

(d) Sound and light criteria

Any recording equipment of any type that produces distracting sound or light shall be prohibited.

(e) Location of equipment and personnel

(1) The Court shall designate suitable areas for TV equipment and still cameras that shall provide reasonable access to coverage. Any ancillary

recording equipment that may be required shall be located outside the courtroom, as the Court designates.

(2) Camera operators shall not move about the courtroom, nor shall anyone employing a microphone. Nor shall operators change lenses or cassettes during proceedings.

(3) No recording or transmission equipment of any kind, including microphones, shall be moved during proceedings.

(f) Movement during proceedings

All recording equipment must be in place 30 minutes before the start of oral argument and shall not be removed until adjournment or recess.

(g) Conferences of counsel

To protect the attorney-client privilege and the right to effective counsel, there shall be no audio pickup or broadcast of courtroom conferences that occur between attorneys and their clients or between co-counsel of a client.

(h) Impermissible use of media material

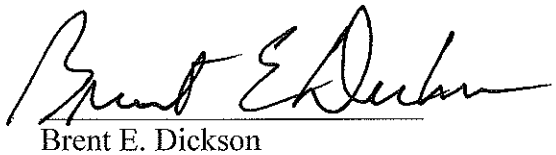
No analog or digital recordings or images of any kind that are generated through coverage of judicial proceedings shall be admissible as evidence in the proceeding from which it arose or in any subsequent or collateral proceeding or upon any subsequent or collateral proceeding or upon any re-trial or appeal of such proceedings.

(i) Purpose: general provisions

Nothing in this order is intended to restrict any pre-existing right of the news media to appear at and report on any judicial proceedings, in accordance with law.

The Clerk is directed to send copies of this order to Margret G. Robb, Chief Judge of the Court of Appeals of Indiana; to Steve Lancaster, Administrator of the Court of Appeals; and to the Supreme Court Administration Office. The Clerk is also directed to post this order to the Supreme Court's website.

DONE at Indianapolis, Indiana, on November 18, 2013.



Brent E. Dickson
Chief Justice of Indiana