

In the Indiana Supreme Court



Cause No. 21S-MS-454

Order Authorizing Pilot Project to Broadcast Court Proceedings

Notwithstanding the prohibitions against broadcasting, televising, recording, or taking photographs in the courtroom and adjacent areas in Code of Judicial Conduct Canon 2.17, the Supreme Court, following discussions initiated by the Community Relations Committee and the Court Security Committee of the Judicial Conference of Indiana, in conjunction with the Hoosier State Press Association and the Indiana Broadcasters Association, authorizes a limited pilot project allowing broadcast of in-person proceedings in certain Indiana trial courtrooms and re-broadcast of live streamed proceedings, under the following conditions:

1. **Term.** The pilot shall run for a four-month period, beginning December 1, 2021. The Court reserves the right to terminate or extend the pilot at any time. If community health conditions warrant suspending in-person broadcasting, the Court may pause the pilot and resume it at a later date.
2. **Definitions.**
 - a. **Broadcast.** Broadcast means any broadcasting or recording of in-person court proceedings by the news media using still, video, or audio equipment. Broadcast also includes re-broadcast of live streamed proceedings. Broadcast is limited to the news media.
 - b. **News media.** News media means persons employed by or representing a newspaper, periodical, press association, radio station, television station, or wire service and covered by Ind. Code § 34-46-4, the journalist's privilege against disclosure of information source. Representatives of news media organizations must wear identification. The participating trial court judges have discretion to determine who is admitted as news media and under what conditions.
3. **Scope.** All civil and criminal proceedings will be eligible for broadcast by the news media, except for proceedings closed to the public, either by state statute or Indiana Supreme Court rules. No broadcast of a court proceeding is allowed without authorization from the judge. All authorized broadcast coverage of a court proceeding must comply with the Indiana Rules of Professional Conduct and the Indiana Code of Judicial Conduct.

4. **Judicial Discretion.** The judge has discretion to approve or deny a request for broadcast of a court proceeding. If the judge allows broadcast, the judge has discretion to interrupt or stop the coverage if he or she deems the interruption or stoppage appropriate. The judge also has discretion to limit or terminate broadcast at any time during the proceedings if the judge determines that the pilot rules have been violated by the news media. The judge's decision to approve, deny, limit, or terminate broadcast is not appealable.

5. **Advance Notice of Coverage.** The news media shall request permission for broadcasting at least 48 hours prior to the court proceeding. The request must be in writing on a form provided by the court. The judge has discretion to modify the notice period. A copy of the request shall be provided to the counsel of record and parties appearing without counsel. The judge shall post notice in the courtroom that news media personnel may be present for broadcast of court proceedings, and filming, photographing, and recording is limited to the authorized news media personnel.

6. **Judges.** The following trial courts have agreed to participate in the in-person broadcast pilot project:

a. Allen Superior Court, Criminal	Judge Frances Gull
b. Delaware Circuit Court 1	Judge Marianne Vorhees
c. Lake Superior Court, Civil 7	Judge Bruce Parent
d. Tippecanoe Circuit Court	Judge Sean Persin
e. Vanderburgh Superior Court	Judge Leslie Shively

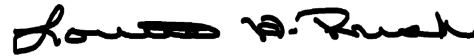
Any live streamed proceedings, regardless of judge, may be re-broadcast with approval from the judge.

7. **Prohibitions Regarding Coverage.** The judge shall prohibit broadcast of the following:
 - a. Police informants
 - b. Undercover agents
 - c. Minors
 - d. Victims of sex-related offenses
 - e. Jurors and jury selection
 - f. Attorney-client communications
 - g. Materials on counsel or clerk tables or the judicial bench
 - h. Bench conferences
 - i. Juvenile and CHINS matters
 - j. Guardianships
 - k. Contested adoptions
 - l. Mental health commitments
 - m. Protection order hearings

- n. Trade secrets
 - o. Proceedings or portions of proceedings where the court deems it necessary for the administration of justice (i.e., to protect a witness, other person, or confidential information)
8. **Decorum.** The judge has discretion to determine courtroom decorum. All news media personnel shall be properly attired, wear identification, and maintain proper decorum while in the courtroom. News media personnel are to be unobtrusive to the judicial process and may enter and leave the courtroom only prior to the commencement of proceedings, during recess, or after adjournment, and may not move around the courtroom during court proceedings. News media personnel may not conduct interviews in the courtroom.
9. **Broadcast equipment.** The judge has discretion to determine the quantity, types, and location of broadcast equipment permitted in the courtroom. Video cameras, still cameras, and audio recording equipment must be unobtrusive and not produce distracting sound or light. The judge has discretion to require pool coverage.
10. **Impermissible use of media material.** Film, videotape, still photographs, or audio reproductions from broadcast of a judicial proceeding shall not be admissible for any purpose in the case (including the proceeding out of which it arose, any subsequent or collateral proceeding, or upon any retrial or appeal of such proceedings).
11. **Evaluation.** The Community Relations Committee and the Court Security Committee of the Judicial Conference of Indiana shall work with the Hoosier State Press Association and the Indiana Broadcasters Association to monitor and evaluate the broadcast pilot project. The judge may request participants complete an evaluation form and may request copies of audio, video, or photographs published by the news media. The committees shall report their evaluation and recommendations at the end of the pilot period.
12. **Admonishments.** At the start of any criminal or civil proceeding with broadcast, the judge shall announce that the presence of cameras or recording equipment does not make the case or any witness more important than any other. The judge shall also announce that the news media is able to choose which portions of a trial to attend, and for legal reasons, may not be permitted to cover certain witnesses. The judge shall inform jurors that the news media is prohibited from filming, photographing, or recording jurors, and that jurors should ignore the presence of any cameras or recording equipment.
13. **Violations.** Any violation of the broadcast pilot rules by the news media shall be punishable by contempt of court, including suspension and/or termination of broadcast privileges.

14. Court Security Cameras. The judge shall establish a policy for security cameras, if used in the courtroom. At the discretion of the judge, video footage from a court security camera, if it is available, can be obtained and broadcast as part of the pilot project.

Done at Indianapolis, Indiana, on 11/15/2021 .



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.