

Judicial Officers: Authority and Responsibility

High Profile and Complex Litigation: Complication Reduction

Contact: Richard T. Payne; email: richard.payne@courts.in.gov

Trial work can be an arduous process but, at the same time, both rewarding and 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 case can play a vital role in the flow of a trial. Complexity of issues, counsel, parties, and witnesses can all move the case's trial 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 about 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 in cases of high public interest and notoriety. These cases always involve great increases in courtroom spectators, the need for enhanced courtroom security, media attention and additional requests for services during trial by reporters and counsel.

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

What is a high-profile case?

A high-profile case 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.

Office of Communication, Education and Outreach (OCEO)

OCEO offers 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 a division of the Indiana Office of Judicial 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 can send a written request to the Chief Justice by email. The request needs to include the case's name that will attract 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 aid judges during high profile cases. The assistance is based on lessons learned from Indiana high-profile matters and guidance from the National Center for State Courts and the Conference of Court Public Information Officers.

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 effortless 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 demanding 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.

Other Sources of Assistance

Both websites provide information and articles related to the specifics of cases that increase the profile and complexity of cases and offer constructive information for case management.

- National Center for State Courts (NCSC) - High Profile Cases
- Conference of Court Public Information Officers (CCPIO)