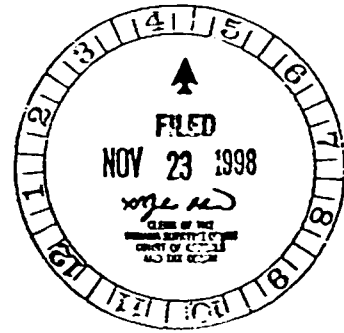


IN THE
SUPREME COURT OF INDIANA



Standards Governing Electronic)
Media and Still Photography)
of Oral Arguments Before)
The Indiana Court of Appeals)

94S00-9705-MS-290

ORDER

By order of August 20, 1997, the Court of Appeals was authorized to permit the use of cameras and microphones for press coverage of oral arguments held before the Court of Appeals between the dates of September 1, 1997, through February 28, 1998, under the terms of that order. The Court of Appeals has requested that the effectiveness of that order be extended indefinitely.

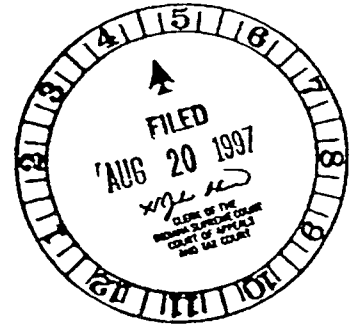
The Court therefore directs that the order of August 20, 1997, is hereby made effective indefinitely.

The Clerk is directed to send copies of this order to John T. Sharpnack, Chief Judge of the Indiana Court of Appeals; to Steve Lancaster, Administrator of the Indiana Court of Appeals; and to Janet Roberts Blue, Commissioner of the Indiana Court of Appeals.

DONE AT INDIANAPOLIS, INDIANA this 23rd day of November, 1998.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

IN THE
SUPREME COURT OF INDIANA



Standards Governing Electronic)
Media and Still Photography) No. 94S00-9705-MS-290
of Oral Arguments Before)
The Indiana Court of Appeals)

ORDER

The Indiana Supreme Court is engaged in an examination of the use of news cameras and microphones in an appellate courtroom environment. Beginning with an order dated September 3, 1996, this Court has allowed cameras and audio equipment to record the oral arguments held before the Court. The Indiana Court of Appeals has now agreed to become part of this study.

The Court therefore directs as follows. Notwithstanding the prohibition contained in Canon 3 of the Code of Judicial Conduct, cameras and microphones may be used for press coverage of oral arguments held before the Court of Appeals between the dates of September 1, 1997 through February 28, 1998 in accordance with the following terms:

1. **Location.**

In any location, whenever the three-judge panel hearing the case determines that the courtroom is large enough and so configured that the presence of cameras and microphones will not intrude in the appellate process or in any way detract from the oral argument.

2. **Request.**

(a) The panel hearing the case may, on its own initiative, approve the use of cameras and microphones during oral argument.

(b) A member of the news media may request permission of the panel hearing an oral argument to allow cameras, microphones, and tape recorders into the courtroom

area during oral argument. This request must be faxed to the Administrator of the Indiana Court of Appeals (fax number (317) 233-4627) at least 48 hours before the scheduled start of the oral argument. The request must specify the new organization and type (e.g. T.V., radio), contact name and phone and fax numbers.

3. Procedure.

If the use of cameras and microphones during oral argument is approved, the following will be complied with:

(a) Equipment and Personnel.

(1) Not more than two television news cameras shall be permitted. Each must be mounted on a tripod and may not be moved during the proceeding. Redirection of the camera during the proceeding will be limited. Specifically, the range of redirection shall be limited to the area between the speaker's lectern or counsel table and the bench where the panel is sitting.

(2) Not more than two still cameras shall be permitted. Each must be mounted on a tripod or monopod and may not be moved during the proceeding. Specifically, the range of redirection shall be limited to the area between the speaker's lectern or counsel table and the bench where the panel is sitting.

(3) Not more than one audio system for radio broadcast purposes shall be permitted in any proceeding. Audio pickup for all media purposes shall be accomplished from existing audio systems present. If no technically suitable audio system exists, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the panel hearing the case or its designee.

(4) Television news media members who have faxed request must be present in the courtroom one hour prior to the start of each day's oral argument to be part of the pool. Print and radio journalists who require minimal set-up time must be present 30 minutes prior to the start of the oral argument to be part of the pool. News

media representatives present at those times will decide among themselves which organization or organizations will be the pool representatives inside the court room. All pool representatives must have the capacity to share material with the news organizations who are present but are not part of the in-court pool.

(5) Any “pooling” arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the panel to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed equipment or personnel issues, the panel will prohibit contesting media personnel from covering a proceeding with cameras or recording equipment.

(b) Sound and Light Criteria.

(1) Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover oral arguments. Specifically, such photographic and audio equipment shall produce minimal sound. No artificial lighting device of any kind shall be employed in connection with the television camera.

(2) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings.

(3) It shall be the affirmative duty of media personnel to demonstrate to the panel or its designee adequately in advance of the proceeding that the equipment sought to be utilized meets the sound and light criteria outlined herein. A failure to obtain advance approval for equipment shall preclude its use in any proceeding.

(c) Location of Equipment and Personnel.

(1) Television camera equipment shall be positioned in such locations as shall be designated by the panel or its designee. The area designated shall provide reasonable access to coverage. If and when areas remote from the courtroom, which

permit reasonable access to coverage, are provided, all television camera and audio equipment shall be positioned only in such area. Video tape recording equipment which is not a component part of a television camera shall be located in an area remote from the courtroom designated by the panel or its designee.

(2) Still camera photographers shall be positioned in such locations in the courtroom as shall be designated by the panel or its designee. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed position and a fixed shooting position within the designated area. Still camera photographers shall not be permitted to move about in order to obtain photographs of court proceedings. Lens and film changes shall not be permitted during the proceedings.

(3) Broadcast media representatives shall not move about while proceedings are in session, and microphones or taping equipment, once positioned as required by part (a)(3), above, shall not be moved during the proceeding. Lens changes shall not be permitted during the proceedings.

(d) Movement during Proceedings.

News media photographic or audio equipment must be in place one half-hour prior to the start of the oral argument. News media photographic or audio equipment shall not be placed in or removed from the courtroom except prior to commencement or after adjournment of proceedings each day, or during a recess. Neither television videotapes nor still camera film or lenses shall be changed in the courtroom except during a recess in the proceeding. Specifically, video tape cassettes and audio cassettes may be changed only between arguments by the attorneys.

(e) Conferences of Counsel.

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

(f) Impermissible use of media material.

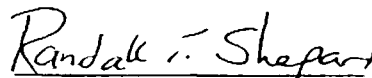
None of the film, video tape, still photographs or audio reproductions developed during or by virtue of coverage of judicial proceedings shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any retrial or appeal of such proceedings.

(g) Purpose; General Provision.

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

The Clerk is directed to send copies of this order to John T. Sharpnack, Chief Judge of the Indiana Court of Appeals; to Steve Lancaster, Administrator of the Indiana Court of Appeals; and to Janet Roberts Blue, Commissioner of the Indiana Court of Appeals.

DONE AT INDIANAPOLIS, INDIANA this 20th day of August, 1997.


Randall T. Shepard
Chief Justice of Indiana