

Supreme Court Guidelines For Still and Television Camera and Audio Coverage of Proceedings in the Courts of New Jersey

Revised: September 25, 1990
Issued by: The Supreme Court

1. Equipment and Personnel
 - (a) Not more than two portable videotape electronic television cameras, operated by not more than two persons, shall be permitted in any proceeding in any court.
 - (b) Not more than two still photographers, utilizing not more than two still cameras with not more than two lenses for each camera and related equipment for print purposes, shall be permitted in any proceeding in any court.
 - (c) Not more than one audio system for radio broadcast purposes shall be permitted in any proceeding in any court. Audio pickup for all media purposes other than tape recording as permitted in paragraph 12(b) shall be accomplished from existing audio systems present in the court facility. If no technically suitable audio system exists in the court facility, 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 Chief Justice for coverage in the Supreme Court, the Presiding Judge for Administration in the Appellate Division, the Assignment Judge of the vicinage in which the court facility is located in a trial court, and by the Presiding Judge in a tax court.
 - (d) Participating members of the electronic media and participating still photographers are to make their own pooling arrangements, respectively, including the establishment of necessary procedures, the provision of appropriate pooling equipment and selection of a pool representative without calling upon the court to mediate any dispute as to the appropriate media representative, costs or equipment authorized for a particular proceeding. The absence of media agreement on equipment, procedures and personnel may be grounds for the court to deny coverage of the proceedings. Applications for coverage shall be made in accordance with paragraph 10(a).
 - (e) Any media representative who obtains permission from the appropriate court to proceed with coverage shall provide pooling capabilities so that other media representatives may share in the coverage. Pooling requires, at a minimum, that the pooling supplier have available capabilities to pool either by way of the finished tape or an electronic connection for other media representatives desiring participation for the use of their own recording equipment or direct line hook-up. Any media representative who has obtained court permission for coverage shall pool its tape or photographs at the

request of other media representatives without requiring said other representatives to obtain further court approval.

2. Sound and Light Criteria

- (a) Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. Specifically, such photographic and audio equipment shall produce no greater sound or light than the equipment designated in Appendix A annexed hereto, when the same is in good working order. Absent prior approval, no artificial lighting device of any kind shall be employed in connection with a television camera.
- (b) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. Specifically, such still camera equipment shall produce no greater sound or light than a 35 mm Leica "M" Series Rangefinder Camera when used alone or in conjunction with a professional sound muffling device, e.g., the Nikon blimp. Absent prior approval, no artificial lighting device of any kind shall be employed in connection with a still camera.
- (c) It shall be the affirmative duty of media personnel to demonstrate to the court adequately in advance of any proceeding that the equipment sought to be utilized meets the sound and light criteria enunciated herein. A failure to obtain advance judicial approval for equipment shall preclude its use in any proceeding.

3. Location of Equipment and Personnel

- (a) Television camera equipment and camera personnel shall be positioned in such locations in the court facility as shall be designated by the court. The areas designated shall provide reasonable access to coverage. If and when areas remote from the court facility which permit reasonable access to coverage are provided, all television camera and audio equipment shall be positioned only in such areas. Videotape recording equipment which is not a component part of a television camera shall be located in an area remote from the court facility.
- (b) Still camera photographers shall be positioned in such locations in the court facility as shall be designated by the court. The areas designated shall provide reasonable access to coverage. Still camera photographers shall assume fixed positions within the designated areas, and once the photographers are positioned, such photographers shall not move about in any way as to attract attention through further movement. Still photographers shall not be permitted to move about in order to photograph court proceedings.
- (c) Broadcast media representatives shall not move about the court facility while proceedings are in session, and microphones or taping equipment once positioned as required by paragraph 1(c) shall not be removed during the pendency of the proceedings.

- (d) No limitations or restrictions shall be placed upon the taking of photographs in any courthouse or other building in which a courtroom is located, of persons, places or events which have no relation to the courts or to a court proceeding.
- (e) No limitations shall be placed upon the taking of photographs on the courthouse grounds or environs, except as provided in paragraph 3(g), pertaining to cases of exceptional notoriety.
- (f) Photographs may be taken in the corridor immediately outside a courtroom, or on the floor on which a courtroom is located, only with the express authorization of the court.
- (g) The Assignment Judge in cases of exceptional notoriety should:
 - 1. Consult with representatives of the news media before imposing any special limitation or restrictions on the taking of photographs.
 - 2. Take appropriate measures to ensure that the entrance and exits to the courthouse are kept clear in order that all participants in the proceedings may enter and leave the courthouse without harassment.

4. Movement of Equipment During Proceedings

Photographic or audio equipment for radio broadcast and television coverage shall not be placed in or removed from the court facility except prior to commencement and after adjournment of proceedings each day, or during a recess.

5. Courtroom Light Sources

With the concurrence of the owner of the building in which a court facility is situated, modifications and additions may be made in light sources existing in the facility, provided such modifications or additions are installed and maintained at media expense.

6. Conference with Counsel

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

7. Hearings

Subject to law, during the conduct of any hearing or trial the media may be ordered excluded by the judge. The Assignment Judge, upon recommendation of the trial court or on the Assignment Judge's own motion, may terminate, limit or vary the conditions of coverage previously permitted in any case or proceeding.

8. Appellate Review

Any party or media representative aggrieved by any decision of the court concerning coverage may move for leave to appeal therefrom to the Appellate Division. Such motions shall be made promptly after any such decision and, if possible, no more than one day thereafter. Such motions shall be granted only where the moving papers clearly demonstrate manifest abuse of discretion by the court.

9. General Considerations

Whenever these guidelines refer to a decision to be made by "the court," such decisions shall be made by the Chief Justice for the Supreme Court, by the Presiding Judge for Administration in the Appellate Division, by the Assignment Judge of the vicinage in which such court facility is located or by such judge designated by the Assignment Judge for a trial court, and by the Presiding Judge of the Tax Court for coverage in that court.

10. Selection of Proceedings and Appellate Arguments for Coverage
 - (a) Television, radio or still photography media representatives may, with reasonable notice, petition the court for permission to cover specific proceedings in which they are interested. Petitions for coverage are to be in writing unless time constraints do not permit the same, in which case an oral application may be made. The court is authorized to permit coverage subject to provisions contained in paragraph 10(b). Applications for coverage while a proceeding is in progress also may be considered, subject to paragraph 10(b). Specific permission shall be requested of the court to take photographs in corridors under paragraph 3(f).
 - (b) No television, radio or still photography coverage shall be allowed of proceedings in juvenile court or trial courts involving custody of children, divorce or matrimonial disputes, trade secrets and charges of sexual penetration or attempts thereof when the victim is alive, except that, when the victim is deceased, the court may deny permission in consideration of the victim's survivors or analogous concerns. Television, radio or still photographic coverage may be excluded in any proceeding where such coverage would cause a substantial increase in the threat of or the potential for harm to a participant in the case or would otherwise interfere with the achievement of a fair proceeding. Coverage of domestic disputes in the municipal courts is prohibited.
 - (c) Television, radio or still photography coverage of victims of crime under eighteen (18) years of age (at time of trial) and of witnesses under fourteen (14) years of age (at time of trial) shall be allowed in the discretion of the trial judge, subject to review by the Assignment Judge. Coverage of municipal court cases involving seventeen-year-old defendants charged with motor vehicle violations is permitted.
 - (d) It is incumbent upon the court and trial judge in supervision of media coverage to insure the fair administration of justice and to issue such orders as are required to ensure this goal.
11. Consent of Participants Not Required
Permission for coverage shall not be conditioned upon obtaining consent of any party or a party's attorney or any witness or any participant in such a trial or appellate argument.
12. Persons Authorized
 - (a) Photographing, live broadcasts and audio and video taping of public court proceedings are permitted by media representatives only.

- (b) As an additional reportorial tool, print media representatives may tape-record proceedings, with the approval of the court, as defined in paragraph 9, subject to the restrictions of paragraph 10 and with the following conditions:
 - (1) The recording device shall be unobtrusive, limited to the size category commonly known as hand-held, mini-cassette, or standard portable cassette. It shall be placed in an appropriate position and may not be moved in any way as to attract attention.
 - (2) The recording device shall not produce distracting sound, either from the equipment or its operation. The tape may not be rewound or played back while court is in session.
 - (3) The court may order that tape recording cease at any time it determines that the equipment or its operator is interfering with the proceedings.
 - (4) The recording may not be used in any court proceedings and may not be used to contest the accuracy of the official court record. The recording may not be represented as an official transcript in any manner and for any purpose.

13. Requirement of Sequestration of the Jury; Prohibition Against Visual Recognition of the Jury.

- (a) In any case where a jury has been impaneled, the jury shall not be sequestered solely because of any activity authorized by these guidelines. The right of the trial judge to order sequestration for other lawful reason is preserved.
- (b) Neither print nor electronic media photography of a jury shall be such as to permit visual recognition of jurors.

14. Mandatory Pretrial Conference

A mandatory pretrial conference in each selected case shall be held among the court, attorneys and media personnel assigned to cover the proceedings, with all matters discussed to be consistent with the guidelines herein adopted. Objections, if any, to electronic or still photography media coverage shall be considered at this conference. No formal pretrial memoranda are required, but the court subsequent to the pretrial conference must reduce to writing or establish a stenographic record of the decisions reached at the pretrial conference, including setting forth all conditions imposed upon coverage. At such conference the presiding judge shall carefully review with all present the guidelines herein adopted.

15. Ceremonial Proceedings

Permission for all still, television camera and audio coverage of ceremonial proceedings involving the judiciary must first be obtained from the court but will be granted routinely, subject to compliance with the foregoing guidelines where applicable.

VIDEO TAPE ELECTRONIC CAMERAS

1.	Ikegami	HL-77,HL-33,HL-35,HL-34,HL-51
2.	RCA.....	TK76
3.	Sony	DXC-1600 Tricon
3a.	ASACA.....	ACC-2006
4.	Hitachi	SK80, SK90
5.	Hitachi	FP-3030
6.	Philips	LDK-25
7.	Sony BVP-200	ENG Camera
8.	Fernseh.....	Video Camera
9.	JVC-8800u	ENG Camera
10.	AKAI	CVC-150 VTS-150
11.	Panasonic.....	WV-3085 NV-1085
12.	JVC.....	GC-4800u

VIDEO TAPE RECORDERS/used with video camera

1.	Ikegami	3800
2.	Sony	3800
3.	Sony	BVU-100
4.	Ampex.....	Video Recorder
5.	Panasonic.....	1 inch Video Recorder
6.	JVC.....	4400
7.	Sony	3800H

EDITOR'S NOTE

Canon 3A (8) of the Code of Judicial Conduct, adopted by the Supreme Court, provides that a "judge should prohibit broadcasting, televising, recording or taking photographs in the courtroom and the areas immediately adjacent thereto during sessions of court or recesses between sessions," except that a judge may authorize still and television camera and audio coverage of proceedings in accordance with guidelines established by the Supreme Court.

In December 1978, the Court permitted a one-day experiment allowing electronic coverage of its proceedings and then authorized a one-year test of coverage in two courtrooms in Bergen and Atlantic Counties. The experiment was expanded to all counties in April 1980 and, in October 1980, to all appellate court arguments.

The Supreme Court, acting on the recommendation of its Committee on Relations with the Media, ended the experiment in June 1981 and established the program on a permanent basis in the state appellate and trial courts.

Effective December and Camden, expanded the experiment statewide in January 1984, and granted permanent authorization beginning in September 1986.

No change has been made to the text.