



SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Cameras in Court:

Photographing, Recording, and Broadcasting in the Courtroom

Information About Form MC-510, Order on Media Request to Permit Coverage

1. AUTHORITY TO MAKE THE ORDER

Q: Who has the authority to make the order?

A: The judge assigned to the proceeding shall rule upon the request. If no judge has been assigned, the request shall be submitted to the judge supervising the calendar department and thereafter be ruled upon by the judge assigned to the proceeding.

2. PRESUMPTION FOR OR AGAINST COVERAGE

Q: Is there a presumption for or against allowing coverage?

A: No, the rule does not create any such presumption. (Rule 1.150(a).)

The task force has...considered whether the rule should contain a presumption that one side or the other should be required to overcome. We continue to believe the rule should express its neutrality as to the proper exercise of discretion. The draft rule contains a listing of factors for consideration by judicial officers and an expression that findings and statements of decision are not required in ruling on applications for coverage. All of that material is designed to guide the courts in their decision making, but, in the last analysis, leaves the decision to the sound discretion of the judicial officer making the ruling. We continue to recommend the rule expressly declare the absence of a presumption on the issue of coverage. (*Final Task Force Report* (May 9, 1996), p. 19.)

3. BANS ON COVERAGE

Q: May a complete ban on all coverage be imposed?

A: After considering all the factors listed in the rule, a judge may impose a complete ban on media coverage of a particular proceeding. Judges should be

aware that such a ban may actually increase the workload of court staff, since the media may attempt to use the court staff as an alternate source of information. The task force offered the following opinions on complete and limited bans:

The task force believes balancing the competing policy interests compels a conclusion that a total ban on cameras in the courtroom would be inappropriate. The task force also believes that society's interest in an informed public, recognized in the planning and mission of the Judicial Council, is an important objective for the judiciary, which would be severely restricted by a total ban. Today's citizen relies too heavily on the electronic media for information; yet actual physical attendance at court proceedings is too difficult for the courts to countenance a total removal of the public's principal news source. (*Invitation to Comment-Proposals for Changes to California Rules of Court, Rule 980 on Photographing, Recording, and Broadcasting in the Courtroom* (Feb. 26, 1996), p.10; Judicial Council meeting materials (Feb. 23, 1996), tab 6, p. 10.)

Related to the issue of whether to recommend a complete ban on media coverage, the task force also unanimously voted not to ban live, contemporaneous electronic photographing, broadcasting, and recording from California courtrooms. It was suggested to the task force that delaying broadcast would work to reduce the commercialization and frenzy surrounding live media coverage. Task force members, however, also believed that a rule to delay broadcast would eliminate from the courtroom those media agencies offering the more responsible, educational, gavel-to-gavel coverage, leaving the public only with "snippets" and "sound bites" on the evening news. (*Id.*, at pp.1011.)

4. FREE SPEECH CONCERNS

Q: What are the attendant implications for free speech rights?

A: The Task Force on Photographing, Recording, and Broadcasting in the Courtroom has offered the following guidance regarding free speech issues:

This...rule with the restrictions it contains would not close any proceeding now open to the public and to the news media. Reporters from every form of news media will remain free to attend such proceedings and to report their observations to whatever extent they deem appropriate. Hence, the debate on the proposed restrictions is not one of access by the entire media, rather it deals with the use of film and electronic equipment as a tool in reporting that which the reporters can observe. Such characterization is not meant to denigrate the importance of electronic and film media as a method of news distribution. Rather, it is an effort to dispel notions the proposed rule somehow closes important proceedings or denies access by members of certain media organizations to the courts. (*Final Task Force Report, supra*, at pp. 1617.)

5. LIMITING CONDUCT OUTSIDE THE COURTROOM

Q: How far can I go in limiting conduct outside the courtroom?

A: The media order may encompass the courtroom, the courthouse, and the courthouse's entrances and exits. Also, the order may incorporate any local rule or order of the presiding or supervising judge regulating media activity outside of the courtrooms. (See rule 1.150(e)(4).)

6. MAKING THE COVERAGE DECISION

Q: Is a hearing required?

A: No. (See rule 1.150(e)(2).) The task force anticipated the media's objections to this section of the rule and offered the following comment:

[M]edia agencies expressed frustration that coverage decisions are now made summarily, without offering guidance that would allow the media to make better or more appropriate requests. Although the proposed amended rule does not require a hearing on the request, by specifying a list of factors, media agencies wishing to cover court proceedings are put on notice as to the kind of information the judge will take into consideration in making the coverage decision. (*Id.*, at p. 22.)

Q: Are all the factors to be considered in making the decision (listed on the reverse side of Form MC-510) weighed equally?

A: The rule offers no guidance on how to weigh the factors. This is intended to be a matter within the trial judge's discretion.

Q: Are findings or a statement of decision required?

A: No. The task force felt that requiring a statement of decision would take time and energy away from the trial at hand. Such a requirement would also ultimately increase the burden on appellate courts. (Rule 1.150(e)(4).)

Q: May the order incorporate local rules?

A: Yes, as permitted by rule 1.150(e)(4), a judge may incorporate into the 1.150 order any local rule or other regulating media activity *outside* the courtroom issued by the supervising and/or presiding judge. The previous version of rule 1.150 made no reference to the use of local rules. It is anticipated that requesting agencies may object to lack of notice regarding changes in local rules. Responding to this concern, the task force points out that such changes are publicized independently by local courts. As an assurance of notice, Form MC-510 also requires attachment of a copy of the applicable local rule to the order.

7. MODIFYING OR TERMINATING THE ORDER

Q: What procedures are required to modify or terminate the order?

A: The following procedures are required to modify or terminate the order:

- A motion to modify or terminate is made by the judge or upon application to the judge. No prior hearing or written findings are required.
- If the motion is by application, notice is given to the parties (by the clerk).
- When ruling on modification, the judge may use a new Form MC-510 to make the order.
- Once modification or termination has been ordered, notice is given to the parties and each media agency permitted by the previous order to cover the proceeding.

8. IMPOSING SANCTIONS FOR VIOLATING THE ORDER

Q: What sanctions may be imposed for violations of the order?

A: The following sanctions are listed in sections (f) of rule 1.150:

- Order terminating media coverage;
- A citation for contempt of court;
- An order imposing monetary sanctions; or
- Other sanctions as provided by law.

9. ASSISTANCE FROM THE ADMINISTRATIVE OFFICE OF THE COURTS

Q: How can I continue to find out about how this new rule is operating?

A: Copies of Forms MC-500 and MC-510, and any subsequent orders (modification orders, termination orders, orders regarding payment of court costs, orders imposing sanctions, and so forth) are mailed each month to:

Judicial Council of California
Administrative Office of the Courts
Office of Court Technology and Information
Attn: Ms. Cecilia Ignacio
455 Golden Gate Avenue
San Francisco, CA 94102

Copies of these forms will be used for data collection purposes, and information will be analyzed by the Research and Planning Unit and shared with judges, court administrators, and media agencies. Please call the Research and Planning Unit at 415-865-7737 for additional assistance, or contact our Web site at <http://www.courtinfo.ca.gov/>.