

Policy for Broadcasting, Televising, Recording, or Photographing Court Proceedings Wayne Superior Court No. 3

I. General Rule.

Indiana Code of Judicial Conduct Rule 2.17 generally prohibits the broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court as well as recesses between sessions. As of May 1, 2023, Rule 2.17 reads as follows:

A Judge shall prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto.

However, a Judge may authorize:

(1) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, or for other purposes of judicial administration;

(2) the broadcasting, televising, recording, or photographing of investitive or ceremonial proceedings;

(3) the broadcasting, televising, recording, digital streaming, or photographing of court proceedings or the courtroom by members of the news media under the following conditions:

(a) the means of recording will not distract participants or impair the dignity of the proceedings; and

(b) the broadcasting is restricted to non-confidential proceedings.

II. Definitions.

For purposes of this policy, the following definitions apply:

(A) "News media" is defined as any person employed by or representing a newspaper, periodical, press association, radio station, television station, or wire service, and covered by Ind. Code § 34-46-4-1*. Members of the general public do not fall under the definition of "news media."

***(1)** any person connected with, or any person who has been connected with or employed by:

(A) a newspaper or other periodical issued at regular intervals and having a general circulation; or

(B) a recognized press association or wire service;

as a bona fide owner, editorial or reportorial employee, who receives or has received income from legitimate gathering, writing, editing and interpretation of news; and

(2) any person connected with a licensed radio or television station as owner, official, or as an editorial or reportorial employee who receives or has received income from legitimate gathering, writing, editing, interpreting, announcing or broadcasting of news.

(B) "Presiding judge" means the Judge, Magistrate, Senior Judge, Special Judge, or Judge Pro Tempore scheduled to preside or presiding over a court proceeding in the Wayne Superior Court No. 3.

(C) "Court Proceeding" means any trial, hearing, argument, or other matter held in open court which the public is entitled to attend.

III. Media Requests for Broadcasting

To assist the news media in understanding the Court's discretion to authorize broadcasting of court proceedings when permitted by Judicial Conduct Rule 2.17, the following expectations apply:

- A. Upon approval, and at the discretion of the presiding judge, representatives of the news media (defined above) may use video cameras, still cameras, or video recorders to broadcast, televise, record, stream, or photograph proceedings in the Wayne Superior Court No. 3. In the absence of prior approval granted pursuant to this policy, broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court as well as recesses between sessions remains prohibited.
- B. News media representatives must give at least five business days' notice to the presiding judge (or his/her designee, if any) of any request to cover a court proceeding, except for court hearings in which Zoom or other internet platform credentials have been provided to the media in advance, as provided for at paragraph 5 of this section.
- C. The form found at Addendum "A" is the approved means for providing notice, and must be emailed to the court at: wsc3.media@co.wayne.in.us

Once received, the request will be reviewed by the court, and may be shared with counsel of record and parties who appear without counsel. Following review of the request, the court will notify the requesting news media representative of the decision.

- D. If the broadcasting request is granted, the presiding judge may still prohibit, limit, or terminate media coverage at his or her discretion, at any time.
- E. The presiding judge may elect to provide access credentials to a news media representative for hearings that are held in whole or in part via Zoom or similar online platform. News media representatives shall not attempt to be interactive during a Zoom or other online platform proceeding by verbal, written, or non-verbal communication.
- F. Docket sessions vary from day to day, but certain reasonable restrictions can be expected at all times. The Court cannot permit recording or broadcasting of certain individuals and events in the Courtroom and areas immediately adjacent, including:
 - members and prospective members of a jury; minors; victims of violent or sex offenses
 - conferences between attorneys and their clients
 - side bar conferences between counsel and the presiding judge
 - materials on counsel tables or judge's bench

Any news media representative who is granted permission to broadcast should meet in advance with the presiding judge or designee, for purposes of **verifying press credentials**, assuring equipment and personnel will not be disruptive of the proceedings, and determining the most appropriate location for the equipment and personnel.

News media may not use recording devices that are more sensitive than the human ear.

Addendum A – News Media Request Form

News Media Request for Electronic and Photographic Coverage of Judicial Proceedings in the Wayne County Superior Court No. 3

Pursuant to the policy of the Wayne County Superior Court No. 3, the undersigned hereby request permission to use video cameras, still cameras, or video recorders in order to broadcast, televise, record, stream, or photograph proceedings of:

Plaintiff/Petitioner _____

v. Defendant/Respondent _____

Cause Number (if known) 89D03-_____

Date(s) of Court proceeding:_____

The undersigned desires to use the following equipment:

The personnel who will be responsible for the operation of the equipment is/are:

The undersigned hereby certifies that the undersigned is a member of the news media as defined in Comment 2 of Indiana Code of Judicial Conduct Rule 2.17, and the operation of the equipment and the conduct of personnel will be in conformity with the Wayne County Superior Court No. 3 Policy for Broadcasting, Televising, Recording, or Photographing Court Proceedings.

So requested this ___ day of _____, 20__.

Signature _____

Printed Name _____

(Media Agency/Company/Entity Name)

(Position of Individual Signing)

(Business Address) _____

Requesting Individual's Phone: _____

email the completed form to:
wsc3.media@co.wayne.in.us