

Oregon Trial Court Rules

3.180 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

1. Courtrooms. Upon request or on the court's own motion, after notice to all parties, public access coverage shall be allowed in any courtroom, except as provided under this rule.
2. There shall be no public access coverage of the following:
 - a. Proceedings in chambers.
 - b. Any notes or conversations intended to be private including, but not limited to, counsel and judges at the bench and conferences involving counsel and their clients.
 - c. Dissolution, juvenile, paternity, adoption, custody, visitation, support, mental commitment, trade secrets, and abuse, restraining and stalking order proceedings.
 - d. At a victim's request, sex offense proceedings.
 - e. *Voir dire*.
 - f. Any juror anywhere during the course of the trial in which he or she sits.
 - g. Recesses.
3. Limitations on Denial of Public Access Coverage in Courtrooms. A judge may deny a request for or terminate public access coverage only if the judge makes findings of fact on the record setting forth substantial reasons for the denial. The judge may prohibit public access coverage if there is a reasonable likelihood of any of the following:
 - a. The public access coverage would interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial.
 - b. Any cost or increased burden resulting from the public access coverage would interfere with the efficient administration of justice.
4. A judge may summarily prohibit public access coverage of a particular witness only if the judge finds on the record that public access coverage would endanger the welfare of the witness or materially hamper the witness' testimony.
5. Areas Outside of Courtrooms. The presiding judge may allow public access coverage in any area outside the courtroom that is on the courthouse premises and under the control and supervision of the court. Courts are encouraged to designate an area or areas outside the courtroom that is on the courthouse premises for public access coverage. For areas subject to this subsection, each judicial district, by SLR, may establish, for any court location, procedures for obtaining permission for public access coverage that differ from this subsection or may designate locations where public access coverage is allowed or prohibited. SLR 3.181 is reserved for SLR adopted under this subsection.
6. Public Access Coverage Defined. As used in this rule:
 - a. "Public access coverage" means coverage by means of any public access coverage equipment.
 - b. "Public access coverage equipment" means any of the following in the possession of persons other than the court or the court's staff: television equipment; still photography equipment; audio, video, or other electronic recording equipment.

7. Equipment and Personnel for Public Access Coverage. The court may limit the location of public access coverage equipment. One pool video camera and one pool still camera and one pool tape recorder shall be permitted.
 - a. No public access coverage device shall be operated by more than one person.
 - b. No person shall use public access coverage equipment that interferes or distracts from proceedings in the courtroom.
 - c. The video camera must be mounted on a tripod or other device or installed in the courtroom. The tripod or other device must not be moved while the proceedings are in session. Video equipment must be screened where practicable or located and operated as directed by the court.
 - d. No artificial lighting devices of any kind shall be allowed.
 - e. Any pooling arrangement required by limitations on equipment and personnel imposed by the judge or by this rule must be the sole responsibility of the persons seeking public access coverage, without calling upon the judge to mediate any disputes involved therein.

In the absence of agreement on such issues by persons seeking public access coverage, the judge may exclude any or all public access coverage.

8. Upon request, any person engaging in public access coverage of a court event or in a courtroom, courthouse, its premises, or environs under the control and supervision of the court must provide to the court, without expense, or to any other person, if the requestor pays actual copying expense, a copy of any public access coverage the person performed.
9. A judge may impose other restrictions or limitations necessary to preserve the solemnity, decorum, and dignity of the court and to protect the parties, witnesses, and jurors. A judge may terminate any or all public access coverage at any point upon finding, based on substantial reasons in the record, that this UTCR or other rules imposed by the judge have been violated.
10. Nothing in this rule is intended to limit the court's contempt powers.
11. Nothing in this rule shall alter or affect the rules of the Supreme Court promulgated under "Video-Trial Project No. 88-38." Under that project, the audio-video coverage constitutes the entire record. In all other courts, the record shall be preserved with court reporters or audiotape. Restrictions on releasing audio-video coverage in courts participating in the Video-Trial Project shall be set forth in separate rules.

NOTE: UTCR 3.180 was adopted by the entire Oregon Supreme Court, and any changes to the rule will be made only with the consent of the Supreme Court.

Media Guidelines

Media Guidelines for Public Access Courtroom Coverage in Lane County Circuit Court

Oregon Uniform Trial Court Rule: 3.180

Media agencies or personnel desiring media access to court events must familiarize themselves with [Uniform Trial Court Rule 3.180](#)

Application

The news media can notify the court of their request to provide video, still photographic, or audio coverage of a judicial proceeding by submitting a request for media or other public access coverage of court events. This [request form](#) must be submitted a reasonable time in advance of the start of the proceeding. Court rules require that a original be filed with the court. Fax submissions can not be accepted.

Only one request is necessary for a given case for each type of media access. Once an application is made, all media requesting similar coverage are considered to have applied. Once an application is submitted for a case, the application will apply through the final judgment.

Equipment and Operators

- Only one television camera and/or one still camera each with a single camera operator will be permitted in the courtroom. Cameras and operators must be in designated locations. No interviews may be conducted in the courtrooms, or inside the yellow tape lines on any floor of the courthouse.
- It is up to the judge, typically through their staff, to decide where cameras and microphones may be placed in the courtroom. Each courtroom is different and judges differ on this so you must ask for assistance to determine camera placement prior to the day of the proceeding.
- Equipment and camera operators must be in place prior to the court proceeding. Equipment must not be installed, moved or removed from the courtroom while court is in session. Camera operators may not move around the courtroom while court is in session.
- No artificial lighting device of any kind can be used in the courtroom.
- Members of the media must comply with the Uniform and Supplemental Court Rules regarding decorum in court proceedings. UTCR Chapter 3. Lane County SLR Chapter 3.
- News media must arrange any pooling of footage, photographs or audio among themselves. The court will not participate in any pooling agreement. The court will not mediate in the event of disagreements about pooling arrangements. Disagreements about pooling arrangements will not result in additional media equipment being allowed into the courtroom. In the absence of agreement on pooling issues by persons seeking public access coverage, the judge may exclude any or all public access coverage.

Limitations on Access

- Never photograph jurors or even give the appearance of photographing jurors.
- There is no media access coverage of any conference or proceedings held in the chambers of a judge .
- There is no media access coverage of any notes or conversations intended to be private including, but not limited to, counsel and judges at the bench and conferences involving counsel and their clients.
- No media or public access coverage is allowed during court recesses.
- Pursuant to General Order. Cameras are not allowed in the jail courtroom or visitor area.

Violations

Any violation of Oregon Uniform Trial Court Rule 3.180 may result in sanctions including but not limited to the termination of media coverage privileges.

[Media Coverage Request form](#)

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY

Plaintiff,
vs

Defendant.

Case Number: _____

REQUEST FOR MEDIA OR OTHER PUBLIC
ACCESS COVERAGE OF COURT EVENTS

Name: _____

Representing (media agency): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Request for pooled coverage. I have checked with other like media and have been designated representative to coordinate media coverage and pooling arrangements.

Request for coverage. I have not checked with other like media, but I am willing and technologically capable to pool my coverage if it is so requested.

Type of Coverage: Television (video media) Still Photographic Audio Recording (radio)

I am knowledgeable about, and agree to abide by Uniform Trial Court Rule 3.180 and the Lane County Circuit Court media guidelines.

Date

Signature

Notice Seeking Public Comment on Proposed UTCR Changes for 2013

Oregon Uniform Trial Court Rule 3.180

Amend to make various changes to media access including the level of access in sex offense proceedings, the amount of equipment that may be used, and alignment with the media shield statutes.

ACTION TAKEN

Motions 33, 34, and 35, to modify the proposal, passed by consensus. Motion 36 to preliminarily recommend approval, passed 9-2.

EXPLANATION

This proposal was submitted by Therese Bottomly, on behalf of the Bar Press Broadcasters Council, on March 5, 2012.

- The changes to section (2)(d) would allow for more expanded coverage of sex offense proceedings. The committee was concerned that the proposal did not offer enough protection for victims. The committee modified, through Motion 35, the proposal to prohibit public access coverage, upon a victim's request, of a victim's in-court statements so that the reading of a victim's impact statement would be protected from public access coverage, in addition to a victim's testimony or likeness.
- The changes to section (3) are meant to clarify the actions that are available to the court in limiting or denying a request for public access coverage.
- The changes to section (7) are meant to give judges the discretion to allow additional equipment in the courtroom.
- The changes to section (8) are meant to make the section consistent with media shield statutes (ORS 44.510 - 44.540) while allowing, in appropriate circumstances, in camera review by the court of materials protected by statute. The current section is in conflict with those statutes because it allows anyone to obtain materials that have been recorded, but not broadcast. The committee modified, through Motion 33, the proposal to add requirements that materials subject to in camera review must be provided to the court promptly and in a format accessible to the court.
- The proposal included a new section (12) stating that nothing in the rule constitutes a waiver of the media shield statutes. This proposal became section (11) after the committee, through Motion 34, deleted current section (11) pertaining to a defunct video trial project as the section is no longer relevant nor needed.

Two committee members voted against the preliminary recommendation of approval. One was concerned that section (2)(d) does not offer adequate protection for a victim as it does not prohibit public access coverage when a victim's statements are presented through the testimony of other witnesses. One disagreed with the policy of allowing news agencies to have a monopoly on materials recorded, but not broadcast. Any changes to this rule must be approved by the Oregon Supreme Court.

PROPOSED AMENDMENT

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 - a. Proceedings in chambers.

- b. Any notes or conversations intended to be private including, but not limited to, counsel and judges at the bench and conferences involving counsel and their clients.
 - c. Dissolution, juvenile, paternity, adoption, custody, visitation, support, mental commitment, trade secrets, and abuse, restraining and stalking order proceedings.
 - d. At a victim's request[,] **{in a}** sex offense proceeding[s] **{, the victim's testimony, in-court statements, or likeness}**.
 - e. Voir dire.
 - f. Any juror anywhere during the course of the trial in which he or she sits.
 - g. Recesses.
3. Limitations on Denial of Public Access Coverage in Courtrooms. A judge may **{limit or}** deny a request for or terminate public access coverage only if the judge makes findings of fact on the record setting forth substantial reasons for the [denial] **{ruling}**. The judge may prohibit public access coverage if there is a reasonable likelihood of any of the following:
 - a. The public access coverage would interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial.
 - b. Any cost or increased burden resulting from the public access coverage would interfere with the efficient administration of justice.
4. A judge may summarily prohibit public access coverage of a particular witness only if the judge finds on the record that public access coverage would endanger the welfare of the witness or materially hamper the witness' testimony.
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7. Equipment and Personnel for Public Access Coverage. The court may limit the location of public access coverage equipment. One pool video camera and one pool still camera and one pool tape recorder shall be permitted. **{The court, at its discretion, may permit additional public access coverage equipment, consistent with the considerations in subsections (3)(a) and (b).}**
 - a. No public access coverage device shall be operated by more than one person.
 - b. No person shall use public access coverage equipment that interferes or distracts from proceedings in the courtroom.
 - c. The video camera must be mounted on a tripod or other device or installed in the courtroom. The tripod or other device must not be moved while the proceedings are in

session. Video equipment must be screened where practicable or located and operated as directed by the court.

- d. No artificial lighting devices of any kind shall be allowed.
 - e. Any pooling arrangement required by limitations on equipment and personnel imposed by the judge or by this rule must be the sole responsibility of the persons seeking public access coverage, without calling upon the judge to mediate any disputes involved therein.
8. In the absence of agreement on such issues by persons seeking public access coverage, the judge may exclude any or all public access coverage.
 9. Upon request **{by the court for the purpose of determining whether there has been a violation of this rule, or to assure the effective administration of justice}**, any person engaging in public access coverage of a court event or in a courtroom, courthouse, its premises, or environs under the control and supervision of the court must **{promptly}** provide to the court, without expense, **{for the court's in camera review,}** [or to any other person, if the requestor pays actual copying expense,] a copy of any public access coverage the person performed **{in a format accessible to the court}**. **{Said copy may be retained by the court, subject to sealing, if necessary for the further administration of justice.}**
 10. A judge may impose other restrictions or limitations necessary to preserve the solemnity, decorum, and dignity of the court and to protect the parties, witnesses, and jurors. A judge may terminate any or all public access coverage at any point upon finding, based on substantial reasons in the record, that this UTCR or other rules imposed by the judge have been violated.
 11. Nothing in this rule is intended to limit the court's contempt powers.
 12. [Nothing in this rule shall alter or affect the rules of the Supreme Court promulgated under "Video-Trial Project No. 88-38." Under that project, the audio-video coverage constitutes the entire record. In all other courts, the record shall be preserved with court reporters or audiotape. Restrictions on releasing audio-video coverage in courts participating in the Video-Trial Project shall be set forth in separate rules.] **{Nothing in this rule constitutes a waiver of ORS 44.510 - 44.540 (media shield law).}**

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