

CHAPTER 25
RULES FOR EXPANDED NEWS MEDIA COVERAGE

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CHAPTER 25
RULES FOR EXPANDED NEWS MEDIA COVERAGE

Rule 25.1 Definitions. As used in this chapter:

~~“Expanded news media coverage” includes broadcasting, televising, electronic recording, or photographing of judicial proceedings for the purpose of gathering and disseminating news to the public.~~ includes broadcasting, recording, photographing, and live electronic reporting of judicial proceedings by the news media for gathering and disseminating in any medium. Expanded news media coverage shall be limited to the news media unless otherwise ordered by the judge.

“*Good cause*” for purposes of exclusion under this chapter means that coverage will have a substantial effect upon the objector which would be qualitatively different from the effect on members of the public in general and that such effect will be qualitatively different from coverage by other types of news media.

“*Judge*” means the magistrate, district associate judge, or district judge presiding in a trial court proceeding, or the presiding judge or justice in an appellate proceeding.

“*Judicial proceedings*” or “*proceedings*” shall include all public trials, hearings, or other proceedings in a trial or appellate court, for which expanded news media coverage is requested, except those specifically excluded by this chapter.

“*News media*” shall include any person who regularly gathers, prepares, photographs, records, writes, edits, reports, or publishes news or information about matters of public interest in any medium, and who successfully applied to participate in expanded news media coverage and agreed to comply with all court rules.

“*News Media media coordinator*” shall include news media coordinating councils as well as the designees of such coordinators or councils.

Rule 25.2 General Rules. ~~No expanded news media coverage shall occur without prior authorization from the judge. Broadcasting, televising, recording, and photographing~~ Expanded news media coverage will be permitted in the courtroom and adjacent areas during sessions of the court, including recesses between sessions, under the following conditions:

25.2(1) Permission first shall have been granted expressly by the judge, who may prescribe such conditions of coverage as provided for in this chapter.

25.2(2) Expanded news media coverage of a proceeding shall be permitted, unless the judge concludes, for reasons stated on the record, that under the circumstances of the particular proceeding such coverage would materially interfere with the rights of the parties to a fair trial.

25.2(3) Expanded news media coverage of a witness also may be refused by the judge upon objection and showing of good cause by the witness. In prosecutions for sexual abuse, or for charges in which sexual abuse is an included offense or an essential element of the charge, there shall be no expanded news media coverage of the testimony of a victim/witness unless such witness consents. Further, an objection to coverage by a victim/witness in any other forcible felony prosecution, and by police informants, undercover agents, and relocated witnesses, shall enjoy a rebuttable presumption of validity. The presumption is rebutted by a showing that expanded news media coverage will not have a substantial effect upon the particular individual objecting to such coverage which would be qualitatively different from the effect on members of the public in general and that such effect will not be qualitatively different from coverage by other types of news media.

25.2(4) Expanded news media coverage is prohibited of any court proceeding which, under Iowa law, is required to be held in private. In any event, no coverage shall be permitted in any juvenile, dissolution, adoption, child custody, or trade secret cases unless consent on the record is obtained from all parties (including a parent or guardian of a minor child).

25.2(5) Expanded news media coverage of jury selection is prohibited. Expanded news media coverage of the return of the jury’s verdict shall be permitted. In all other circumstances, however, expanded news media coverage of jurors is prohibited except to the extent it is unavoidable in the coverage of other trial participants or courtroom proceedings. The policy of the rules in this chapter is to prevent unnecessary or prolonged photographic or video coverage of individual jurors.

25.2(6) There shall be no audio pickup or broadcast of conferences in a court proceeding between attorneys and their clients, between co-counsel, between counsel and the presiding judge held at the bench or in chambers, or between judges in an appellate proceeding.

25.2(7) The quantity and types of equipment permitted in the courtroom shall be subject to the discretion of the judge within the guidelines set out in this chapter.

25.2(8) Notwithstanding the provisions of any of the procedural or technical rules in this chapter, the presiding judge, upon application of the news media coordinator, may permit the use of equipment

1 or techniques at variance therewith, provided the application for variance is included in the advance
2 notice of coverage provided for in rule 25.3(2). Objections, if any, shall be made as provided by rule
3 25.3(3). Ruling upon such a variance application shall be in the sole discretion of the presiding judge.
4 Such variances may be allowed by the presiding judge without advance application or notice if all
5 counsel and parties consent to it.

6 **25.2(9)** The judge may, as to any or all news media participants, limit or terminate photographic or
7 electronic news media coverage at any time during the proceedings in the event the judge finds that
8 rules established under this chapter, or additional rules imposed by the presiding judge, have been
9 violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced by
10 such manner of coverage if it is allowed to continue.

11 **25.2(10)** The rights of photographic and electronic coverage provided for herein may be exercised
12 only by persons or organizations which are part of the news media.

13 **25.2(11)** A judge may authorize expanded news media coverage of investitive or ceremonial
14 proceedings at variance with the procedural and technical rules of this chapter as the judge sees fit.
15

16 **Rule 25.3 Procedural Rules.**

17 **25.3(1)** ~~Media~~ News media coordinator and coordinating councils. ~~Media~~ News media
18 coordinators shall be appointed by the supreme court from a list of nominees provided by a
19 representative of the news media designated by the supreme court. The judge and all interested
20 members of the news media shall work, whenever possible, with and through the appropriate news
21 media coordinator regarding all arrangements for expanded news media coverage. The supreme court
22 shall designate the jurisdiction of each news media coordinator. In the event a news media coordinator
23 has not been nominated or is not available for a particular proceeding, the judge may deny expanded
24 news media coverage or may appoint an individual from among local working representatives of the
25 news media to serve as the coordinator for the proceeding.

26 **25.3(2)** *Advance notice of coverage.*

27 a. Upon written or oral request made to the magistrate or judge presiding over an initial
28 appearance, expanded news media coverage shall be allowed at all initial appearances in criminal
29 cases. Such coverage is subject to objection by either the prosecutor or defendant or defendant's
30 counsel.

31 ~~a. b.~~ Regarding all proceedings except initial appearances in criminal cases, All all requests ~~by~~
32 ~~representatives of the news media to use photographic equipment, television cameras, or electronic~~
33 ~~sound recording equipment in the courtroom for expanded news media coverage shall be made to the~~
34 news media coordinator. The news media coordinator, in turn, shall inform counsel for all parties and
35 the presiding judge at least ~~14~~seven days in advance of the time the proceeding is scheduled to begin,
36 but these times may be extended or reduced by court order. When the proceeding is not scheduled at
37 least ~~14~~ seven days in advance, however, the news media coordinator or news media coordinating
38 council shall give notice of the request as soon as practicable after the proceeding is scheduled.

39 ~~b. c.~~ Notice shall be in writing, filed electronically or by paper copy in with the appropriate clerk's
40 office clerk of district court. A copy of the notice shall be sent by ~~ordinary mail~~ electronically,
41 delivered by ordinary mail, or delivered in person to the last known address contact of all counsel of
42 record, parties appearing without counsel, the appropriate court administrator, and the judge expected
43 to preside at the proceeding for which expanded news media coverage is being requested.

44 ~~e. d.~~ The notice form in rule 25.5 is illustrative and not mandatory.

45 **25.3(3)** *Objections.*

46 a. Regarding initial appearances in criminal cases, the defendant shall be advised by the judge of
47 his or her right to orally object to expanded news media coverage prior to the commencement of the
48 proceeding and any such objection shall be heard and determined by the judge prior to the
49 commencement of the proceeding. The judge shall rule on the basis of the oral objection alone.

50 ~~a. b.~~ Regarding all proceedings except initial appearances in criminal cases, A a party to a
51 proceeding objecting to expanded news media coverage under rule 25.2(2) shall file a written
52 objection, stating the grounds therefor, at least three business days before commencement of the
53 proceeding. All witnesses shall be advised by counsel proposing to introduce their testimony of their
54 right to object to expanded news media coverage, and all objections by witnesses under rule 25.2(3)
55 shall be filed prior to commencement of the proceeding. Witnesses shall be entitled to the assistance
56 of the clerk of the district court in providing copies of this objection to all counsel of record, parties
57 appearing without counsel, the news media coordinator for the judicial district, the district court
58 administrator for the judicial district, and the judicial officer expected to preside in the proceeding.
59 The objection forms in rule 25.5 are illustrative and not mandatory. All objections shall be heard and
60 determined by the judge prior to the commencement of the proceedings. The judge may rule on the

1 basis of the written objection alone. In addition, the objecting party or witness, and all other parties,
2 may be afforded an opportunity to present additional evidence by affidavit or by such other means as
3 the judge directs. The judge in absolute discretion may permit presentation of such evidence by the
4 news media coordinator in the same manner. Time for filing of objections may be extended or reduced
5 in the discretion of the judge, who also, in appropriate circumstances, may extend the right of objection
6 to persons not specifically provided for in this chapter.
7

8 **Rule 25.4 Technical Rules.**

9 **25.4(1) Equipment specifications.** Equipment ~~to be~~ used by the news media in courtrooms during
10 judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, such
11 equipment must satisfy the following criteria, where applicable:

12 *a. Still cameras.* Still cameras and lenses must be unobtrusive, without distracting light or sound.

13 *b. Television cameras and related equipment.* Television cameras are to be electronic and, together
14 with any related equipment to be located in the courtroom, must be unobtrusive in both size and
15 appearance, without distracting sound or light. Television cameras are to be designed or modified so
16 that participants in the judicial proceedings being covered are unable to determine when recording is
17 occurring.

18 *c. Audio equipment.* Microphones, wiring, and audio recording equipment shall be unobtrusive and
19 shall be of adequate technical quality to prevent interference with the judicial proceeding being
20 covered. Any changes in existing audio systems must be approved by the presiding judge. No
21 modifications of existing systems shall be made at public expense. Microphones for use of counsel
22 and judges shall must be equipped with off/on switches to facilitate compliance with rule 25.2(6).

23 *d. Other electronic devices.* All electronic devices used for recording audio, video, or still images
24 must adhere to Rule 25.4(3)(a). All other electronic devices not used for recording audio, video, or
25 still images must be unobtrusive, without distracting light or sound, and are not subject to the
26 limitations of 25.4(3)(a). Other electronic devices include, but are not limited to, laptop computers,
27 cellular telephones, personal digital assistants, smart phones, and tablet computers.

28 *d.e. Advance approval.* It shall be the duty of news media personnel to demonstrate to the
29 presiding judge reasonably in advance of the proceeding that the equipment sought to be utilized meets
30 the criteria set forth in this rule. Failure to obtain advance judicial approval for equipment may
31 preclude its use in the proceeding. All news media equipment and personnel shall be in place at least
32 fifteen minutes prior to the scheduled time of commencement of the proceeding.

33 **25.4(2) Lighting.** Other than light sources already existing in the courtroom, no flashbulbs or other
34 artificial light device of any kind shall be employed in the courtroom. With the concurrence of the
35 presiding judge, however, modifications may be made in light sources existing in the courtroom (e.g.,
36 higher wattage lightbulbs), provided such modifications are installed and maintained without public
37 expense.

38 **25.4(3) Equipment and pooling.** The following limitations on the amount of equipment and
39 number of photographic and broadcast news media personnel in the courtroom shall apply:

40 ~~*a. Still photography.* Not more than two still photographers, each using not more than two camera~~
41 ~~bodies and two lenses, shall be permitted in the courtroom during a judicial proceeding at any one~~
42 ~~time.~~

43 ~~*b. Television.* Not more than two television cameras, each operated by not more than one camera~~
44 ~~person, shall be permitted in the courtroom during a judicial proceeding. Where possible, recording~~
45 ~~and broadcasting equipment which is not a component part of a television camera shall be located~~
46 ~~outside of the courtroom.~~

47 ~~*e. Audio.* Not more than one audio system shall be set up in the courtroom for broadcast coverage~~
48 ~~of a judicial proceeding. Audio pickup for broadcast coverage shall be accomplished from any~~
49 ~~existing audio system present in the courtroom, if such pickup would be technically suitable for~~
50 ~~broadcast. Where possible, electronic audio recording equipment and any operating personnel shall be~~
51 ~~located outside of the courtroom.~~

52 *a. Video recording, audio recording, and still photography.* Not more than five total members of
53 the news media using still cameras, television cameras, audio recorders, and electronic devices, or any
54 combination of the four, used to photograph, video, or record audio are permitted in the courtroom
55 during a judicial proceeding. Each still photographer may use two camera bodies each with a fixed
56 lens or one camera body and two lenses. Where possible, all recording and broadcasting equipment
57 that is not a component part of a camera or an electronic device and any operating personnel shall be
58 located outside of the courtroom. Audio pickup for broadcast coverage shall be accomplished from
59 any existing audio system present in the courtroom if such pickup would be technically suitable for
60 broadcast.

1 d.b. Pooling. Where the above limitations on equipment and personnel make it necessary, the news
2 media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole
3 responsibility of the news media coordinator, and the presiding judge shall not be called upon to
4 mediate any dispute as to the appropriate news media representatives authorized to cover a particular
5 judicial proceeding. Representatives of news media shall be responsible for contributing to electronic
6 pool coverage of judicial proceedings when necessary. If a news organization is incapable of
7 contributing to pool coverage, the news media coordinator may allow the news organization to share
8 the pool coverage or may restrict the news organization's coverage.

9 25.4(4) Location of equipment and personnel. Equipment and operating personnel, including news
10 media using electronic devices to transmit and receive data communication, shall be located in, and
11 coverage of the proceedings shall take place from, an area or areas within the courtroom designated by
12 the presiding judge. The area or areas designated shall provide reasonable access to the proceeding to
13 be covered.

14 25.4(5) Electronic devices. The devices defined in rule 25.4(1)(a)-(d) may be used in the courtroom
15 to transmit and receive data communications provided that the equipment does not make any
16 disruptive noise or interfere with court equipment. Electronic devices may not be used by anyone in
17 the courtroom for telephone calls. Electronic devices may not be used by anyone in the courtroom for
18 photography, video recording, audio recording, or streaming video unless approved by the presiding
19 judge in advance of the proceeding as defined in Rule 25.4(3)(a). The rule applies to news media only
20 as defined in Rule 25.1. Use of such communication by others is prohibited.

21 25.4(5)(6) Movement during proceedings. Television cameras and audio equipment may be
22 installed in or removed from the courtroom only when the court is not in session. In addition, such
23 equipment shall at all times be operated from a fixed position. Still photographers, news media using
24 electronic devices, and broadcast news media personnel shall not move about the courtroom while
25 proceedings are in session, nor shall they engage in any movement which attracts undue attention.
26 ~~Still photographers shall not assume body positions inappropriate for spectators.~~

27 25.4(6)(7) Decorum. All still photographers and broadcast news media personnel shall be properly
28 attired and shall maintain proper courtroom decorum at all times while covering a judicial proceeding.
29

30 **Rule 25.5 Rules specific to the supreme court and court of appeals.**

31 25.5(1) ~~Video recording, Internet streaming, and Expanded news media coverage of oral~~
32 arguments.

33 a. All regularly scheduled supreme court and court of appeals oral arguments shall be subject to
34 ~~video recording,~~ streaming over the Internet, and expanded news media coverage. The rules in this
35 chapter allowing objections to expanded news media coverage do not apply to supreme court and court
36 of appeals oral arguments.

37 b. The prohibitions in rule 25.2(4) on the types of cases subject to expanded news media coverage
38 do not apply to supreme court and court of appeals oral arguments.

39 25.5(2) Expanded news media coverage.

40 a. The rules in this chapter pertaining to expanded news media coverage apply only to news media
41 coverage occurring within the supreme court and court of appeals courtrooms. Recordings of supreme
42 court and court of appeals oral arguments made from other locations within the judicial building are
43 not subject to the rules on expanded news media coverage.

44 b. A written request for expanded news media coverage within the supreme court and court of
45 appeals courtrooms must be filed with the clerk of the supreme court no later than the Friday
46 immediately preceding the week in which the argument is to be held.
47