

Expanded Media Coverage Committee Meeting
Wednesday, Feb. 6, 2013
10 a.m.
Iowa Judicial Building

Chair: Hon. Bruce Zager, Iowa Supreme Court

Court liaison: Steve Davis

Committee members:

- Hon. Christine Dalton, Scott County judge
- Elaine Gray, lawyer, Fort Madison
- Hon. Robert Hanson, Polk County judge
- Kay Henderson, Radio Iowa
- Tim Hynds, Sioux City Journal
- Zack Kucharski, Cedar Rapids Gazette
- Amanda Lewis, KCCI-TV
- Jennifer Miller, Marshall County Attorney
- Nancy Newhoff, Waterloo Courier
- Peggy Senzarino, Mason City Globe Gazette
- Kent Wirth, Court Administrator

Not in attendance: Gregg Jones, Woodbury County public defender

Application and notice process:

- 18-day notice deadline (for media to submit requests to coordinator) rarely enforced
 - 14 days for coordinator to file paperwork with court
- Issues regarding whether paper and mail requirements outdated
- Ability to be able to file formal applications electronically with requests distributed to parties, judge, court clerk, and especially court administrator? File with case, not judge
 - Problem: Different courts are at different places in electronic filing
- Initial appearances: EMC denied in some courts, in others they are videotaped and those tapes are available to media

Discussion:

- 25.3(2)
 - 14-day notice not practical/shorten
 - Perhaps two sets of procedures: one for scheduled proceedings/trials and one for initial appearances/short notice proceedings
 - Default of openness for initial proceedings? Or all proceedings?
 - If all open, will there be more objections from lawyers?
 - **GOAL:** Consistent process statewide

Objections:

- Few issues currently with handling of objections.

Prohibitions on EMC coverage of some victims: Left to judge's discretion; little problem

Technical/equipment specifications:

- Concern about cameras/recording devices all over the courtroom, rattling jurors and being disruptive
- **GOAL:** Maximize access while limiting distraction and disruption
- Don't specifically define technology/devices, because that will change
- Allow use of laptops, tablets, smart phones, personal recording devices, etc., by reporters during proceedings
- Instead of limiting number of people/devices, give discretion to media coordinator and judge/court personnel to figure it out in context of size/configuration of courtroom and popularity of trial?

New issues:

- Live coverage, instant updating
- Requests to record entire trial for educational or commercial purposes
- Motions to suppress media coverage: Should they be automatically open?
- Definition of who qualifies for EMC ("news media")
 - Exclude non-media communicators or include and control them?
 - **GOAL:** Public access to courts, to get information out to public
 - But judge needs to know what is in the courtroom to maintain control
 - Require coordinator to credential "media"? (by media outlet)
 - How can bloggers "pool"?
 - Reporters expected to do everything these days
 - Rebrand program as "Expanded Court Coverage"?

How EMC works on a day-to-day basis:**Judge Hanson:**

- Polk County: Busiest courthouse in state
- Good relationship between court and local media coordinator
- No disruption, conflict
- Experience with non-media types
- Limited experience with objections
- One instance of brief alarm over reporter live-Tweeting from courtroom; heads-up to judiciary that this is the face of the future

Judge Dalton:

- Issues not so much involving media but jurors and witnesses who Tweet/blog/text about what is happening in the courtroom

Peggy Senzarino (reporter's perspective):

- Judges just want to know who is in courtroom and what they are doing
- Usually just local media (TV and newspaper) there
 - One request from blogger

Tim Hynds (photographer's perspective):

- Only issues when shooting in other jurisdictions, unclear what process is
 - Inconsistency among judges and courthouses
- Live blogging allowed

Amanda Lewis (broadcast perspective):

- Things have gone very smoothly so long as keep judges in the loop

Kathleen Richardson (Iowa FOI Council perspective):

- Council is central coordinator of EMC
- Regional coordinators do heavy lifting
- Things have gone very smoothly over time

New technologies:

Jeff Eckhoff (Des Moines Register):

- Journalism mindset is now "digital first."
- Mobile technology working itself into daily life.
- Audience expect news to be posted immediately electronically.
- Reporters produce much of their work via cell phone, do research, produce multimedia, post right to the web.
 - Court-specific apps, blogging software, scan documents

Trish Mehaffey (Cedar Rapids Gazette):

- Live blogs trial
- Journalist covers; readers ask questions, make comments, but journalist has discretion to post reader's questions or not

Brian Cooper (Dubuque Telegraph Herald):

- Important distinction between text blogging and pool photo coverage.
 - More control justified over photo content
- Live blogging allowed, as are cell phone by journalists in courtroom
- Have live streamed a trial

Other states

Massachusetts, North Dakota, Oregon, Tennessee identified as worthy of more research. (Steve Davis will look into these; send him any more suggestions.)

- How does pool situation work in North Dakota when openness is the default?
How do you control an open courtroom?
- What are other states doing about cell phones and laptops in courtrooms?
- How do you maximize the “ethical communicators” while minimizing those who might cause disruption?

Subcommittees:

Definitional issues (Rule 25.1):

- Allow non-media people to use electronic devices

Elaine Gray (chair)
Peggy Senzarino
Kathleen Richardson
Zach Kucharski
Judge Dalton

Procedural aspects (Rule 25.3):

- Timelines
- Notice
- Two-track procedures

Nancy Newhoff (chair)
Judge Hanson
Kent Wirth
Jennifer Miller

Technical/devices (Rule 25.4):

- Expand definition of allowed technologies
- Live coverage

Kay Henderson (chair)
Tim Hynds
Amanda Lewis
Justice Zager
Gregg Jones

Recommendations due to court: End of June

First 30 days:

- Committees draft some proposals
- Committee members get input from constituencies
 - Committee is looking in these three areas
 - Get feedback on key proposed area of change