

**SEVENTH JUDICIAL DISTRICT  
POLICY FOR NEWS MEDIA RELATIONS**

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## **I. INTRODUCTION**

The mission of the Iowa Judicial Branch is to administer justice under the law equally to all persons. Although this directive seems simple, it involves countless personal and often public issues and concerns. The Court recognizes that at times litigants have privacy interests in their actions, while at the same time society has an interest in the process, facts, and results.

Statutes, rules, and ethical considerations affect and limit how courts disseminate information about matters before them. This includes rules governing public comment about pending litigation. The Court recognizes that public information about the courts in our district is important for the benefit of the citizens and the proper functioning of our government. Accuracy and openness are core values in the ongoing obligation of both the Judicial Branch and the news media to disseminate this information. Public business should be open and available to the public at all times, except as limited by law.

The purpose of this policy is to promote better understanding and better access between the news media and the Judiciary of the Seventh Judicial District of Iowa.

## **II. INFORMATION AVAILABLE FROM JUDGES**

The policy of the Seventh Judicial District is to provide all news media with all information available, subject to any legal restrictions imposed on judges and the courts. This District will not discriminate among media outlets or types in the provision of information available by law. The District will endeavor to provide timely information by the most efficient means possible, subject to budgetary limitations.

Ethical restrictions may prohibit judges from making certain public comments. The Iowa Code of Judicial Conduct contains this restriction in Rule 51:2.10:

- (A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a pending matter or impending matter in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

- (B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.
- (C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by paragraphs (A) and (B).

Under these restrictions, judges can make statements for public dissemination in the course of the judge's official duties. This means that judges may submit to the media written copies of their reasons for entering a criminal sentence, since those reasons are required by law to be stated on the record in open court at sentencing. Also, judges can provide copies of written opinions or rulings filed in cases where no statute makes such documents confidential.

Judges may also explain court procedures for public information. At times, the distinction between court procedures and court actions or rulings seems to be misunderstood. When requested, the District Court will try to make these clear in each case so that the news media is informed of the reasons for any inability of a judge to comment.

The rules of judicial ethics require judges to insist court personnel under the judge's direction and control also abide by these restrictions. This means that official court reporters, court attendants and law clerks cannot comment on pending cases.

Inquiries regarding court procedures may be made to the Chief Judge or the Chief Judge's designee.

Additional resources are also available to aid the news media and public in understanding the court's mission and how the courts operate. The Iowa State Bar Association is available to assist in informing the public about the law and the role of judges and lawyers. The Iowa State Bar Association's website is [www.iowabar.org](http://www.iowabar.org).

Each county in our District also has a local bar association and president. Their contact information is in the District Court Administrator's office and will be provided upon request. The Scott County Bar Association has a website, [www.scottcountybar.org](http://www.scottcountybar.org), which includes, among other things, the District Court and Associate Court daily schedules in Scott County.

Lawyers have a special responsibility to assure the fairness of trials. The Iowa Rules of Professional Conduct establish the ethical rules of conduct for Iowa lawyers. Rule 32:3.6 recognizes that a goal of our legal system is that each party shall have their case heard by an impartial judge or jury. Out-of-court statements made by a lawyer may improperly affect the rights of the parties.

Rule 32:3.6 sets forth in detail the limitations up on lawyers in making out-of-court statements. Rule 32:3.8 sets out in detail the special responsibilities of prosecutors. These rules and the commentary on them are set out in Section IX of this policy.

Certain statutes close hearings in some court cases and certain statutes make all or parts of some court records confidential. These restrictions are discussed in Sections VII and VIII of this policy.

News media coverage of trials has a long history in American jurisprudence. Iowa has long been a supporter of that coverage. Section X of this policy sets forth the new news media rules, which became effective May 1, 2014 and are found in Iowa Court Rules Chapter 25. Section XI of this policy provides the forms now required to be used for news media coverage.

### **III. INFORMATION AVAILABLE FROM COURT ADMINISTRATION**

The Seventh Judicial District's Court Administrator can provide information to the news media on caseload statistics, daily schedules of hearings, and budgets. The District Court Administrator will maintain public information copies of biographical summaries of District

Court Judges and District Associate Court Judges. The District Court Administrator also will have information concerning personnel changes and honors and awards received by court staff.

#### **IV. INFORMATION AVAILABLE FROM CLERKS OF COURT**

The Seventh Judicial District's policy is to make available to the public full access to non-confidential public records in court files. There is a public terminal in each Clerk of Court office for the public, as well as news media, to use to search the dockets to determine the status of cases and recent filings.

Access to ICIS (Iowa Court Information System) public docket material is also available on the Internet at the Iowa Judicial Branch website, [www.iowacourts.gov](http://www.iowacourts.gov). Judicial Branch website users should select the "Docket Record Search" tab to begin their case search. ICIS access is also available on the public terminals in the Clerk of Court offices.

This District will not discriminate between competing news media outlets regarding access to public records.

#### **V. PERIODIC CONFERENCE WITH NEWS MEDIA**

The Seventh Judicial District will host a periodic conference with the news media. At this conference, topics of interest to both the news media and judges will be discussed. As many of the District's judges as possible will attend this conference. The main purpose of this periodic conference is to promote understanding between the news media and the judicial officers concerning the functions, the work, and the restrictions on all involved.

#### **VI. ORGANIZATION OF THE SEVENTH JUDICIAL DISTRICT**

The geographic area of the Seventh Judicial District encompasses the counties of Cedar, Clinton, Jackson, Muscatine and Scott.

The chief administrative officer of the District is the Chief Judge. The Chief Judge is appointed to that position by the Chief Justice of the Iowa Supreme Court, subject to approval of the entire Supreme Court. The present Chief Judge is Marlita A. Greve.

There are twelve District Court judges in the Seventh Judicial District. They are, in order of seniority: Mark J. Smith, Mark D. Cleve, Nancy S. Tabor, Mary E. Howes, Marlita A. Greve, Paul L. Macek, Thomas G. Reidel, John D. Telleen, Joel W. Barrows, Mark R. Lawson, Henry W. Latham, II, and Stuart Werling.

District Court judges have the authority to hear and decide all types of cases brought under Iowa law and federal law cases that can be tried in state courts. *See* Iowa Constitution, Article V, Section 6. In general, District Court judges hear felony and misdemeanor criminal cases, civil cases, family law cases, juvenile cases, probate matters (estate of decedents and guardianships), adoptions and mental health cases. Trials in the District Court are either jury trials or trials to a judge alone. Trials to a judge alone are also referred to as non-jury trials or bench trials.

District Court judges are nominated by a local District Nominating Commission composed of non-lawyers and lawyers, and chaired by the senior District Court Judge. The commission selects two nominees for any opening and forwards the two names to the Governor, who then has thirty days to interview and appoint one to the open position. After appointment, each Judge stands for retention every six years at the general election. *See* Iowa Constitution, Article V, Sections 16-17.

The District may also be served by one or more Senior Judges. Senior Judges are those who elect to continue to serve the public after their retirement. A Senior Judge is required to serve at least 13 weeks per year. Judges J. Hobart Darbyshire and Douglas C. McDonald are the current Senior Judges serving the Seventh Judicial District.

There are five District Associate judges in the District – three in Scott County, and one each in Clinton and Muscatine counties. The District Associate judges in Scott County are Christine Dalton, Cheryl E. Traum, and Mark R. Fowler. The District Associate judge in Clinton is Philip J. Tabor, and the District Associate judge in Muscatine is Gary P. Strausser.

District Associate judges have the power to hear certain criminal cases, including Class D felony and misdemeanor cases, all initial appearances in criminal cases, civil cases where the amount in controversy does not exceed \$10,000, mental health and substance abuse commitment proceedings, and, by assignment from the Chief Judge, juvenile law matters. All of the Seventh Judicial District's District Associate judges handle a juvenile docket.

District Associate judges are nominated by the County Magistrate Appointing Commission, and then are appointed by majority vote of the District Court judges. After appointment, they also stand for retention election every six years.

Judicial Magistrates are practicing attorneys appointed by the County Magistrate Appointing Commission. The Judicial Magistrates have power to hear civil small claims cases, simple misdemeanor criminal cases, cases of violations of municipal ordinances, traffic ticket cases and initial appearances in criminal cases. They serve for a term of four years and may be reappointed by the Commission.

The Judicial Magistrates in Scott County are: R. Douglas Wells, G. David Binegar, Cynthia Z. Taylor, Dennis D. Jasper, Carrie E. Coyle, Stephen P. Wing and Christine D. Frederick. The Judicial Magistrates in Clinton County are: Bert M. Watson and Michael M. Judge. The Judicial Magistrates in Muscatine County are: Neva Rettig Baker and John E. Wunder. The Judicial Magistrates in Cedar County are: Theresa J. Seeberger and Tamra J. Roberts. The Judicial Magistrates in Jackson County are: John L. Kies and Bradley T. Boffeli.

The Seventh Judicial District is also honored and fortunate to have an Iowa Supreme Court Justice from our District, Thomas D. Waterman, who maintains an office in the Scott County Courthouse. Justice Waterman was appointed to the Iowa Supreme Court in 2010 and stands for retention every eight years.

Biographical information for all of this District's Judges and Judicial Magistrates can be obtained from the District Court Administrator's Office, Second Floor, Scott County Courthouse, 400 W. 4<sup>th</sup> Street, Davenport, Iowa 52801. That biographical information is also online under the Seventh Judicial District section of the Judicial Branch website, [www.iowacourts.gov](http://www.iowacourts.gov).

The District Court judges traditionally hire three Law Clerks each year who will serve a one-year or two-year term. Law Clerks are recent law school graduates who provide legal research support to all the judges in the District.

General day-to-day administration of the non-judicial staff of the Seventh Judicial District is the responsibility of the District Court Administrator, Kathy M. Gaylord. Reporting directly to her are the District's Assistant District Court Administrator, Finance and Personnel Manager, Case Coordinator/Schedulers and Court Attendants throughout the District and an Administrative Secretary. The District Court Administrator has general supervision of the personnel function for the entire District. The District Court Administrator works closely with the Chief Judge and the State Court Administrator in Des Moines. The District Court Administrator, with the assistance of the Finance and Personnel Manager, is also responsible for preparing and administering the annual budget of the District.

The Clerk of Court in each County is appointed by majority vote of the District Court judges. The Clerk is responsible for the functions of the Clerk's office, and those duties imposed by Section 602.8102 of the Iowa Code. In general, those duties include the retention and management of the court's records of that County and the direct supervision of the employees of



the Clerk's office. Currently, the Clerk of Court for Scott and Cedar counties is Julie Carlin. The Clerk of Court for Muscatine County is Jeff Tollenaer. The Clerk of Court for Clinton and Jackson counties is Kim Hess.

Court Attendants are assigned to each court whenever possible. The legal function of the Court Attendant is to keep order in the courtrooms during trials. In addition, they provide information to attorneys and litigants regarding court schedules and generally aid the judges in managing their busy schedules.

Juvenile Court Officers in the District are supervised by the Chief Juvenile Court Officer for the District. The Chief Juvenile Court Officer is appointed by the Chief Judge of the District and is subject to the supervision and direction of the Chief Judge. *See Iowa Code § 602.1217.* The Chief Juvenile Court Office of the Seventh Judicial District is Scott C. Hobart.

## **VII. PUBLIC ACCESS TO COURT HEARINGS AND PROCEEDINGS**

Statutes which allow, but do not require, closure to the public are listed below. This is not an exhaustive list, but contains those matters most commonly discussed.

1. Dissolution of marriage cases – The court in its discretion may close the hearing. In addition, hearings held for the purpose of determining child custody may be limited in attendance by the court. *See Iowa Code § 598.8(1).*
2. Juvenile court delinquency proceedings – Hearings can be closed if the court finds “. . . that the possibility of damage or harm to the child outweighs the public's interest in having an open hearing.” *See Iowa Code § 232.39.*
3. Juvenile court child in need of assistance proceedings – Hearings can be closed for the same reasons as in delinquency proceedings. *See Iowa Code § 232.92.*
4. Criminal cases, partial closure to protect a child witness, by closed circuit television – Upon a specific finding by the court that testifying in the presence of the defendant

would cause trauma to a child witness and impair the minor's ability to communicate, the court can order procedures to allow the child to testify by closed circuit television. The court may also allow a child's testimony to be taken by a video-recorded deposition. *See* Iowa Code § 915.38.

Statutes and Rules of Procedure which require closure to the public are:

1. Mental health commitment proceedings and appeals from those proceedings. *See* Iowa Code § 229.12(2).
2. Involuntary substance abuse commitment hearings. *See* Iowa Code § 125.82(2).
3. Abortion notification of parents hearing. *See* Iowa Code § 135L.3(3)(c).
4. Grand jury proceedings – Iowa R. Crim. P. 2.3(4)(d).

### **VIII. PUBLIC ACCESS TO COURT RECORDS**

There are statutes and rules which provide some limitations to all or portions of certain case filings. Juvenile case files are covered by Iowa Code §§ 232.147 through 232.151. In general, case files other than delinquency files are confidential. Delinquency case files may be sealed under Section 232.150 after a hearing, if the court finds the case has been dismissed and the person is no longer subject to the jurisdiction of the juvenile court and making the records confidential is in the best interests of the person and the public. Pre-dispositional reports are generally not open to the public under Iowa Code §§ 232.48(4) and 232.147(6).

Involuntary hospitalization records for mental health treatment are confidential. *See* Iowa Code § 229.24. Information in such files may be released only upon the written authorization of the person subject to the proceeding, or by a court order “for good cause shown.” Records of involuntary commitments for substance abuse treatment are also confidential. *See* Iowa Code § 125.93.

Dissolution of marriage files are confidential until after the filing of a Decree. *See* Iowa Code § 598.26. The court may order portions of the file, other than court orders, decrees and judgment entries, sealed at the request of any party for good cause shown.

In domestic abuse cases, files may be sealed by order of the court to protect the privacy interests or safety of any person. Any orders for support shall remain public with address and location information redacted. *See* Iowa Code § 236.10.

Files regarding abortion notification of parents of a minor are strictly confidential. *See* Iowa Code § 135L.3.

For good cause, the court has the power to seal all or any part of any civil case file. Hearings to determine good cause likewise may be closed to the public.

Criminal case file records are public documents except for certain portions defined by law. For example, child victim information is confidential. *See* Iowa Code § 915.36. Minutes of evidence filed with the trial information are confidential and are not public documents. *See* Iowa R. Crim. P. 2.4(6)(b). Presentence investigation reports in criminal files are confidential by statute. *See* Iowa Code § 901.4.

## **IX. IOWA RULES OF PROFESSIONAL CONDUCT**

Set forth herein are two ethical rules all lawyers must follow with respect to public dissemination of case information.

### **Rule 32:3.6: Trial Publicity:**

- (a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make any extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(b) Notwithstanding paragraph (a), a lawyer may state:

- (1) The claim, offense, or defense involved and, except when prohibited by law, the identity of the persons involved;
- (2) Information contained in a public record;
- (3) That an investigation of a matter is in progress;
- (4) The scheduling or result of any step in litigation;
- (5) A request for assistance in obtaining evidence and information necessary thereto;
- (6) A warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and
- (7) In a criminal case, in addition to subparagraphs (1) through (6):
  - (i) The identity, residence, occupation, and family status of the accused;
  - (ii) If the accused has not been apprehended, information necessary to aid in apprehension of that person;
  - (iii) The fact, time, and place of arrest; and
  - (iv) The identity of investigating and arresting officers or agencies and the length of the investigation.

(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).

- (e) Any communication made under paragraph (b) that includes information that a defendant will be or has been charged with a crime must also include a statement explaining that a criminal charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

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**Rule 32:3.8: Special Responsibilities of a Prosecutor:**

The prosecutor in a criminal case shall:

- (a) Refrain from prosecuting a charge that the prosecutor knows or reasonably should know is not supported by probable cause;
- (b) Make reasonable efforts to ensure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;
- (c) Not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;
- (d) Make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;
- (e) Not subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes:
  - (1) The information sought is not protected from disclosure by any applicable privilege;

- (2) The evidence sought is essential to the successful completion of an ongoing investigation or prosecution; and
- (3) There is no other feasible alternative to obtain the information; and
- (f) Except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under rule 32:3.6 or this rule.

## **X. CHAPTER 25, RULES FOR EXPANDED NEWS MEDIA COVERAGE**

**Rule 25.1 Definitions.** As used in this chapter:

**25.1(1)** "*Expanded news media coverage*" includes broadcasting, recording, photographing, and live electronic reporting of judicial proceedings by the news media for gathering and disseminating news in any medium. Expanded news media coverage is limited to the news media unless otherwise ordered by the judicial officer.

**25.1(2)** "*Good cause*" for purposes of exclusion under this chapter means that coverage will have a substantial effect upon the objector that would be qualitatively different from the effect on members of the public in general.

**25.1(3)** "*Judicial officer*" 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.

**25.1(4)** “*Judicial proceedings*” or “*proceedings*” includes 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.

**25.1(5)** “*News media*” includes 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 applies to participate in expanded news media coverage and agrees to comply with all court rules.

**25.1(6)** “*News media coordinator*” includes news media coordinating councils as well as the designees of such coordinators or councils.

**Rule 25.2 General.** Expanded news media coverage of judicial proceedings will be permitted under the following conditions:

**25.2(1)** *Prior authorization.* No expanded news media coverage shall occur without prior express authorization from the judicial officer, who may prescribe conditions of coverage as provided in this chapter.

**25.2(2)** *Rights to a fair trial.* Expanded news media coverage of a proceeding is permitted, unless the judicial officer 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)** *Coverage of witnesses.*

(a) Expanded news media coverage of a witness may be refused by the judicial officer upon objection and showing of good cause by the witness.

(b) In prosecutions for sexual abuse, or for charges in which sexual abuse is an included offense or an essential element of the charge, no expanded news media

coverage of the testimony of a victim witness is permitted unless such victim witness consents.

(c) Objection by a victim or 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 that would be qualitatively different from the effect on members of the public in general.

**25.2(4) *Initial appearances in criminal proceedings.***

(a) Oral or written requests for expanded news media coverage of initial appearances in criminal proceedings must be made to the judicial officer presiding over the proceeding. Such expanded news media coverage, if authorized by the judicial officer, is subject to objection by the prosecutor, defendant, or defendant's attorney.

(b) The defendant shall be advised by the judicial officer of the defendant's right to orally object to expanded news media coverage prior to the commencement of the proceeding, and any such objection will be heard and determined by the judicial officer prior to the commencement of the proceeding. The judicial officer may rule on the basis of the oral objection alone.

(c) A judicial officer's authorization of expanded news media coverage of an initial appearance applies only to the particular initial appearance. Authorization for expanded news media coverage of proceedings subsequent to the initial appearance must be requested separately under rule 25.3(2)(b).

**25.2(5) *Private court proceedings.*** Expanded news media coverage is prohibited for any court proceeding which, under Iowa law, is required to be held in private.



Coverage is prohibited 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(6) *Jury selection.*** 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(7) *Court conferences.*** There shall be no audio pickup or broadcast of conferences in a court proceeding between attorneys and their clients, between co-attorneys, between attorneys and the judicial officer held at the bench or in chambers, or between judicial officers in an appellate proceeding.

**25.2(8) *Equipment.*** The quantity and types of equipment permitted in the courtroom are subject to the discretion of the judicial officer within the guidelines set out in this chapter.

**25.2(9) *Variance application.*** Notwithstanding the provisions of any of the procedural or technical rules in this chapter, the judicial officer, upon application of the news media coordinator, may permit the use of equipment or techniques at variance with the rules, provided the application for variance is included in the advance notice of coverage provided for in rule 25.3(2). Objections, if any, shall be made as provided in rule 25.3(3). Ruling upon such a variance application is in the sole discretion of the judicial officer, who may allow such variances without advance application or notice if all attorneys and parties consent to the variance.

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

**25.2(11) *Limited to news media.*** The privileges of expanded news media coverage provided for in these rules may be exercised only by persons or organizations that are part of the news media.

**25.2(12) *Identification.*** All news media personnel authorized to use electronic devices in the courtroom must wear identification, which is clearly visible to the judicial officer and members of the jury and which states the person's name and media affiliation.

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

### **Rule 25.3 Procedural.**

**25.3(1) *News media coordinator and coordinating councils.*** News media coordinators will be appointed by the supreme court from a list of nominees provided by a representative of the news media whom the supreme court designates. The judicial officer and all interested members of the news media will work, whenever possible, with and through the appropriate news media coordinator regarding all arrangements for expanded news media coverage. The supreme court will designate the jurisdiction of each news media coordinator. In the event a news media coordinator has not been

nominated or is not available for a particular proceeding, the judicial officer may deny expanded news media coverage or may appoint an individual from among local working representatives of the news media to serve as the coordinator for the proceeding.

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

*a.* All requests for expanded news media coverage in all proceedings, except initial appearances in criminal cases, shall be made to the news media coordinator. The news media coordinator, in turn, shall inform the attorneys for all parties and the judicial officer at least seven days in advance of the time the proceeding is scheduled to begin, but these times may be extended or reduced by court order. When the proceeding is not scheduled at least seven days in advance, the news media coordinator or news media coordinating council must give notice of the request as soon as practicable after the proceeding is scheduled.

*b.* Notice must be filed electronically or by paper copy with the appropriate clerk of court. A copy of the notice shall be sent electronically, delivered by ordinary mail, or delivered in person to the last known contact of all attorneys of record, parties appearing without attorney representation, the appropriate court administrator, and the judicial officer expected to preside at the proceeding for which expanded news media coverage is requested.

*c.* A separate request for expanded news media coverage must be made for Iowa Supreme Court and Court of Appeals oral arguments, pursuant to rule 25.5.

*d.* Form 1 in rule 25.10 is the notice form for the news media coordinator to use to inform the attorneys for all parties and the judicial officer of a request for expanded news media coverage of the proceeding.

**25.3(3) Objections.**

*a.* A party to any proceeding, except an initial appearance in a criminal case, objecting to expanded news media coverage under rule 25.2(2) must file a written objection, stating the grounds for objection, at least three days before commencement of the proceeding.

*b.* All witnesses must be advised by the attorney proposing to introduce their testimony of their right to object to expanded news media coverage, and all objections by witnesses under rule 25.2(3) must be filed prior to commencement of the proceeding.

*c.* Witnesses shall be entitled to the assistance of the clerk of court in providing copies of this objection to all attorneys of record, parties appearing without attorney representation, the news media coordinator for the judicial district, the district court administrator for the judicial district, and the judicial officer expected to preside in the proceeding.

*d.* All objections shall be heard and determined by the judicial officer prior to the commencement of the proceedings. The judicial officer may rule on the basis of the written objection alone.

*e.* The objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by such other means as the judicial officer directs. The judicial officer in absolute discretion may permit presentation of such evidence by the news media coordinator in the same manner.

*f.* Time for filing of objections may be extended or reduced in the discretion of the judicial officer, who also, in appropriate circumstances, may extend the right of objection to persons not specifically provided for in this chapter.

g. Form 2 in rule 25.10 is the form for parties and Form 3 is the form for witnesses to use to object to expanded news media coverage of the proceeding.

**Rule 25.4 Technical.**

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

a. *Still cameras.* Still cameras and lenses must be unobtrusive, and not cause distracting light or sound.

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

c. *Audio equipment.* Microphones, wiring, and audio recording equipment must be unobtrusive and of adequate technical quality to prevent interference with the judicial proceeding being covered. The judicial officer must approve any changes in existing audio systems. No modifications of existing systems shall be made at public expense. Microphones for attorneys and judicial officers to use must be equipped with off/on switches to facilitate compliance with rule 25.2(7).

d. *Electronic devices.* All electronic devices used for recording audio, video, or still images must adhere to rule 25.4(3)(a). All other electronic devices not used for recording audio, video, or still images must be unobtrusive and not cause distracting light or sound, and are not subject to the limitations of rule 25.4(3)(a). Electronic devices

include, but are not limited to, laptop computers, cellular telephones, personal digital assistants, smart phones, and tablet computers.

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

**25.4(2) *Lighting.*** Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With authorization from the judicial officer, modifications may be made in light sources existing in the courtroom (e.g., higher wattage lightbulbs), provided such modifications are installed and maintained without public expense.

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

*a. Video recording, audio recording, and still photography.* Not more than five total members of the news media using still cameras, television cameras, audio recorders, and electronic devices, or any combination of the four, to photograph, video, or record audio are permitted in the courtroom during a judicial proceeding. Each still photographer may use two camera bodies each with a fixed lens or one camera body and two lenses. Where possible, all recording and broadcasting equipment that is not a component part of a camera or an electronic device and any operating personnel shall be located outside of the courtroom. Audio pickup for broadcast coverage must be

accomplished from any existing audio system present in the courtroom if such pickup would be technically suitable for broadcast.

*b. Electronic devices not used for recording audio, video, or still images.* The devices defined in rule 25.4(1)(d) may be used in the courtroom by members of the news media for live electronic reporting with advance approval from the judicial officer, provided the equipment does not make any disruptive noise or interfere with court equipment. Electronic devices may not be used for telephone calls by anyone in the courtroom. Electronic devices for photography, video recording, audio recording, or streaming video may not be used by anyone in the courtroom unless approved by the judicial officer in advance of the proceeding as defined in rule 25.4(3)(a). The rule applies to news media only as defined in rule 25.1. Use of such electronic devices by others is prohibited.

*c. Pooling.* Where the above limitations on equipment and personnel make it necessary, the news media shall be required to pool equipment and personnel. Pooling arrangements are the sole responsibility of the news media coordinator, and the judicial officer will not mediate any dispute as to the appropriate news media representatives authorized to cover a particular judicial proceeding. Representatives of news media are responsible for contributing to electronic pool coverage of judicial proceedings when necessary. If a news organization is incapable of contributing to pool coverage, the news media coordinator may allow the news organization to share the pool coverage or may restrict the new organization's coverage.

**25.4(4)** *Location of equipment and personnel.* Equipment and operating personnel, including news media using electronic devices to transmit and receive data communication, must be located in, and coverage of the proceedings must take place

from, an area or areas the judicial officer designates within the courtroom. The area or areas designated shall provide reasonable access to the proceeding to be covered.

**25.4(5) *Movement during proceedings.*** Television cameras and audio equipment may be installed in or removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. News media personnel are prohibited from moving about the courtroom while proceedings are in session, and from engaging in any movement that attracts undue attention.

**25.4(6) *Decorum.*** All news media personnel shall be properly attired and shall maintain proper courtroom decorum at all times while covering a judicial proceeding.

**Rule 25.5 Supreme court and court of appeals.**

**25.5(1) *Expanded news media coverage of oral arguments.***

*a.* All regularly scheduled Iowa Supreme Court and Iowa Court of Appeals oral arguments will be available for streaming over the Internet, and expanded news media coverage. The rules in this chapter allowing objections to expanded news media coverage do not apply to supreme court and court of appeals oral arguments.

*b.* The prohibitions in rule 25.2(5) on the types of cases subject to expanded news media coverage do not apply to supreme court and court of appeals oral arguments.

**25.5(2) *Expanded news media coverage.***

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



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

*c.* Form 4 in rule 25.10 is the notice form for the news media coordinator to use to inform the attorneys for all parties and the presiding justice or judge of a request for expanded news media coverage of the oral argument.