

# MINNESOTA GENERAL RULES OF PRACTICE

## **RULE 4. AUDIO AND VIDEO RECORDINGS—PROPOSED REVISIONS**

4.01. **Electronic and Still Photographic Coverage Allowed.** Subject at all times to the authority of the presiding judge to control the conduct of proceedings before the court, ensure decorum, prevent distractions, and ensure the fair administration of justice in the pending cause, electronic media and still photography coverage of public judicial proceedings in the appellate and trial courts of this state shall be allowed in accordance with the following standards of conduct and technology. Exclusion of the electronic media is permissible only where it is shown that the proceedings will be adversely affected because of technological factors unique to the electronic media, as compared to other forms of coverage.

### 4.02. **Equipment and Personnel**

(a) The number of permitted television cameras and still photographers shall be within the sound discretion and authority of the presiding judge in any trial or appellate proceeding.

(b) Not more than one audio system for radio broadcast purposes shall be permitted in any proceeding in a trial or appellate court. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the chief judge of the judicial district in which the court facility is located.

(c) Any “pooling” arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the presiding judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding.

### 4.03. **Sound and Light Criteria**

(a) Only television photographic and audio equipment that does not produce distracting sound or light shall be used to cover judicial proceedings. No artificial lighting device of any kind shall be used in connection with the television camera.

(b) Only still camera equipment that does not produce distracting sound or light shall be used to cover judicial proceedings. No artificial lighting device of any kind shall be used in connection with a still camera.

(c) At the request of the presiding judge, media personnel shall demonstrate to the presiding judge adequately in advance of any proceeding that the equipment sought to be used meets the sound and light criteria enunciated in this rule. In such cases, a failure to obtain advance judicial approval for equipment shall preclude its use in any proceeding.

#### **4.04. Location of Equipment Personnel**

(a) Television camera equipment shall be positioned in such location in the courtrooms as shall be designated by the chief judge of the judicial district in which a court facility is situated. The area designated shall provide reasonable access to coverage. If and when areas remote from the courtroom that permit reasonable access to coverage are provided, all television camera and audio equipment shall be positioned only in such area. Videotape recording equipment that is not a component part of a television camera shall be located in an area remote from the courtroom .

(b) A still camera photographer shall be positioned in the courtroom as designated by the presiding judge. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed position within the designated area and, once established in a shooting position, shall act so as not to call attention to themselves through further movement. Still camera photographers shall not be permitted to move about in order to obtain photographs of court proceedings.

(c) Broadcast media representatives shall not move about the courtroom while proceedings are in session, and microphones or taping equipment once positioned shall not be moved during the pendency of the proceeding.

4.05. Movement during Proceedings. News media photographic or audio equipment shall not be placed in or removed from the courtroom except before commencement or after adjournment of proceedings each day, or during a recess.

4.06. Courtroom Light Sources. With the concurrence of the chief judge of a judicial district in which a court facility is situated, modifications and additions may be made in light sources existing in the facility, provided such modifications or additions are installed and maintained without public expense.

4.07. Conferences of Counsel. To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences that

occur in a court facility between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding judge held at the bench.

4.08. **Impermissible Use of Media Material.** None of the film, videotape, still photographs, or audio reproductions developed during or by virtue of coverage of a judicial proceeding shall be admissible as evidence in the proceeding out of which it arose, in any proceeding subsequent or collateral thereto, or upon retrial or appeal of such proceedings.

4.09. **Appellate Review.** Review of an order excluding the electronic media from access to any proceeding, excluding coverage of a particular participant, or upon any other matters arising under these standards shall be pursuant to Minnesota Rule of Appellate Procedure 120.