

## WordPerfect Document Compare Summary

Original document: K:\CHRIS\Rule 119 -2.wpd

Revised document: @PFDesktop\MyComputer\K:\CHRIS\rule 119 committee recommendation oct 2010.wpd

Deletions are shown with the following attributes and color:

~~Strikeout~~, **Blue** RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, **Red** RGB(255,0,0).

Moved blocks are marked in the new location, and only referenced in the old location.

Moved block marks are shown in the following color:

**Orange** RGB(255,200,0).

The document was marked with 41 Deletions, 41 Insertions, 1 Move.

**RULE 1:19**  
**CAMERAS IN THE COURTS**

SJC Rule 1:19

ELECTRONIC ACCESS TO THE COURTS

1. *Covert photography, recording or transmission prohibited.* No person shall take any photographs, or make any recording or transmission by electronic means, in any courtroom, hearing room, office, chambers or lobby of a judge or magistrate without prior authorization from the judge or magistrate then having immediate supervision over such place.

2. *Electronic access by the news media.* A judge shall permit ~~broadcasting, televising,~~ photographing or electronic recording, or ~~taking photographs~~ transmitting of courtroom proceedings open to the public ~~in the courtroom~~ by the news media for news gathering purposes and dissemination of information to the public, subject, ~~however, to the following limitations:~~

~~(a)~~ to the limitations of this rule. Subject to the provisions of paragraph (c), the news media shall be permitted to possess and to operate in the courtroom all devices and equipment necessary to such activities. Such devices and equipment include, without limitation, still and video cameras, audio recording or transmitting devices, and portable computers or other electronic devices with communication capabilities.

The “news media” shall include any authorized representative of a news organization that has registered with the Public Information Officer of the Supreme Judicial Court or any journalist who is so registered. Registration shall be afforded to organizations that regularly gather, prepare, photograph, record, write, edit, report or publish news or information about matters of public interest for dissemination to the public, and to journalists who regularly perform a similar function, upon certification by the organizations or journalists that they perform such a role and that they will familiarize themselves or their representatives, as the case may be, with the provisions of this rule and will comply with them.

In his or her discretion, a judge may entertain a request to permit electronic access as authorized by this rule to a particular matter over which the judge is presiding by news media that have not registered with the Public Information Officer.

(a) *Substantial likelihood of harm.* A judge may limit or temporarily suspend such access by the news media ~~coverage,~~ if it appears that such coverage will create a substantial likelihood of harm to any person or other serious harmful consequence.

(b) *Limitations.* A judge ~~should~~ shall not permit ~~broadcasting, televising,~~

(i) ~~photography or electronic recording, or taking photographs of hearings of motions to suppress or to dismiss or of probable cause or~~ or transmission of voir

dire hearings:

~~\_\_\_\_\_ (e) During the conduct of a jury trial, a judge should not permit recording or close-up photographing or televising of bench~~ concerning jurors or prospective jurors.

(ii) electronic recording or transmission of bench and side-bar conferences, conferences between counsel, ~~or~~ and conferences between counsel and client; or

~~\_\_\_\_\_ (iii) F~~ frontal and or close-up photography of the jury panel should not usually be permitted.

~~\_\_\_\_\_ (d) A judge should require that all equipment is~~ jurors and prospective jurors.

A judge may impose other limitations necessary to protect the right of any party to a fair trial or the safety and well-being of any party, witness or juror, or to avoid unduly distracting participants or detracting from the dignity and decorum of the proceedings.

(c) Positioning of equipment. All equipment and devices shall be of a type and positioned and operated in a manner which does not detract from the dignity and decorum of the proceeding. ~~Unless the judge permits otherwise for good reason, only one stationary, mechanically silent, video or motion picture camera~~ video camera shall be used in the courtroom for broadcast television, a second mechanically silent video camera shall be used for other media, and, in addition, one silent still camera ~~should~~ shall be ~~permitted~~ used in the courtroom at one time. ~~Unless the judge otherwise permits, photographic equipment and its operator usually should be in place and remain so as~~ shall be in place in a fixed position within the area designated by the judge and remain there so long as the court is in session, and movement ~~should~~ shall be kept to a minimum, particularly; in jury trials.

~~\_\_\_\_\_ (e) A judge should~~ The operator shall not interrupt a court proceeding with a technical problem.

(d) Advance notice. A judge may require reasonable advance notice from the news media of their request to be present to ~~broadcast, to televise, to record~~ photograph or electronically; ~~record~~ or ~~to take photographs~~ transmit at a particular session. In the absence of such notice, the judge may refuse to admit them.

~~\_\_\_\_\_ (f) A judge may permit, when authorized by rules of court, the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, for other purposes of judicial administration, or for the preparation of materials for educational purposes.~~

~~\_\_\_\_\_ (g) A judge should not make an exclusive arrangement with any person or organization for news media coverage of proceedings in the courtroom.~~

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~~(i) A judge entertaining a request from any news medium pursuant to paragraph (e) may defer acting on it such a request until the medium making the requester has seasonably notified the parties and, during regular business hours, the Bureau Chief or Newspaper Editor or Broadcast News Editor of the Associated Press, Boston.~~

~~(j), using the email address of apboston@ap.org~~ A judge hearing any motion under this rule may reasonably limit the number of counsel arguing on behalf of the several interested media.

(e) Non-exclusive access. A judge shall not make an exclusive arrangement with any person or organization for news media coverage of proceedings in the courtroom. If there are multiple requests to photograph or electronically record the same proceeding, the persons making such requests must make arrangements among themselves for pooling or cooperative use and must do so outside of the courtroom and before the court session without judicial intervention.

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~~(h)~~ Objection by a party. Any party seeking to prevent any of the coverage which is the subject of this Rule may move the court for an appropriate order, but shall first deliver ~~written or~~ electronic notice of the motion to the Bureau Chief or ~~Newspaper Editor or Broadcast News~~ Editor of the Associated Press, Boston, using the email address of apboston@ap.org as seasonably as the matter permits. The judge shall not hear the motion unless the movant has certified compliance with this paragraph, but compliance shall relieve the movant and the court of any need to postpone hearing the motion and acting on it, unless the judge, as a matter of discretion, continues the hearing.

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6. Other recordings. A judge may permit the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record when authorized by law, for other purposes of judicial administration, or for the preparation of materials for educational or ceremonial purposes.

7. Definitions. For purposes of paragraphs two through six of this rule, the term "judge" shall include a magistrate presiding over a proceeding open to the public.