In the
Indiana Supreme Court

STANDARDS GOVERNING ELECTRONIC MEDIA, STILL PHOTOGRAPHY, AND PERSONAL COMPUTING DEVICES AT SUPREME COURT ORAL ARGUMENTS	)	Cause No. 49S00-1301-MS-61

ORDER

The Court directs that, notwithstanding the prohibitions contained in Canon 2.17 of the Code of Judicial Conduct, cameras and other electronic devices may be used for press coverage of its arguments in accordance with this order, until further order of the Court.

Background

The Supreme Court first granted permission for video, audio and still photography coverage of an oral argument in 1996. Over the next few years, the Court granted numerous similar requests for camera coverage.

In 2000, the Court issued a standard order allowing camera coverage of its oral arguments. The order authorized media to form a press pool to share resources to obtain audio, video and photographs from inside the courtroom.

In 2001, the Court installed web cameras and began live webcasting (and archiving) every oral argument. More than 800 are now online. In 2012 the Court upgraded to high definition cameras, which offer an opportunity to provide media with an improved press pool structure for covering oral arguments.

Court and media representatives developed a technical arrangement that allows the Court to serve as the pool camera. High quality video and audio can be sent to media located just outside the courtroom. The technical requirements to obtain audio/video from the feed were developed in cooperation with the news media.

The Court has updated still photography coverage rules to allow press continued access to oral arguments.

In addition, the ubiquitous use of personal computing devices, such as laptops, requires the Court to set standards for the use of such devices at its oral arguments.

The Court's longstanding commitment to making oral arguments easily viewed by the public and accessible to the press continues with this order allowing continued camera coverage of oral arguments.

Policy on Media and Still Photography and Use of Personal Computing Devices at Supreme Court Oral Arguments

Based on the foregoing, the Court hereby orders as follows concerning media and still photography at Indiana Supreme Court oral arguments.

1. Audio/Video Feed

The Supreme Court will provide an audio/video feed of oral arguments to media in a designated area outside the courtroom under the following terms and conditions:

(a) Media are responsible for contacting the Supreme Court Public Information Officer ("PIO") **via email** at least two (2) business days in advance of an oral argument to address any questions related to a potential pool feed. The current email addresses for the PIO is Kathryn.Dolan@courts.IN.gov.

(b) Media are responsible for arriving no later than thirty (30) minutes in advance of oral argument for set-up and an audio/video technical check.

(c) Media must set-up the pool feed using the equipment and directions provided by the Supreme Court.

(d) Media must bring their own recording equipment to obtain the pool feed.

(e) Media who are not present at the State House cannot receive the pool feed.

(f) If the number of media present to take the feed exceeds the number of inputs available, news media will decide amongst themselves which organizations will take the pool feed.

(g) To handle a technical problem or unexpected complication, the PIO (or the PIO's designee) and the Supreme Court Administrator (or a designee) are authorized to permit one (1) video camera inside the courtroom. The Court can require the media representative inside the courtroom to serve as the pool to media outside the courtroom. Court staff will dictate the camera location. The camera must be mounted on a tripod and may not be moved during the proceeding. No artificial lighting may used. To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences in the courtroom between attorneys and their clients or between co-counsel.

2. Still Photography.

(a) Not more than two (2) still cameras shall be permitted inside the courtroom during any oral argument.

(b) The request to photograph an oral argument must submitted **via email** to the PIO at least two (2) business days in advance of oral argument. The current email addresses for the PIO is Kathryn.Dolan@courts.IN.gov.

(c) If more than two (2) still photography requests are made to the Court before the deadline expressed in the preceding paragraph, then press who submitted timely

requests are required to develop a pool arrangement to provide photographs to photographers present at oral argument who were not allowed inside the courtroom.

(d) Only equipment that does not produce distracting sound or light shall be employed to cover oral arguments. No flash photography or artificial lighting device of any kind shall be used.

(e) It shall be the affirmative duty of media personnel to demonstrate adequately to the PIO or the Supreme Court Administrator (or their designees) in advance of the proceeding that the equipment sought to be utilized meets the sound and light criteria outlined herein.

(f) Court staff will dictate the location of the photographers.

(g) The photographers must remain in place for the proceeding and cannot move from the locations designated by court staff.

3. Personal Computing Devices

(a) Persons may use portable personal computing devices, such as laptop computers, iPads, notebooks, etc., in the courtroom gallery.

(b) Persons desiring to use personal computing devices during a Supreme Court oral argument must gain authorization from the Supreme Court Sheriff (or designee) at least fifteen (15) minutes prior to the start of the oral argument.

(c) Persons using personal computing devices must be seated in the back row of the courtroom.

(d) All audio sound features of the personal computing device must be turned off, and noise created by the use of the device, including but not limited to typing sounds, must be minimal and not distracting to others.

(e) The devices may not be used to record video or audio of any portion of an oral argument or take still photos.

(f) The Court may direct a person to cease using a personal computing device or to leave the courtroom if the person does not abide by this policy.

(g) The Supreme Court reserves the right to deviate from or modify this policy as needed. The Court also reserves the right to prohibit persons who violate this policy from future use of personal computing devices in the courtroom.

4. Interviews Before and After Oral Argument.

(a) To allow oral arguments to commence on schedule, press shall not conduct any interviews inside the courtroom.

(b) To maintain safety and reduce noise, press shall conduct all interviews in the North Atrium outside the courtroom away from the stairs and at least forty (40) feet away from the courtroom's main doors before and after an oral argument.

5. Impermissible Use of Media Material.

(a) None of the film, video tape, still photographs or audio reproductions developed during or by virtue of coverage of a Supreme Court proceeding shall be admissible as evidence in the matter out of which it arose or any matter subsequent or collateral thereto, whether involving the same or different parties.

The Clerk is directed to send copies of this order to Supreme Court Public Information Officer Kathryn Dolan; to the Supreme Court Sheriff; and to the Supreme Court Administration Office. The Clerk is also directed to post this order on the Court's website.

Done at Indianapolis, Indiana, this 23rd day of January, 2013.

Brent E. Dickson
Chief Justice of Indiana

All Justices concur.