

**STATE OF MAINE
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-05-15 (A. 9-11)

CAMERAS AND AUDIO RECORDING IN THE COURTS

Effective: September 19, 2011

This order amends JB-05-15 (2-09), signed February 25, 2009, and effective February 27, 2009.

No cameras or audio recording equipment shall be allowed in the courtroom unless coverage of any events or proceeding has been authorized pursuant to this order. Justices of the Supreme Judicial Court, justices of the Superior Court, and judges of the District Court are authorized to consider camera and recording coverage, and to permit it in their sole discretion if the integrity of the court proceedings will not be adversely affected.

I. TRIAL COURT PROCEEDINGS

A. CIVIL PROCEEDINGS

1. Cameras and audio recording coverage are allowed in all civil proceedings with judicial approval except in the following cases, unless all parties and the presiding judicial officer agree:
 - (a) Family Division cases;
 - (b) proceedings where the care, custody, protection, harm, or any other significant issue involving a minor child are at issue. These proceedings include, but are not limited to, child custody, child protection, adoption, determination of paternity, and parental rights;
 - (c) proceedings for protection from abuse or harassment;
 - (d) proceedings in which sexual assault or sexual misconduct is at issue;
 - (e) proceedings that may involve disclosure of trade secrets; and
 - (f) proceedings closed to the public by statute, court rule, or court order.

2. Notwithstanding (1) above, the following nonparty persons may elect to have their appearance or testimony in a civil proceeding excluded from coverage:
 - (a) any person who has a visually or audibly detectable physical or mental handicap or disability; and
 - (b) any person who is the alleged victim of any criminal conduct.
3. There shall be no coverage of the jury at any time or place within the courthouse or any other place until the jury has been finally discharged from further jury service. Coverage of a jury while on a view may be allowed by the presiding judicial officer as long as individual jurors are not identifiable on the video.
4. There shall be no camera coverage or audio recording of any bench, sidebar, or in-chambers conference, or any conference among lawyers, clients, or witnesses.

B. CRIMINAL PROCEEDINGS

1. Cameras and audio recording coverage are allowed in criminal proceedings with judicial approval subject to the following restrictions and conditions:
 - (a) Coverage is allowed in nonjury pretrial and post-trial proceedings including, but not limited to:
 - (i) arraignments;
 - (ii) Harnish hearings or other bail hearings;
 - (iii) pretrial motions including motions to suppress, motions to dismiss, and motions in limine;
 - (iv) sentencing proceedings;
 - (v) post-trial motions including motions for new trial and motions to reduce or amend a sentence;
 - (vi) probation revocation proceedings; and
 - (vii) petitions for post-conviction review.
 - (b) Coverage of the matters allowed in (a) above is limited to the nontestimonial portion of the above matters, unless the witness is acting in an official or representative capacity including, but not limited to the following: law enforcement

personnel, private investigators, public officials, federal, state, county or municipal employees, expert witnesses, emergency and medical personnel, counselors and treatment providers, and representatives of corporate or business entities.

- (c) Coverage is allowed in jury and nonjury trials during opening statements, closing arguments, jury instructions, and the delivery of the verdict. However, there shall be no coverage of the jury or any individual juror.
 - (d) Coverage is not allowed in jury and nonjury trials during the testimony of witnesses including argument of counsel relating to objections and motions made during the trial.
 - (e) There shall be no coverage of any bench, sidebar, or in-chambers conference, or any conference among lawyers, clients, or witnesses.
 - (f) There shall be no coverage of any grand jury proceedings or proceedings relative to the grand jury.
 - (g) There shall be no coverage of any person who has not yet attained 18 years of age, except for a person who has been bound over to the Superior Court for criminal proceedings as an adult.
 - (h) There shall be no coverage of any courtroom proceedings closed to the public by statute, court rule, or court order.
2. There shall be no coverage of the jury or of any individual juror at any time or place within the courthouse or at any other place until the jury has been finally discharged from further jury service. Coverage of a jury while attending a view may be allowed by the presiding judicial officer as long as individual jurors are not identifiable on the video.

C. METHODS OF COVERAGE

1. The presiding judicial officer has the authority to regulate the kinds, number, and location of audio and visual recording equipment and the decorum, number, and location of recording personnel within the courthouse. Noncompliance with this order or an order of the trial court is grounds for exclusion from the proceeding.

2. Notification of coverage shall be made to the clerk in writing.
 - (a) Notification of coverage shall include a description of the type of coverage and a statement that the personnel who will be present in the courtroom are familiar with this Administrative Order.
 - (b) Notification may be made by filing the written notification directly with the clerk, by e-mail or by facsimile transmission, but not by telephone.
 - (c) The clerk shall immediately inform the presiding judicial officer.
 - (d) Written notification shall be submitted sufficiently in advance so as not to delay court proceedings. Despite the absence of the required notice, the presiding judicial officer may permit coverage in appropriate circumstances.
3. No direct public expense is to be incurred for equipment, wiring, or personnel needed to provide coverage.
4. Recording personnel shall adhere to standards of conduct that are generally required in a courtroom where matters of importance and serious concern are transacted. Recording personnel should not make distracting sounds or movements and must remain with their equipment while the court is in session, unless it is operated remotely or the operator is excused by the presiding judicial officer. Recording personnel shall wear appropriate and neat attire consistent with participation in matters of serious concern. Neither the camera nor the recording personnel shall have any insignia or other indication of organizational affiliation.
5. The location of recording personnel and their equipment is subject to the approval of the presiding judicial officer. Court officials and recording personnel are encouraged to plan in advance for a standard or usual placement of cameras and recording equipment for various types of proceedings in individual courtrooms. Recording personnel shall provide their own equipment and shall not use, alter, adapt, or otherwise interfere with any courtroom equipment or facility. Other than light sources already existing in the courtroom, no artificial lighting device of any kind shall be employed in the courtroom.

6. Whenever the court cannot accommodate all requests for the presence of cameras and recording equipment, the groups covering a proceeding may be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the media. Pooling arrangements shall include the designation of pool operators, procedures for cost sharing, access to and dissemination of material, and selection of a pool representative. The presiding judicial officer shall not be called upon to mediate or resolve any dispute as to such arrangements.

D. SUPREME JUDICIAL COURT

Prior advance approval for video (or audio) recording or photographing public sessions held by the Maine Supreme Judicial Court is not necessary, but any person or organization intending to record or photograph such proceedings shall file a notice of intent to do so with the Clerk of the Supreme Judicial Court in advance of such hearing. The notice shall contain the name of the person conducting or supervising the recording or photographing, the name of the organization the person is affiliated with, the date and case name of such recording or photographing, and telephone numbers and mailing address of such person. Any recording or photographic equipment shall be set up well in advance of the hearing in accordance with the Clerk's instructions. Recording personnel shall wear appropriate and neat attire consistent with participation in matters of serious concern. Neither the camera nor the recording personnel shall have any insignia or other indication of organizational affiliation. Only one video camera and one photo camera (with silent shutter) shall be allowed in the courtroom for any particular proceeding; all persons seeking to record or photograph shall pool their resources to accomplish this result.

E. CAMERAS AND FILE DOCUMENTS

Separately, an individual may photograph any documents or case file materials that are accessible to the public within the clerks' offices rather than have the clerk's office photocopy them as long as the clerk's office is able to provide appropriate file safeguards, including maintaining the file in the presence of a clerk. The individual must photograph the case file material or document in a nondisruptive manner and must not use the camera in a way that is not otherwise allowed.

II. REVIEW

- A.** The presiding judicial officer has the sole discretion to approve or deny coverage pursuant to these rules. When a request for coverage is approved or denied, the presiding judicial officer may entertain a request for reconsideration. The presiding judicial officer is not required to make findings of fact or conclusions of law regarding any ruling on a request for reconsideration.
- B.** An order granting, denying, or regulating coverage in whole or in part shall not be reviewable in any court, except at the instance of the parties to the proceeding as a claim of prejudicial error in the normal course of appellate review as otherwise provided by law.

For the Court,

/s/
Leigh I. Saufley
Chief Justice

Promulgation Date: September 19, 2011

Historical Derivation of JB-05-15:

Cameras and Audio Recording in the Courts

AO JB-05-15 (A. 2-09), dated February 25, 2009, effective February 27, 2009

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Cameras and Audio Recording in the Courts

AO JB-05-15, dated June 29, 2005, effective August 1, 2005

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Administrative Order Amending The Rules Governing Photographic And Electronic Coverage Of Trial Courts

AO JB-01-__, Amended Appendix A of SJC-228, dated December 28, 2001

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Cameras In The Courtroom

AO SJC-228 & Appendix A, dated July 11, 1994

Signed by: Daniel E. Wathen, Chief Justice; and David G. Roberts, Caroline D. Glassman, Robert W. Clifford, Paul L. Rudman, Howard H. Dana Jr., Kermit V. Lipez, Associate Justices, Maine Supreme Judicial Court