

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER 13-6

IN THE MATTER OF THE ADOPTION OF)
A POLICY ON EXTENDED MEDIA COVERAGE)
IN THE TWENTY-THIRD JUDICIAL CIRCUIT.)

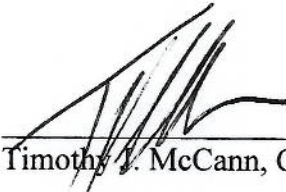
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CIRCUIT CLERK KENDALL CO.

Effective February 1, 2013, the Twenty-Third Judicial Circuit hereby adopts the attached Policy on Extended Media Coverage.

Entered: January 28, 2013



Timothy J. McCann, Chief Judge

**MEDIA COVERAGE FOR
THE TWENTY-THIRD JUDICIAL CIRCUIT COURT**

This Administrative Order focuses on information and requirements relating to the implementation of Illinois Supreme Court Order M.R. 2634 (Expanded Media Coverage in the Illinois Trial Courts) in the Twenty-Third Judicial Circuit, in Kendall and DeKalb Counties, Illinois.

I. DEFINITIONS

A. **“Extended media coverage”** means any media recording or broadcasting of proceedings by the use of internet, television, video, radio, photographic, or other recording equipment for the purpose of gathering and disseminating information to the public.

B. **“Media”** means print, digital, television, video, internet, telephonic, aural or radio media.

C. **“News Media”**, in general, means any person or organization actively engaging in professional information gathering or reporting and includes any newspaper, internet, digital, radio or television station or network, information service, or other information reporting agency, whose function is to inform the public.

D. **“Judge”** means the Circuit or Associate Judge presiding in a trial court proceeding for which extended media coverage has been requested.

E. **“Presiding Judge”** means the Circuit Judge designated by the Chief Judge as the Presiding Judge of the county in which a matter is pending, pursuant to the Local Rules of the Twenty-Third Judicial Circuit.

F. **“Chief Judge”** means the Chief Judge of the Twenty-Third Judicial Circuit.

G. **“Judicial proceedings” or “proceedings”** includes all public trials, hearings or other proceedings of a trial court when extended media coverage is requested, except those specifically excluded by these provisions.

H. **“Media Coordinator”** means a member of the news media who has requested extended media coverage, or in the case of more than one media person requesting extended media coverage, a representative chosen by all of the media requesting extended media coverage and approved by the Judge. In a court proceeding with extended media coverage, the Media Coordinator shall work with the Chief Judge, the Presiding Judge, and the Judge, or with their designee, and with the Court Media Liaison.

I. **“Court Media Liaison”** is the Court Administrator or a designee of the Court Administrator. The Court Media Liaison shall work with the Media Coordinator on all matters pertaining to extended media coverage.

II. MEDIA ACCESS

Coverage of judicial proceedings in the Twenty-Third Judicial Circuit shall be subject, at all times, to the authority of the Judge. Extended media coverage shall not be distracting or interfere with the court in making decisions.

III. PROCEDURES.

A. **Request for Media Coverage.** Requests for extended media coverage shall be filed with the Clerk of the Circuit Court at least fourteen (14) days before the proceeding for which extended media coverage is sought. Requests shall be filed using the attached Form 1 or a substantially similar form. The time for filing a request may be extended or shortened by court order.

B. **Notice of Request.** Using the attached Form 2, the Clerk of the Circuit Court shall send written notice and a copy of the Request for Media Coverage to the following persons:

1. Attorneys of record;
2. Parties appearing without counsel;
3. The Court Media Liaison;
4. The Judge;
5. The Presiding Judge of the County in which the case pends; and
6. The Chief Judge.

No later than the close of business on the day following the filing of the Request, a copy of the Notice and Request shall be sent by first class mail or facsimile transmission or delivered by personal service. The Chief Judge may order alternative means of service, such as electronic mail, for the recipients named in paragraphs 4 – 6 above.

C. **Objections by Parties.** At least three (3) days before the commencement of the proceeding, a party objecting to extended media coverage shall file a written objection stating the reasons for objecting to extended media coverage. The objection shall be filed using the attached Form 3 or a substantially similar form.

D. **Objections by Witnesses.** All witnesses shall be notified by counsel proposing to introduce their testimony of their right to object to extended media coverage by using the attached Form #2A or a substantially similar form. Counsel shall file an appropriate proof of notice. All objections by witnesses shall be filed prior to the commencement of the proceeding. Any objecting witness shall file his or her objection using the attached Form 4 or a substantially similar form.

E. **Notice of Objections.** The Clerk of the Circuit Court shall provide a copy of any objection filed to the persons listed in paragraph B and to the Media Coordinator. The copy shall be provided using the means listed in paragraph B no later than the close of business on the day following the filing of the objection.

F. **Disposition of Requests.** After the time for objections has elapsed, the Judge shall make a determination as to whether the Request should be granted and/or whether an objection thereto should be sustained, and, if so, to what extent. The Court may consider factors including, but not necessarily limited to the following:

1. The effect on the parties' ability to select a fair and unbiased jury;
2. The importance of maintaining public trust and confidence in the judicial system;
3. The importance of promoting public access to the judicial system;
4. Matters raised in the request and in any objections thereto;
5. The parties' support of or opposition to the request;
6. The nature of the case;
7. The privacy rights of all participants in the proceeding, including witnesses, jurors, and victims;
8. The effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding;
9. The effect on any ongoing law enforcement activity in the case;
10. The effect on any subsequent proceedings in the case;
11. The effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness;

12. The effect on excluded witnesses who would have access to the televised testimony of prior witnesses;
13. The scope of the coverage and whether partial coverage might unfairly influence or distract the jury;
14. The difficulty of jury selection if a mistrial is declared;
15. The security and dignity of the Court;
16. Undue administrative or financial burden to the Court or participants;
17. The interference caused to neighboring courtrooms;
18. The maintenance of the orderly conduct of the proceeding;
19. Any other factor affecting the fair administration of justice; and
20. Any other factor the Judge deems relevant.

The Judge may use the attached Form 5 in dealing with the Request.

IV. GENERAL

Broadcasting, television, recording, and photographing or otherwise memorializing information may be permitted in the courtroom during sessions of the court, under the following conditions:

A. Permission first shall have been granted by the Judge, who may prescribe such conditions of coverage as provided for in this policy. The Presiding Judge and Chief Judge shall have discretion to permit or deny any extended media coverage.

B. In prosecutions for sexual abuse, or when sexual abuse is an essential element of a proceeding there shall be no extended media coverage of the testimony of a victim unless the testifying victim consents. Further, an objection to coverage by a testifying victim in any other forcible felony prosecution, and by police informants, undercover agent(s), and relocated witnesses, shall be presumed valid. The Judge shall exercise broad discretion in deciding whether there is cause for prohibition.

C. Extended media coverage is prohibited in any court proceeding required under Illinois law to be held in private. No coverage shall be permitted in any juvenile, dissolution, adoption, child custody, elder abuse, evidence suppression, or trade secret cases.

D. Extended media coverage of jury selection is prohibited. Extended media coverage of the jury and individual jurors is prohibited.

E. There shall be no audio, visual or internet, pick up or broadcast or recording of a conference in a court proceeding or in a court facility between attorneys and their clients, between co-counsel, between attorneys and opposing counsel, or attorneys and the Judge that is not intended to be part of the court record.

F. Audio, internet or visual equipment authorized by these provisions shall not be operated during a recess in the court proceeding.

G. The quantity and type of equipment permitted in the courtroom shall be subject to the discretion of the Judge within the guidelines set out in this policy.

H. Upon application of the media, the Judge may permit the use of equipment or techniques at variance with the provisions in this policy, provided the variance request is included in the Request for Media Coverage provided for in the subsection III (B). Ruling upon a variance application shall be at the sole discretion of the Judge. Variances may be allowed by the Judge without advance application or notice if all counsel and parties consent to it.

I. The Judge may refuse, limit, amend or terminate photographic or electronic media coverage at any time during the proceedings in the event the Judge finds that provisions established under this policy, or additional rules imposed by the Judge, have been violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced by the manner of coverage if it is allowed to continue, or if it is necessary to guarantee the safety of the courtroom, including any party, witness, juror or attendee of the proceeding.

J. Members of the media must abide by the rules regarding filming and photography outside the courtroom, but still within the courthouse. The media is not permitted to film/photograph/record any person present for any grand jury proceeding. Coverage is only allowed during proceedings taking place inside the courtroom, in the presence of the Judge.

K. The rights of extended media coverage may be exercised only by the news media.

L. A decision by a Judge to deny, limit or terminate extended media coverage is not appealable.

M. A Judge may authorize extended media coverage of ceremonial proceedings at variance with provisions in this policy as the Judge sees fit.

V. TECHNICAL

A. **Equipment specifications.** Equipment to be used in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound, light or other influence. In addition, equipment must satisfy the following criteria, where applicable:

1. **Still cameras.** Still cameras and lenses must be unobtrusive without distracting light or sound.
2. **Television or video devices and related equipment.** Television cameras or other video devices, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light.
3. **Audio equipment.** Microphones, wiring, and audio recording equipment shall be unobtrusive and shall be of adequate technical quality to prevent interference with the covered judicial proceedings. Any changes in existing audio systems must be approved by the Judge. Microphones for use of counsel and judges shall be equipped with power switches to facilitate compliance with subsections IV (E) of this policy.
4. **Visual or Audio signal.** No light or signal which is visible or audible to participants in the proceeding shall be used on any equipment during extended media coverage to indicate whether it is operating.
5. **Advance approval.** It shall be the duty of media personnel to demonstrate to the Judge reasonably in advance of the proceeding that the equipment sought to be used meets the criteria set forth in this section. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.
6. **Expense.** The cost of any equipment under these guidelines will not be incurred at public expense.

B. **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 the approval of the Presiding Judge, however, modifications may be made in light sources existing in the courtroom, provided modifications are installed and maintained without public expense.

C. **Pooling and Equipment.** The following limitations on the number of photographic and broadcast media personnel in the courtroom and the amount of equipment shall apply:

1. **Still photography.** Not more than two still photographers are permitted in a proceeding. Each shall be limited to not more than two camera bodies and two lenses at any one time. Changing of film or lenses is only allowed during recesses. Still photographers must stay in their assigned spots throughout the proceedings, and may not make any movements or assume positions that might be distracting. Even if hand-held cameras are used, the operator must remain in his/her assigned spot.
2. **Television.** Not more than two television cameras, each operated by not more than one camera person, shall be permitted in the courtroom during a proceeding.
3. **Audio.** Only one audio system for broadcast shall be permitted in a proceeding. Where possible, audio for all media shall be from any existing audio system present in the courtroom. If no technically suitable audio system exists, microphones, wiring and recording equipment shall be furnished and temporarily installed by the news media without public expense, shall not interfere with the sound quality of any existing courtroom audio system, shall be operated by one person, shall have a means of immediately disabling the system (a/k/a "kill switch") by the Judge and shall be located in places designated in advance by the Judge or his or her designee.
4. **Pooling.** Pooling arrangements shall be the sole responsibility of the Media Coordinator. No judicial officer or court personnel shall mediate disputes. Priority consideration shall be extended to one of the two television cameras to televise an entire proceeding from beginning to end. In the absence of agreement, or in the event of unresolved disputes relating to pooling arrangements, the kind of extended coverage sought shall be prohibited and excluded from the proceeding.
5. **Attire.** No equipment or clothing on any extended media coverage personnel shall bear any insignia or identification of the individual medium or network involved in extended coverage.

D. **Location of equipment and personnel.** Equipment and operating personnel shall be located in, and coverage of the proceedings shall take place from, an area or areas designated by the Judge. The area or areas designated shall provide reasonable access to the proceeding to be covered. No equipment or personnel involved in extended media coverage shall impede pedestrian traffic movement into, or from, the courthouse, including, but not limited to courthouse corridors and courtroom entrances and exits.

1. Television, video, and still photography camera equipment should be set up in locations which do not distract from the normal courtroom processes. Court security staff shall direct media personnel to the appropriate locations within the courtroom subject to the direction and approval of the Judge.
2. Equipment and operators shall not impede the view of persons seated in the public area of the courtroom.

E. **Movement during the proceedings.** Television cameras and audio equipment may only be installed before proceedings begin or removed from the courtroom only when the court is not in session. Equipment shall not be stored in the courthouse. In addition, such equipment shall at all times be operated from a fixed position.

VI. OTHER PROVISIONS

A. **Restrictions and prohibitions.** The following restrictions and prohibitions shall be applicable to all proceedings.

1. Audio or visual equipment authorized by this rule/order shall not be operated during a recess in a court proceeding.
2. Focusing on and photographing of materials on counsel tables is prohibited.
3. Use of parabolic or other highly sensitive long range microphones is prohibited.
4. No film, videotape, photograph, or audio reproduction of a court proceeding made by the media shall affect the official court record of the proceeding for purposes of appeal or otherwise.
5. 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, any proceeding subsequent or collateral thereto, or upon any retrial or appeal of such proceedings.

B. **Expenses.** No court facility may be altered, unless approved in advance by the Chief Judge. Expenses for alterations shall be borne by the media.

C. **Decorum.** Proceedings in the courtroom shall not be disrupted. Members of the media in the courtroom shall:

1. Not make comments in the courtroom during the court proceedings;
2. Not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;
3. Not conduct interviews in the courtroom;
4. Comply with the orders and directives of the court;
5. Be properly attired and shall maintain proper courtroom decorum at all times when covering a judicial proceeding. The Judge has discretion to determine proper attire and courtroom decorum; and
6. At the conclusion of the proceedings and after the Judge leaves the courtroom, all media will leave the courtroom and may assemble in the lobby to meet with the parties, families and their attorneys if the parties, families and attorneys wish to be interviewed or comment to the media.

D. **Inapplicability to individuals;** The privileges granted by this rule/order to photograph, televise and record court proceedings may be exercised only by persons or organizations that are part of an established news media organization.

E. **Access to the Building.** Court security policies require all persons and equipment entering the courthouse to pass through screening. News media will not be permitted to bypass screening and should allow sufficient time to get through the screening in advance of the commencement of proceedings.

F. **Media Disputes.** It shall be the responsibility of the media to settle disputes among media representatives, facilitate pooling where necessary, and implement procedures which meet the approval of the Judge prior to any coverage and without disruption to the court.

G. **Non-exclusivity.** These guidelines shall not preclude coverage of any judicial proceeding by news reporters or other person who are employing only the means of taking notes or drawing pictures.

H. **Sanctions.** In addition to contempt and any other sanctions allowed by law, the Judge may remove anyone violating these rules from the courtroom and revoke the privileges contained in this rule.

I. **Professional Conduct.** Nothing herein shall alter the obligation of any attorney to comply with the provisions of the Illinois Rules of Professional Conduct governing trial publicity.

J. **Revocation of Permission.** If any media representative fails to comply with the conditions set by either the Judge or this rule, the Judge, the Presiding Judge, or the Chief Judge may revoke the permission to broadcast or photograph the trial or hearing.

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE TWENTY-THIRD CIRCUIT

_____))
V. _____) Case No. _____
_____))

REQUEST FOR EXTENDED MEDIA COVERAGE

NOW COMES the undersigned, who states as follows:

1. This request is being made on behalf of all news media organizations.
2. Extended media coverage is requested in connection with the trial or proceeding scheduled to take place on the _____ day of _____, 20____, a.m./p.m. at the _____ Courthouse in _____, Illinois.
3. This request for extended media coverage is for the entirety of this trial or proceeding and all subsequent hearing dates.
4. The type of extended media coverage requested is as follows: (Include type of equipment and number of personnel): _____

5. This request for extended media coverage is filed (check the appropriate box):
 At least fourteen (14) days in advance of the proceeding identified above; or
 Less than fourteen (14) days in advance of the proceeding identified above because _____

6. Notice of this request needs to be provided to:
 Counsel of record: _____
 Parties appearing without counsel: _____
 The Court Media Liaison: _____
7. I will abide by all the provisions of the Policy for Extended Media Coverage in Circuit Courts of Illinois and the 23rd Circuit Court Administrative Order on Extended Media Coverage and perform all duties required of me, if I am designated as the Media Coordinator.
8. I nominate the following person be designated as Media Coordinator: _____

Respectfully submitted,

Signature Printed Name

News Media Organization: _____
Address: _____
Telephone: _____
E-Mail Address: _____

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

_____)
)
V.) Case No. _____
)
_____)

NOTICE OF FILING OF REQUEST FOR EXTENDED MEDIA COVERAGE

TO: Attorneys of record in the above cause; parties, if any, appearing without counsel in the above cause; the Court Media Liaison; the Judge presiding over the above-captioned case; the Presiding Judge, and the Chief Judge.

PLEASE TAKE NOTICE that the attached Request for Extended Media Coverage has been filed in the above case. Administrative Order _____ controls the disposition of this Request, and any objections thereto. In accord with the Administrative Order, any party objecting to the attached Request must file a written objection at least three days before the commencement of the proceeding, and any witness objecting must file a written objection before the commencement of the proceeding. The Administrative Order and suggested forms are available at the Office of the Circuit Court Clerk,

_____.

Dated: _____

Clerk of the Circuit Court

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

_____)
V. _____) Case No. _____
_____)
_____)

NOTICE OF FILING OF REQUEST FOR EXTENDED MEDIA COVERAGE

TO: Witness in the above entitled proceeding

PLEASE TAKE NOTICE that the attached Request for Extended Media Coverage has been filed in the above case. Administrative Order _____ controls the disposition of this Request, and any objections thereto. In accord with the Administrative Order, any party objecting to the attached Request must file a written objection at least three days before the commencement of the proceeding, and any witness objecting must file a written objection before the commencement of the proceeding. The Administrative Order and suggested forms are available at the Office of the Circuit Court Clerk,

_____.

Dated: _____

Clerk of the Circuit Court

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

_____)
)
V.) Case No. _____
)
_____)

**OBJECTION OF PARTY TO EXTENDED
MEDIA COVERAGE OF TESTIMONY**

NOW COMES _____, who states as follows:
(Name of objecting party)

- 1. Extended media coverage has been requested for the above matter.
- 2. There is good cause to believe that the presence of extended media coverage, under the particular circumstances of this trial or proceeding, would materially interfere with the fair and impartial administration of justice. The specific facts and circumstance in support of this allegation are as follows: _____

3. This objection is filed at least three (3) calendar days before the commencement of the trial or proceeding for which extended media coverage has been requested.

4. Notice of this objection needs to be provided to all counsel of record, parties appearing without counsel, the Media Coordinator and the Court Media Liaison.

WHEREFORE, I object to extended media coverage of this proceeding for the above stated reasons.

Respectfully submitted,

Signature

Name (please print)

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

_____))
V.)) Case No. _____
_____))

**OBJECTION OF WITNESS TO
EXTENDED MEDIA COVERAGE OF TESTIMONY**

NOW COMES _____, who states as follows:
(Name of objecting witness)

- 1. Extended media coverage has been requested for the above matter.
- 2. I expect to be called as a witness in this case.
- 3. I object to extended media coverage of my testimony for the following reasons: (please be specific): _____

4. This objection is filed with the Clerk of the Court prior to the commencement of the trial or proceeding for which extended media coverage has been requested.

WHEREFORE, I object to extended media coverage of my testimony.

Respectfully submitted,

Signature

Name (please print)

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

_____))
V.)) Case No. _____
_____))
_____)

**ORDER ON REQUEST FOR
EXTENDED MEDIA COVERAGE**

THIS MATTER coming before the Court on a filed request for extended media coverage, the Court hereby orders as follows:

A hearing on the request for extended media coverage shall be scheduled on _____
20____ at _____ a.m./p.m. in Courtroom _____.

Within the guidelines of the Illinois Supreme Court Policy on Extended Media Coverage and the Twenty-Third Judicial Circuit Court Administrative Order on Extended Media Coverage, extended media coverage is granted in connection with the trial or proceeding scheduled to commence on the _____ day of _____, 20____ a.m./p.m. and for all subsequent proceedings until full conclusion of the case(s) or as otherwise ordered by the Court and subject to ruling on any filed objections.

By means of:

- Still Photography: _____
- Video Recording (with existing audio recording): _____
- Audio Recording: _____

The following exceptions and/or additional restrictions shall apply:

The following person is designated as Media Coordinator: _____

Extended media coverage is denied for the following reasons: _____

Date: _____

JUDGE