Court Operating Rule 16 | Cameras in the Missouri Courts

COR 16.01 | Definitions

COR 16.02 | General

COR 16.03 | Procedural

COR 16.04 | Technical

First Adopted: September 11, 1992 Most Recently Effective: July 1, 2018

Court Operating Rule (COR) 16 | Cameras in Missouri Courts

COR 16.01 | Definitions

As used in Court Operating Rule 16:

(a) "Judge" means a commissioner, municipal division judge, associate circuit judge, circuit judge, or appellate judge presiding in a judicial proceeding.

(b) "Judicial proceeding" or "proceeding" includes any trial, hearing, or other case-related matter open to the public in any circuit court division, including a municipal division, or any appellate court for which media coverage is requested, unless specifically excluded by this operating rule.

(c) "Media coordinator" means a person designated under this operating rule to work between those making requests for media coverage and the judge and includes such person's designees.

(d) "Media" includes any person who regularly gathers, processes and disseminates news or information about matters of public interest in any medium. "Media" also includes any educational institution or its representatives seeking media coverage of a judicial proceeding for educational purposes.

(e) "Media coverage" or "coverage" includes audio, video or electronic recording; broadcasting, filming or televising; photographing; or otherwise transmitting information, including by text, electronic mail, online post or other electronic message, whether for live or later dissemination in any medium.

(f) "Media equipment" includes still or video cameras, audio recorders, and any other device capable of taking photographs, making audio or video recordings, or otherwise transmitting information, including

texts, online posts or other electronic messages, whether for live or later dissemination in any medium.

(g) "This operating rule" means the provisions of Court Operating Rule 16.

(Adopted September 11, 1992, effective September 11, 1992. Approved for publication August 21, 1995. Amended October 25, 1994, effective January 1, 1995; amended February 22, 2000, effective February 22, 2000; amended March 21, 2018, effective July 1, 2018.)

First Adopted: September 11, 1992 Most Recently Effective: July 1, 2018

Court Operating Rule (COR) 16 | Cameras in Missouri Courts

COR 16.02 | General

(a) Conditions of Media Coverage. Blanket prohibition by local rule of all media coverage is not permitted. Media coverage of a judicial proceeding will be permitted on a case-by-case basis if expressly authorized by the judge and under the following conditions:

(1) A judge may prescribe such conditions of coverage as provided for in this operating rule, including the manner in which objections may be raised and whether media coverage may be conducted in a courtroom before or after a proceeding or while the court otherwise is in recess. Any media coverage a judge permits must be executed in a manner that ensures the fairness and dignity of the proceeding.

(2) Even when media coverage is expressly permitted, a judge shall limit or disallow media coverage of a proceeding if the judge concludes, under the circumstances, such coverage would materially interfere with the rights of the parties, including but not limited to the security or privacy of participants to the proceedings, or the fair administration of justice. Nothing in this operating rule restrains a judge's ability to control courtroom decorum or activities, or to prevent intimidation of witnesses or other misconduct. Restrictions a judge may impose on media coverage may not be evaded by photographing or recording courtroom activities from outside the courtroom, such as through a door or window.

(3) A judge may permit media coverage of investitures, ceremonial proceedings or other public events and may impose any conditions of media coverage that may be appropriate under the circumstances.

(4) Any media granted permission to conduct media coverage shall be provided access to this operating rule and shall agree to comply with this operating rule and any directives a judge may

issue pursuant to this operating rule.

(b) Prohibitions on Media Coverage. Media coverage is prohibited of any:

(1) Judicial proceeding Missouri law requires to be closed, including certain juvenile, adoption, domestic relations, or child custody proceedings, except a judge may permit media coverage of a juvenile who is being prosecuted as an adult in a criminal proceeding.

(2) Defendant in any criminal proceeding or municipal division proceeding until the defendant is represented by counsel or has waived such representation.

(3) Prospective juror, juror, and jury selection, including any audio, video or other electronic recording, photograph, or report of any kind, taken or made in or out of the courtroom, in which the face or other identifying characteristic of a juror or prospective juror is discernable. This provision should not be interpreted to prohibit a juror whose term of service is complete from voluntarily disclosing his or her identity to media after the judge has discharged the jury.

(4) Participant in a judicial proceeding if the participant so requests and the participant is a victim of a crime, a police informant, an undercover agent, a relocated witness, or a juvenile.

(5) Conference between attorneys and their clients, between co-counsel, between counsel and the judge held at the bench or in chambers, or between judges in an appellate proceeding, to protect the attorney-client privilege and the right to effective counsel.

(6) Materials: on counsel tables; subject to a conference held at the bench or in chambers; on the bench; or otherwise not admitted into evidence, to ensure the fairness of the proceedings. A judge may work with the media coordinator to provide media access, after the proceeding concludes or while the court is in recess, to exhibits received into evidence, subject to ruling on any objection from counsel in the proceeding.

(c) Unintentional or Inadvertent Violations. In the event of an unintentional or inadvertent violation of any of these provisions:

(1) The media shall prevent the recording, photographing or reporting, as a result of media coverage, from being disseminated in any manner; and

(2) The media coordinator and judge shall take any other appropriate action, including but not limited to the limitation or termination of media coverage.

(d) Adjacent Areas. A judge may prohibit media from conducting interviews, recording, photographing or preparing a report in the hallways immediately adjacent to a courtroom if such activity would interfere with the fair administration of justice in any case or otherwise is prohibited by local officials.

(e) Limitations on Coverage Once Granted. A judge may limit or terminate media coverage as to any or all media at any time during the proceedings if the judge finds:

(1) Any media has violated this operating rule or any directives the judge imposed pursuant to this operating rule; or

(2) Any substantial rights of individual participants or rights to a fair trial may be prejudiced if media coverage is allowed to continue.

(Adopted September 11, 1992, effective September 11, 1992. Approved for publication August 21, 1995. Amended October 25, 1994, effective January 1, 1995; amended February 22, 2000, effective February 22, 2000; amended March 21, 2018, corrected May 29, 2018, effective July 1, 2018.)

First Adopted: September 11, 1992 Most Recently Effective: July 1, 2018

Court Operating Rule (COR) 16 | Cameras in Missouri Courts

COR 16.03 | Procedural

(a) Media Coordinators.

(1) Each circuit and appellate court shall provide this Court with the name and contact information of the person recommended to serve as its media coordinator. Media coordinators shall be appointed by this Court. A media coordinator may be either a member of the media or a local court employee.

(2) In the event a media coordinator has not been appointed or is not available, a judge for a particular proceeding, or his or her designee, shall serve as media coordinator.

(3) Media coordinators shall be responsible for all arrangements for media coverage, including initial requests for coverage and any issues that may arise during the course of coverage.

(b) Advance Notice of Media Coverage. Subject to a judge extending or reducing these times to ensure adequate notice, to prevent delay in a trial or other judicial proceeding, and to ensure the efficient administration of justice:

(1) All requests by the media for media coverage or otherwise to use media equipment in the courtroom shall be made to the media coordinator in writing as soon as practicable after the judicial proceeding is scheduled but at least two business days in advance of the scheduled proceeding. If a proceeding is scheduled with fewer than two business days' notice, then any request for media coverage must be made as soon as practicable thereafter. This Court's communications counsel shall post the names and contact information of the media coordinators on the Missouri Court website.

(2) The media coordinator, in turn, shall give notice in writing of said request to counsel for all parties, parties appearing without counsel, and the judge as soon as practicable. In addition, the media coordinator shall submit a copy of the notice to the clerk of the court in which the proceeding is being held.

(3) Before trial commences, counsel shall inform any person counsel may call as a witness that the witness will be subject to media coverage unless the judge limits or prohibits such coverage.

(c) Any media making a request to a media coordinator for media coverage of a judicial proceeding shall include the name of the person seeking such coverage; the affiliated entity, if any; and the media equipment to be used. The media coordinator shall provide this information to the judge, as to all media granted access to media coverage under this operating rule, as soon as practicable before a judicial proceeding is scheduled to begin.

(d) Objections. Upon the objection of a party or a participant or on a judge's own motion, a judge may prohibit any or all media coverage of a participant in a judicial proceeding or any or all of the participant's testimony.

(e) Media Hearing. A judge may hold a hearing concerning applications or plans for media coverage. During the hearing, the judge may hear any objections to media coverage and set terms and conditions of media coverage.

(Adopted September 11, 1992, effective September 11, 1992. Approved for publication August 21, 1995. Amended October 25, 1994, effective January 1, 1995; amended February 22, 2000, effective February 22, 2000; amended March 21, 2018, corrected May 29, 2018, effective July 1, 2018.)

First Adopted: September 11, 1992 Most Recently Effective: July 1, 2018

COR 16.04 | Technical

(a) Equipment Limitations. All media equipment to be used in courtrooms for media coverage must be unobtrusive in both size and appearance, without distracting sound or light, and of sufficient technical quality to prevent interference with the judicial proceeding. A judge may limit the number of media personnel and amount of media equipment in a courtroom covering a judicial proceeding and may require other media personnel to pool coverage in accordance with this operating rule and as a judge deems appropriate under particular circumstances.

(1) Still Photography. Still photographers shall be permitted pursuant to this operating rule, but more than one photographer may not participate at one time unless the judge approves in advance. Media coordinators should determine whether still cameras with shutters that cannot be silenced should be enclosed in a sound-absorbing device.

(2) Video Recording. Not more than one videographer, using a single device, shall be permitted in the courtroom during a judicial proceeding at any time. Such equipment must be designed or modified so participants in the judicial proceeding are unable to determine when the equipment is recording. When possible, recording or broadcasting equipment that is not a component part of a video camera shall be located outside of the courtroom. If a court has installed its own video camera for use by the media, no videographer generally should be permitted to bring video recording equipment into the courtroom. When video recording equipment is not compatible, a judge may permit use of an additional device and operator.

(3) Audio Recording. Not more than one audio recording system shall be set up in the courtroom for media coverage of a judicial proceeding at any time. Such recording shall be made from an existing audio system present in the courtroom, if the existing system produces sound technically suitable for broadcast. Any changes in existing courtroom audio systems must be approved by the judge. Microphones for use of counsel and judges shall be equipped with off/on switches to facilitate compliance with this operating rule. When possible, electronic audio recording equipment and any operating personnel shall be located outside of the courtroom.

(4) Advance Approval. It shall be the duty of the media to advise the media coordinator of the media equipment sought to be used for media coverage and to demonstrate to the media coordinator and judge reasonably in advance of the proceeding that the equipment meets the requirements of this operating rule. Failure to obtain advance approval for equipment may preclude its use in the proceeding. All media and media equipment should be in place and operational in accordance with this operating rule at least 30 minutes prior to the scheduled time of commencement of the proceeding.

(5) Nonapproved Uses Prohibited. Any media equipment approved for still photography, video recording or audio recording of a judicial proceeding is to be used only for the specified purpose. If the equipment is capable of making other types of recordings or producing other content, no such recordings may be made or content produced without express permission of the judge.

(b) Lighting and Modifications. No modifications of existing courthouse facilities or systems to effectuate this operating rule shall be required to be made at public expense. Other than light sources already existing in the courtroom, no flashes or other artificial light device of any kind shall be employed in the courtroom. The judge, however, may permit the media to make temporary modifications to light sources existing in the courtroom (e.g., higher-wattage lighting), provided such modifications are made without public expense. Requests for any other modifications of courtroom facilities or systems shall be made to the media coordinator and approved by a judge.

(c) Pooling.

(1) If multiple media personnel apply under the provisions of this operating rule for media coverage for the same judicial proceeding, they shall be pooled appropriately based on the type of media coverage they seek. Media coordinators should endeavor to rotate still photographers and videographers as may be appropriate under the circumstances. Requests for copies of audio or video recordings or photographs shall be directed to the pool representative only, who shall supply copies upon request to the media in the pool at a price not exceeding actual cost. Failure to make timely application for coverage may result in exclusion from the pool and access to resulting media coverage.

(2) Pooling arrangements shall be the sole responsibility of the media coordinator, and the judge shall not be called upon to mediate any media dispute. In the absence of advance media agreement regarding equipment, personnel or other pooling issues, the judge may exclude any or all media coverage.

(d) Location of Media Equipment and Personnel. The judge shall designate an area or areas in the courtroom where media equipment and operating personnel shall be located. The area or areas designated shall provide reasonable access to the proceeding to be covered. No media or media equipment shall block the view of persons seated in the public area of the courtroom.

(e) Movement During Proceedings. Media must set up and remove all media equipment permitted by the judge only when the court is not in session and at all times shall operate such equipment from a fixed position. Still photographers and videographers shall not move about the courtroom while proceedings are in session, nor shall they engage in any movement that attracts undue attention.

(f) Personal Audio Devices. Notwithstanding other provisions of this operating rule, the judge may permit the media to use inconspicuous personal recording devices to make audio recordings solely as personal notes of the proceeding. Media proposing to use a personal recording device must make timely application to the media coordinator and obtain advance permission from the judge. Any such audio recording may not be used for any other purpose, and if the device used is capable of making other types of recordings or producing other content, no such recordings may be made without express permission of the judge.

(g) Use of Devices. No person may use any device capable of media coverage in a courtroom or court clerk's office unless specifically authorized under the provisions of this operating rule, under the provisions of a local court rule, or by a judge in a judicial proceeding. A judge may authorize media to use electronic devices solely for textual notetaking and writing if they are configured to operate quietly and in such a manner as to avoid undue distractions.

(Adopted September 11, 1992, effective September 11, 1992. Approved for publication August 21, 1995. Amended October 25, 1994, effective January 1, 1995; amended February 22, 2000, effective February 22, 2000; amended March 21, 2018, corrected May 29, 2018, effective July 1, 2018.)