

RULE 12. Conditions for Broadcasting and Photographing Court Proceedings.

- (A) **Presiding judge.** The judge assigned to the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings that are open to the public as provided by Ohio law. After consultation with the media, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for the broadcasting, televising, recording, or taking of photographs in the courtroom shall be in writing and the written order of the judge shall be made a part of the record of the proceedings.
- (B) **Permissible equipment and operators.**
- (1) Use of more than one portable television, videotape, or movie camera with one operator shall be allowed only with the permission of the judge.
 - (2) Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the judge. Still photographers shall be limited to two cameras with two lenses for each camera.
 - (3) For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. If existing audio pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.
 - (4) Visible audio recording equipment may be used by news media reporters with the prior permission of the judge.
 - (5) Arrangements between or among media for “pooling” of equipment shall be the responsibility of the media representative authorized to cover the proceeding. “Pooling” arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. If disputes arise over arrangements between or among media representatives, the judge may exclude all contesting representatives from the proceedings.
 - (6) The judge shall prohibit the use of electronic or photographic equipment that produces distracting sound or light. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.
 - (7) Still photographers and television and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the judge, except to leave or enter the courtroom.

(C) Limitations.

- (1) There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the judge.
- (2) The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.
- (3) This rule shall not be construed to grant media representatives any greater rights than permitted by law.
- (4) Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.

(D) Revocation of permission.

Upon the failure of any media representative to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to broadcast or photograph the trial or hearing.

Commentary (July 1, 1997)

Rule 12 is analogous to former C.P. Sup. R. 11 and M.C. Sup. R. 9. Division (A) was revised to include a reference to standards set forth in Ohio law, such as *In re T.R.* (1990), 52 Ohio St.3d 6, that govern public access to court proceedings. The 1997 amendments also eliminated the prohibition against changing film and videotape during court proceedings.

Rule 12(A) Presiding Judge

The judge assigned to the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings open to the public, upon request, if the judge determines that to do so would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with the achievement of a fair trial. Both the request for permission and the ruling on the request must be in writing and made a part of the record of the proceedings.

The filming, videotaping, recording, or taking of photographs of victims or witnesses who object shall not be permitted.

After consultation with the media the judge specifies the locations within the courtroom where operators and equipment may be located. However, still photographers and television and radio representatives must be given a clear view of the proceedings under division (B)(7).

Rule 12(B) Permissible Equipment and Operators

Not more than one portable television, videotape, or movie camera with one operator and not more than one still photographer with two cameras shall be allowed unless the judge presiding at the trial or hearing specifically permits additional cameras or operators. Each of the two still cameras permitted by the rule is limited to two lenses.

For purposes of radio broadcasting, not more than one audio system is permitted. If an existing audio system is available and suitable, it shall be used. If an audio system is not available, then microphones and other necessary equipment “shall be as inconspicuous as possible but must be visible.”

Portable audio recording equipment may be used by reporters if it is visible and if the permission of the judge presiding at the trial or hearing is first obtained.

All pooling arrangements are the responsibility of the media representatives. Pooling arrangements must be made without involving the court. If any disputes arise, the judge may exclude all contesting media representatives.

Electronic or photographic equipment that produces distracting sound or light shall be prohibited by the judge. No artificial lighting, other than that normally used in the courtroom, is permitted unless the judge, upon request and after consultation with the media representatives, determines that the normal light can be improved without becoming obtrusive.

Still photographers and television and radio representatives shall not move about the courtroom from the place where they have been positioned by the judge, except to leave or enter the courtroom.

Rule 12(C) Limitations

Audio pickup or broadcast of conferences in a court facility between attorney and client or between counsel and the judge are prohibited.

The trial judge must advise victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.

No part of Rule 12 gives authority for media coverage where it is otherwise limited or prohibited by law.

While the court is in session, media representatives are not permitted to either transmit or record anything from the courtroom other than court proceedings.

Rule 12(D) Revocation of Permission

If any media representative fails to comply with the conditions set by either the judge or this rule, the judge may revoke the permission to broadcast or photograph the trial or hearing.