

COMMONWEALTH OF MASSACHUSETTS

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the twenty-eighth day of February, in the year two thousand and twelve:

present,

HON. RODERICK L. IRELAND)
HON. FRANCIS X. SPINA)
HON. ROBERT J. CORDY)
HON. MARGOT BOTSFORD)
HON. RALPH D. GANTS)
HON. FERNANDE R.V. DUFFLY)
HON. BARBARA A. LENK)

ORDERED: That Chapter One of the Rules of the Supreme Judicial Court is hereby amended as follows:

Rule 1:19: By striking out current Rule 1:19 and inserting in lieu thereof the new Rule 1:19 attached hereto.

The amendments accomplished by this order shall take effect on July 1, 2012.

<u>RODERICK L. IRELAND</u>)	Chief Justice
)	
)	
<u>FRANCIS X. SPINA</u>)	Justices
)	
)	
<u>ROBERT J. CORDY</u>)	
)	
)	
<u>MARGOT BOTSFORD</u>)	
)	
)	
<u>RALPH D. GANTS</u>)	
)	
)	
<u>FERNANDE R.V. DUFFLY</u>)	
)	
)	
<u>BARBARA A. LENK</u>)	

SJC Rule 1:19

ELECTRONIC ACCESS TO THE COURTS

1. *Covert photography, recording or transmission prohibited.* No person shall take any photographs, or make any recording or transmission by electronic means, in any courtroom, hearing room, office, chambers or lobby of a judge or magistrate without prior authorization from the judge or magistrate then having immediate supervision over such place.

2. *Electronic access by the news media.* A judge shall permit photographing or electronic recording or transmitting of courtroom proceedings open to the public by the news media for news gathering purposes and dissemination of information to the public, subject to the limitations of this rule. Subject to the provisions of paragraph (d), the news media shall be permitted to possess and to operate in the courtroom all devices and equipment necessary to such activities. Such devices and equipment include, without limitation, still and video cameras, audio recording or transmitting devices, and portable computers or other electronic devices with communication capabilities.

The "news media" shall include any authorized representative of a news organization that has registered with the Public Information Officer of the Supreme Judicial Court or any individual who is so registered. Registration shall be afforded to organizations that regularly gather, prepare, photograph, record, write, edit, report or publish news or information about matters of public interest for dissemination to the public in any medium, whether print or electronic, and to individuals who regularly perform a similar function, upon certification by the organizations or individuals that they perform such a role and that they will familiarize themselves or their representatives, as the case may be, with the provisions of this rule and will comply with them.

In his or her discretion, a judge may entertain a request to permit electronic access as authorized by this rule to a particular matter over which the judge is presiding by news media that have not registered with the Public Information Officer.

(a) Substantial likelihood of harm. A judge may limit or temporarily suspend such access by the news media if it appears that such coverage will create a substantial likelihood of harm to any person or other serious harmful consequence.

(b) Limitations. A judge shall not permit:

(i) photography or electronic recording or transmission of voir dire hearings concerning jurors or prospective jurors.

(ii) electronic recording or transmission of bench and side-bar conferences, conferences between counsel, and conferences between counsel and client; or

(iii) frontal or close-up photography of jurors and prospective jurors.

A judge may impose other limitations necessary to protect the right of any party to a fair trial or the safety and well-being of any party, witness or juror, or to avoid unduly distracting participants or detracting from the dignity and decorum of the proceedings.

If the request is to record multiple cases in a session on the same day, a judge, in his or her discretion, may reasonably restrict the number of cases that are recorded to prevent undue administrative burdens on the court.

(c) Minors and sexual assault victims may not be photographed without the consent of the judge.

(d) Positioning of equipment. All equipment and devices shall be of a type and positioned and operated in a manner which does not detract from the dignity and decorum of the proceeding. Unless the judge permits otherwise for good reason, only one stationary, mechanically silent video camera shall be used in the courtroom for broadcast television, a second mechanically silent video camera shall be used for other media, and, in addition, one silent still camera shall be used in the courtroom at one time. Unless the judge otherwise permits, photographic equipment and its operator shall be in place in a fixed position within the area designated by the judge and remain there so long as the court is in session, and movement shall be kept to a minimum, particularly in jury trials. The operator shall not interrupt a court proceeding with a technical problem.

(e) Advance notice. A judge may require reasonable advance notice from the news media of their request to be present to photograph or electronically record or transmit at a particular session. In the absence of such notice, the judge may refuse to admit them. A judge may defer acting on such a request until the requester has seasonably notified the parties and, during regular business hours, the Bureau Chief or News Editor of the Associated Press, Boston, using the email address of apboston@ap.org. A judge hearing any motion under this rule may reasonably limit the number of counsel arguing on behalf of the several interested media.

(f) Non-exclusive access. A judge shall not make an exclusive arrangement with any person or organization for news media coverage of proceedings in the courtroom. If there are multiple requests to photograph or electronically record the same proceeding, the persons making such requests must make arrangements among themselves for pooling or cooperative use and must do so outside of the courtroom and before the court session without judicial intervention.

(g) Objection by a party. Any party seeking to prevent any of the coverage which is the subject of this rule may move the court for an appropriate order, but shall first deliver electronic notice of the motion during regular business hours to the Bureau Chief or News Editor of the Associated Press, Boston, using the email address of apboston@ap.org as seasonably as the matter permits. The judge shall not hear the motion unless the movant has certified compliance with this paragraph, but compliance shall relieve the movant and the court of any need to postpone hearing the motion and acting on it, unless the judge, as a matter of discretion,

continues the hearing.

3. Other recordings. A judge may permit the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record when authorized by law, for other purposes of judicial administration, or for the preparation of materials for educational or ceremonial purposes.

4. Definitions. For purposes of this rule, the term "judge" shall include a magistrate presiding over a proceeding open to the public. The term "minor" shall be defined as a person who has not attained the age of eighteen.