
The Virginia Press Association & The Virginia Association of Broadcasters present

2013 Guidelines

Cameras in the Courtroom

**MEDIA GUIDELINES FOR SECTION 19.2-266 OF THE CODE OF VIRGINIA
REGARDING CAMERAS IN THE COURTROOM**

- ▶ Guidelines for both still photographers and broadcast camera personnel
 - ▶ Lists of print and broadcast coordinators statewide
 - ▶ Pooling arrangements and procedures
 - ▶ Code Section 19.2-266
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Virginia
PRESS
Association



Cameras in the Courtroom Overview

Brief Synopsis: Requirements of the Act

1. The presiding judge can prohibit photographic coverage at any time.
2. News agencies must provide advance notice of intent to cover.
3. Cameras must not be intrusive.
4. Media personnel can enter and leave courtroom only during recesses. A dress code is required. Only the personnel essential to operating the equipment can be in the designated area.
5. Equipment can be set up or removed only:
 - a. Prior to the start of proceedings,
 - b. During luncheon recess,
 - c. During other recesses with permission of the judge,
 - d. After adjournment.
6. No distracting lights or sounds.
7. No more than two cameras are allowed, set up in designated areas.
8. No more than one audio system. Existing system must be used wherever adequate.

Limitations on Coverage

The statute prohibits coverage of the following proceedings:

- a. Adoptions,
- b. Juvenile proceedings,
- c. Child custody proceedings,
- d. Divorce proceedings,
- e. Spousal support proceedings,
- f. Proceedings concerning sexual offenses,
- g. Proceedings for the hearing of motions to suppress evidence,
- h. Proceedings involving trade secrets,
- i. Conferences between the judge and attorneys in the judge's chamber or at the bench.

In addition, the statute prohibits coverage of the following:

- a. Police informants,
- b. Minors,
- c. Undercover agents,
- d. Victims and families of victims of sexual abuse,
- e. Jurors,
- f. Sound recording or broadcast of attorney/client conversations, co-counsel conversations.

Please note: Forms found on pages 12 and 13 are suggested by the VAB and VPA for requesting media coverage of a case and for use by the judge in issuing his order to allow or prohibit coverage.



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Section 19.2-266 of the Code of Virginia

§ 19.2-266. Exclusion of persons from trial; photographs and broadcasting permitted under designated guidelines; exceptions.—In the trial of all criminal cases, whether the same be felony or misdemeanor cases, the court may, in its discretion, exclude from the trial any persons whose presence would impair the conduct of a fair trial, provided that the right of the accused to a public trial shall not be violated.

A court may solely in its discretion permit the taking of photographs in the courtroom during the progress of judicial proceedings and the broadcasting of judicial proceedings by radio or television and the use of electronic or photographic means for the perpetuation of the record or parts thereof in criminal and in civil cases, but only in accordance with the rules set forth hereunder. In addition to such rules, the Supreme Court and the Court of Appeals shall have the authority to promulgate any other rules they deem necessary to govern electronic media and still photography coverage in their respective courts. The following rules shall serve as guidelines, and a violation of these rules may be punishable as contempt:

Coverage Allowed

1. The presiding judge shall at all times have authority to prohibit, interrupt or terminate electronic media and still photography coverage of public judicial proceedings. The presiding judge shall advise the parties of such coverage in advance of the proceedings and shall allow the parties to object thereto. For good cause shown, the presiding judge may prohibit coverage in any case and may restrict coverage as he deems appropriate to meet the ends of justice.
2. Coverage of the following types of judicial proceedings shall be prohibited: adoption proceedings, juvenile proceedings, child custody proceedings, divorce proceedings, temporary and permanent spousal support proceedings, proceedings concerning sexual offenses, proceedings for the hearing of motions to suppress evidence, proceedings involving trade secrets, and in camera proceedings.
3. Coverage of the following categories of witnesses shall be prohibited: police informants, minors, undercover agents and victims and families of victims of sexual offenses.
4. Coverage of jurors shall be prohibited expressly at any stage of a judicial proceeding, including that portion of a proceeding during which a jury is selected. The judge shall inform all potential jurors at the beginning of the jury selection process of this prohibition.
5. To protect the attorney-client privilege and the right to counsel, there shall be no recording or broadcast of sound from such conferences which occur in a court facility between attorneys and their clients, between co-counsel of a client, between adverse counsel, or between counsel and the presiding judge held at the bench or in chambers.

Location of Equipment and Personnel

1. The location of recording and camera equipment shall be strictly regulated so as not to be intrusive.
2. Media personnel shall not enter or leave the courtroom once the proceedings are in session except during a court recess or adjournment.
3. Electronic media equipment and still photography equipment shall not be taken into the courtroom or removed from the designated media area except the following times:
 - a. Prior to the convening of proceedings;
 - b. During any luncheon recess;
 - c. During any court recess with the permission of the trial judge; and
 - d. After adjournment for the day of the proceedings.

Official Representatives of the Media

The Virginia Association of Broadcasters and the Virginia Press Association may designate one person to represent the television media, one person to represent the radio broadcasters, and one person to represent still photographers in each jurisdiction in which electronic media and still photographic coverage is desired. The names of the persons so designated shall be forwarded to the chief judge of the court in the county or city in which coverage is desired so that arrangements can be made for the “pooling” of equipment and personnel. Such persons shall also be the only persons authorized to speak for the media to the presiding judge concerning the coverage of any judicial proceedings.

Equipment and Personnel

1. No distracting lights or sounds shall be permitted.
2. Not more than two television cameras shall be permitted in any proceeding.

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3. Not more than one still photographer, utilizing not more than two still cameras with not more than two lenses for each camera and related equipment for print purposes, shall be permitted in any proceeding.
4. Not more than one audio system for broadcast purposes shall be permitted in any proceeding. Audio pickup for all media purposes shall be accomplished with existing audio systems present in the court facility. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes may be installed and maintained at media expense. The microphones and wiring must be unobtrusive and shall be located in places designated in advance of any proceeding by the chief judge of the court in which coverage is desired.
5. Any "pooling" arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the presiding judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed equipment or personnel issues, the presiding judge may exclude all contesting media personnel from a proceeding. It is common practice for video and still representatives to share their respective material upon request. Those requests should be routed through the local coordinators.
6. In no event shall the number of personnel in the designated area exceed the number necessary to operate the designated equipment.
7. Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. No artificial lighting device of any kind shall be employed in connection with the television camera.
8. Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. No artificial lighting device of any kind shall be employed in connection with a still camera.
9. With the concurrence of the chief judge of the court in which coverage is desired, modifications and additions may be made in light sources existing in the facility, provided such modifications or additions are installed and maintained without public expense.

Impermissible Use of Media Material

None of the film, video tape, still photographs or audio reproductions developed during or by virtue of coverage of a judicial proceeding shall be admissible evidence (i) in the proceeding out of which it arose, (ii) in any proceeding subsequent and collateral thereto, or (iii) upon any retrial or appeal of such proceedings.

All electronic media and still photography coverage of public judicial proceedings authorized by this section, with the exception of electronic or photographic means authorized for the perpetuation of the record or parts thereof shall be conducted at no cost to the Commonwealth.

Virginia Press Association Still Photography Guidelines

EFFECTIVE SINCE JULY 1994

Introduction

Virginia State Code Section 19.2-266 states, "A court may solely in its discretion permit the taking of photographs in the courtroom during progress of judicial proceedings." The law allows for statewide access and requires cooperation and coordination between newspapers. Virginia Press Association, by law, may designate one person to represent still photographers in each jurisdiction. The names of these coordinators shall be forwarded to the chief judge of the court in the county or city in which the coverage is desired so that arrangements can be made for the pooling of equipment and personnel. Coordinators are the only persons authorized to speak for the media to the presiding judge concerning coverage of any judicial proceeding.

The presiding judge at all times has the authority to prohibit, interrupt or terminate photographic coverage of judicial proceedings. Attorneys for litigants have the right at the commencement of any proceeding to object to photographic coverage. The presiding judge may prohibit or restrict coverage in any case for any reason as the judge deems appropriate.

Under these guidelines, courtroom photography is cooperative. It is essential that any disputes or disagreements with pool participation, operation or broadcast representatives be resolved within the VPA structure. Disputes should be resolved at the local level by the VPA coordinator and the Virginia Association of Broadcasters coordinator. Further disputes should be resolved by the VPA executive director.

To facilitate that cooperation, ensure full access to the courts and ensure full access by newspapers and news services to the photography produced by pool photographers in the courtrooms, the following guidelines have been adopted by the Virginia Press Association Board of Directors to govern pool operations:

Pool Eligibility and Access

1. By law the VPA is the governing body for still photographers. Only Virginia newspapers and news services are eligible for pool participation. In all cases, local photographers have priority over out-of-town media for pool access. In cases with state wide interest, photographers who regularly cover Virginia are considered 'local.'
2. Any newspaper or news service wishing to cover a courtroom proceeding will provide the required advance notice to the court and the coordinator (in writing if required by the court, using the attached form approved by the Virginia Supreme Court or a similar form approved by a local court). Some jurisdictions have agreed to 24-hour notice

while others require 10 days. The best procedure is the earlier the better.

3. In the event more than one newspaper wishes to participate in the photographic pool coverage of a courtroom proceeding, the court shall refer the second and all subsequent requests to the coordinator. The coordinator will facilitate pool coverage and will be the sole contact with the judge.
4. Only photographers who are assigned by a newspaper or news service will be allowed access to the courtroom. Photographers must demonstrate to all other members of the pool the ability to produce professional quality photographs delivered on a timely basis.
5. Any photographer or newspaper which fails to comply fully with the terms and conditions of this VPA policy, or violates the terms of the law, or does not conform with the standards, rulings and procedures of the judge in the particular courtroom, shall be refused admission to the photographic pool for the duration of that particular trial.

VPA Coordinator Responsibilities

1. The VPA coordinator must act impartially in making arrangements with the court, show no favoritism to the photographer's employer and no antagonism toward any competitor. Moreover, the coordinator must look out for the interest of all pool participants, especially newspapers which do not belong to a news service.
2. The coordinator shall implement a mutually agreed upon rotation. Otherwise, the rotation shall be determined by the drawing of names at least 24 hours prior to the court date to allow the notification of the court. The rotation shall be followed throughout the course of the trial. Photographers can be substituted with the verbal consent of the coordinator and other participants.
3. The coordinator shall make sure that no costs of coverage shall be borne by the Commonwealth of Virginia. All cost of coverage rests with interested newspapers and news services. In the case of court proceedings with wide interest, the coordinator will arrange for a central processing facility where pool participants are to divide those responsibilities.

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Photography Rules

1. APPROPRIATE DRESS. For men a coat and tie, no jeans, sneakers or hats. For women, a business suit or a dress, no jeans, sneakers or hats.
2. No distracting sounds should be permitted. Not more than one still photographer, using not more than two still cameras with not more than two lenses for each camera and related equipment shall be permitted in the courtroom. FLASH EQUIPMENT CANNOT BE USED IN ANY COURTROOM. A request by the presiding judge for a demonstration of the equipment must be complied with.
3. Photographers must use current technology digital still cameras.
4. The photographer must remain in predesignated position for the duration of the day's proceedings. The Court allows NO MOVEMENT during the proceedings. All film shipments, etc. shall be done during breaks and recesses only.
5. The pool photographer is responsible to fulfill all the photographic needs of all pool participants and MUST NOT abandon their position without the prior consent of the coordinator and all participants.

VPA Coordinators

BY JUDICIAL CIRCUIT

Statewide Coordinator

Steve Helber, The Associated Press,
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(804) 643-6646, shelber@ap.org

Circuits 1-4 (Chesapeake, Virginia Beach, Norfolk, Portsmouth, Northampton, Accomack)

The' N. Pham, The Virginian-Pilot, Norfolk,
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Circuit 5 (Southampton, Isle of Wight, Suffolk)

Res Spears, Suffolk News-Herald,
(757) 539-3437, res.spears@suffolknewsheald.com

Circuits 6 (Hopewell, Brunswick, Greensville, Prince George, Sussex, Surry) & Circuit 11 (Petersburg, Dinwiddie, Nottoway, Amelia, Powhatan)

Frederick Wiggins, The Progress-Index,
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fwiggins@progress-index.com

Circuits 7-9 (Newport News, Hampton, Charles City, James City, New Kent, King William, King & Queen, Gloucester, Middlesex, Mathews, York, Poquoson)

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Circuit 10 (Halifax, Mecklenburg, Lunenburg, Charlotte, Prince Edward, Cumberland, Buckingham, Appomattox)

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Circuits 12-14 (Colonial Heights, Chesterfield, Richmond City, Henrico)

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Circuit 15 (Fredericksburg, Hanover, Caroline, Spotsylvania, Stafford, King George, Westmoreland, Northumberland, Lancaster, Richmond County, Essex)

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Circuit 30 (Norton, Lee, Scott, Wise)

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For print coordinator updates, please visit www.vpa.net

Radio & Television Broadcast Guidelines

EFFECTIVE SINCE JULY 1994

Radio and television coverage of courtrooms under the Virginia statute that allows statewide access, effective July 1, 1992, requires a high degree of cooperation and coordination between news agencies that are far more familiar with competition. In order to facilitate that cooperation and ensure full access to the courts, the following rules have been adopted for pool operations. Under these procedures, news gathering will be cooperative.

The presiding judge at all times has the authority to prohibit, interrupt, or terminate audio, video, and photographic coverage of judicial proceedings, and attorneys for litigants will have the right at the commencement of any proceeding to object to audio, video, and photographic coverage. The presiding judge may prohibit, suspend, or restrict coverage in any case for any reason he deems appropriate to meet the ends of justice. There will be variation from jurisdiction and from judge to judge.

Prior Notification

Prior to assigning any reporter or cameraman to participate in any courtroom pooling arrangement, the radio or television station must ensure that the personnel have received a full briefing on these guidelines and have fully reviewed the “cameras in the courtroom” statute. Persons desiring to broadcast, record, photograph, or videotape official court proceedings must make a request to the court prior to the hearing or trial, specifying the particular calendar/case or proceedings for which such coverage is intended.

No proceeding shall be delayed or continued to allow for electronic media or still photography coverage, nor shall such coverage in any way affect motions for continuances.

Pooled Coverage

If more than one station desires coverage of the same trial, the court shall refer the second and all subsequent requests to the VAB coordinator who will facilitate the pooled coverage and who will be the sole contact with the court.

If any problems occur, the judge, other court personnel, or the media are asked to immediately contact the appropriate Virginia Association of Broadcasters coordinator. **The coordinators are the only persons authorized to speak for the media to the presiding**

judge concerning coverage of the proceedings, and all others are prohibited from doing so.

The VAB coordinator must act impartially in making the arrangements with the court, show no favoritism to his employer and no antagonism toward any competitor. Moreover, the coordinator must look out for the interest of all stations and news-gathering organizations.

All court cases require sufficient advance notice.

Once a second station notifies the court of its interest in coverage of a particular court case, the coordinator will notify the Associated Press and United Press International and request they run an advisory on the state broadcast wire. Other news organizations interested in participating in the coverage must notify the coordinator. A pool will be formed if more than one news organization is interested in coverage. Coverage of pooled proceeding will be shared among the participants as mutually agreed upon.

The pool camera must remain in place until all participants in the pool agree no further coverage is needed. In addition, equipment can only be removed prior to the start of proceedings, during luncheon recess, during other recess with the permission of the judge, and after adjournment. The attached summary of the “Requirements of the Act” govern the set up and removal of equipment. Under no circumstances will “microphone flags” from any news organization be used in the courtroom, and all news personnel must remove or silence audible pagers before entering the courtroom to avoid the potential distraction if the device is activated.

If one station has begun coverage of an event, and a second station decides to join after the event has already begun, a pool will be formed. The second and succeeding stations will be responsible for providing the necessary technical support to create the pool, and will NOT be entitled to recordings made before they entered the pool.

Each station will provide its own personnel to record the proceedings and monitor its equipment, unless other arrangements are requested by the pooling stations and approved by the coordinator.

Any complaints about pool operations should be brought to the attention of the VAB coordinator for resolution. In no event should there be any dispute or appearance of dispute before the presiding judge. The

judge should never be called in to mediate any dispute; if he is, he has the right to exclude all disputing media from a proceeding.

If any disputes arise between representatives of the broadcast industry and still photographers, such disputes should be resolved at the local level by the VAB coordinator and by the coordinator appointed by the Virginia Press Association. If the dispute is not resolved, contact should be made with the executive director of the VAB.

In all cases, local media (within the local ADI) have priority over out-of-town media for access to the pool. In the case of courts with statewide jurisdiction, all media that regularly cover Virginia courts are considered “local.” Media from outside the immediate area of the court’s jurisdiction will be allowed to join the pool on a first-come, first-served basis. All stations wishing to cover a proceeding or joining in pool coverage must make arrangements through the appropriate coordinator. If any additional equipment is required to service an outside station, that station shall be responsible for providing the necessary equipment.

News agencies who regularly or occasionally cover proceedings in the courts may, from time to time, be asked to contribute financially to the equipment necessary to the operation of the pool. Any special equipment belonging to the pool will be under the control of the coordinator. The court cannot be expected to finance any equipment or construction modifications.

Decorum

In broadcast journalism, as in any other profession, the public’s idea of proper decorum must be considered. Local community standards thus apply. In covering the proceedings in a court of law, the standard is more exacting and conservative. Operators should do all possible to avoid calling attention to themselves. They should not be conspicuous by their behavior or

dress, hats, or other clothing, or by its absence. News directors should ensure that behavior and attire reflect positively on the broadcast profession. Though clothing and appearance may not be an important issue to you, it is extremely important to many judges and attorneys.

The following “Dress Code” will be in force for courtroom coverage. The coordinator must exclude news personnel who have not or will not honor this code.

- *Men: Dress shirt and tie with dress slacks—no jeans, no sneakers.*
- *Women: Choice of business dress, suit or appropriate pant outfit.*
- *Caps and similar hats are prohibited in the courtroom.*

Reporters and camera crews have to be guided in their choice of clothes by the manner in which other professions participating in court proceedings dress. We must dress and conduct ourselves accordingly.

Reporting of Problems

If coverage is prohibited by the judge or if there are any problems with coverage, especially if these problems are mentioned in open court, the originating station shall notify the area coordinator or the executive director of the Virginia Association of Broadcasters immediately. Doug Easter, (434) 977-3716 or doug.easter@easterassociates.com.



VAB Regional & Local Coordinators

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Shenandoah Valley Local Coordinators:

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Augusta and Highland counties; Staunton and Waynesboro:

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RADIO:

Page county:

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Clarke, Frederick, and Winchester counties:

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SOUTHWEST VIRGINIA

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Southwest Virginia Local Coordinators:

TELEVISION:

Dickenson, Lee, Russell, Scott, Smyth, Washington, and Wise counties:

Terry Radnoszi, WCYB-TV
Ph: (276) 645-1522; Fax: (276) 645-1554

Buchanan and Tazewell counties:

Greg Carter, WVVA-TV
Ph: (304) 327-7071; Fax: (304) 327-5586

RADIO:

Buchanan, Dickenson, Lee, Scott, Washington, Russell and Wise counties:

Charlie Stuchell, WXBQ-Radio
Ph: (276) 669-8112; Fax: (276) 669-0541

Bland, Carroll, Grayson, Pulaski, Smyth, and Wythe counties:

Danny Gordon, WYVE/WXBX-Radio
Ph: (276) 228-3185; Fax: (276) 228-9261

VIRGINIA: IN THE _____ COURT FOR THE CITY/COUNTY OF _____

v.

CASE NO. _____

**ORDER
REGARDING REQUEST FOR ELECTRONIC MEDIA
AND/OR STILL PHOTOGRAPHY COVERAGE OF PROCEEDINGS**

This matter came to be heard on the Request of _____
for Electronic Media and/or Still Photography Coverage of Judicial Proceedings pursuant to Va.
Code §19.2-266. The parties have been given the opportunity to object to such coverage. After
having considered the arguments of the media requestor and the parties, it is ORDERED that the
requested coverage is

GRANTED

DENIED for the following good cause:

ENTERED: _____

JUDGE

**REQUEST FOR ELECTRONIC MEDIA AND/OR STILL PHOTOGRAPHY COVERAGE
OF JUDICIAL PROCEEDINGS**

IN THE _____ COURT FOR THE CITY/COUNTY OF _____

Pursuant to Va. Code §19.2-266, the undersigned hereby requests permission to record, videotape, televise, or photograph all or portions of the proceedings in the case of

_____ vs. _____

on the following date: _____, and on such other or continued dates when proceedings in this case are held.

REQUESTING MEDIA ORGANIZATION

name: _____

address: _____

phone: _____

representative's name: _____

I understand that if there is more than one request for coverage by my medium (television, radio, or newspaper) in this case, the court will refer subsequent requests to the designated Virginia Association of Broadcasters or Virginia Press Association local coordinator (listed below), who will facilitate pooled coverage.

LOCAL COORDINATOR

_____ name

_____ organization

_____ phone

I agree to abide by all of the requirements of Virginia Code §19.2-266 concerning media coverage of judicial proceedings.

_____ date of request

_____ signature of requestor

Virginia
PRESS
Association

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