



20TH JUDICIAL DISTRICT OF COLORADO

ADMINISTRATIVE ORDER 02-102

SUBJECT: Expanded Media Coverage of Court Proceedings

To: Twentieth Judicial District Judges, County Court Judges, Magistrates, Public Defender, District Attorney, Court Staff, Clerk of the Court, District Administrator, Security Staff

From: Maria Berkenkotter **DATE: August 3, 2016**
Chief Judge, 20th Judicial District

This order replaces versions of 20th Judicial District Administrative Order 02-102 dated November 27, 2002, January 16, 2003, September 7, 2005, March 22, 2007, September 9, 2009, June 7, 2011, December 2, 2011, June 25, 2013 and August 1, 2013.

The presence of expanded media coverage in the Colorado court system's courtrooms is controlled by strict standards outlined in Colorado Supreme Court Rules, Chapter 38, Rule 2, Media Coverage of Court Proceedings, effective July 1, 2010 (copy attached). This administrative order serves as a supplement to the Colorado Supreme Court Rule. Media must follow the requirements included in 20th Judicial District Administrative Order 11-101 – Concerning Electronic Devices in Judicial Buildings. Specifically, members of the media must have valid media credentials or other identification. Cell phones and other electronic devices may not be used to capture images or make audio recordings except as authorized by this order.

(a) Judges of the Twentieth Judicial District recognize rights of the public to be aware of judicial proceedings. It is the intent of this order to allow expanded media coverage of cases as allowed by Colorado Supreme Court Rule and in a manner meeting needs of the media while allowing for minimal disruption of the court and private citizens.

(b) The first media organization in each category requesting media coverage shall be the designated media organization unless otherwise agreed by the media. The designated media organization shall record or photograph for all other media organizations that have also filed timely requests for expanded media coverage.

(c) A written request for coverage, using the attached Request for Expanded Media Coverage of Court Proceedings, must be emailed to the District Administrator or her designee according to the following unless a longer or shorter time is required or permitted by the judge:

- (1) By 11:00 a.m. on the advisement date or by 2:00 p.m. the previous day if the advisement will be held in the morning¹;
 - (2) At least 48 hours before the scheduled arraignment²;
 - (3) At least 2 weeks prior to the scheduled trial date;
 - (4) At least 2 weeks prior to the scheduled sentencing date.
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¹ Advisement includes the return for filing of charges.

² An arraignment includes a not guilty plea, a guilty plea and a *nolo contendere* plea.

The requesting media outlet shall also provide a copy of the request to the deputy district attorney, defense attorney, or to the public defender's office at the same time. The requesting media outlet may phone the district attorney's office to get the defense attorney's name. If the defendant does not have an attorney at the time of the request or the media outlet is unable to determine whether the defendant has an attorney, the public defender's office shall be notified.

(d) Objections must be submitted, in writing, directly to the assigned judge per the following unless a longer or shorter time is required or permitted by the judge:

- (1) By noon on the advisement date or, if the advisement will be held in the morning, by 3:00 p.m. the day before the advisement;
- (2) At least 24 hours before the scheduled arraignment;
- (3) At least 5 days prior to the scheduled trial date.


(e) The judge will have the division staff contact the parties in the case to confirm receipt of the media request and inform them of the deadline for submission of objections. After the deadline for objections, the judges will make a notation on the media request noting whether any objections were received from parties to the case and whether it is granted or denied. The division staff will note in the court computer system that a media request was received, whether any objections were received, and whether the request was granted or denied. Division staff will file the media request form in the case file and copies will be sent to the requesting media outlet, the District Administrator and Court Security.

(f) Judges shall schedule first appearance hearings involving electronic media coverage separately or before or after the hearings set for other defendants.

(g) A request for media coverage must be filed for each court proceeding unless the judge designates that coverage will remain the same for all proceedings in the case. If the same proceeding for which approval has been given is continued, no new request need be filed.

(h) No camera, whether still or video, will be allowed in the secure hallways of the Boulder County Justice Center or the Longmont Courthouse. This rule shall not be construed to restrict the use of cameras in the public hallways of the Boulder County Justice Center or the Longmont Courthouse; however, cameras are not allowed to be positioned in the public hallway so that they can film inside the courtroom, and all filming through courtroom doors is strictly prohibited.

(i) Reporters may use laptops or other electronic devices to take notes, blog, post, or transmit from the courtroom.



Hon. Maria Berkenkotter
Chief Judge
Twentieth Judicial District

Twentieth Judicial District

Request and Order for Expanded Media Coverage of Court Proceedings (See Administrative Order 02-102 for time requirements for submission.)

TO: District Administrator: amy.waddle@judicial.state.co.us

FROM: _____
Requesting Person's Name and Media Affiliation (Print Name & Signature)

Telephone Number of Requesting Person: _____

Fax Number of Requesting Person: _____

This is a formal request for expanded media coverage of proceedings in the case of:

Party Name: _____

Case Number: _____

Scheduled Event: _____

Scheduled Date: _____ Scheduled Time: _____

The type of coverage requested:

REQUESTED	Designated Representative:	GRANTED	DENIED
<input type="checkbox"/> Audio	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Television Video	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Still Photography	_____	<input type="checkbox"/>	<input type="checkbox"/>

Includes advisement AND return for filing of charges

Description of the pooling arrangements required by Administrative Order 02-102 (b), including the identity of the designated representatives:

Judicial Officer

Date

I, _____ (printed name), do certify that I have emailed a copy of this form to the District Administrator, to the District Attorney's Office, and to the Public Defender's Office/Private Defense Counsel at _____ (time) on _____ (date).

Signature

Printed Name

**Colorado Supreme Court Rules, Chapter 38, Rule 2,
Media Coverage of Court Proceedings, effective July 1, 2010.**

Request for expanded media coverage in Colorado state courts

Rule 2. Media Coverage of Court Proceedings

(a) Expanded Media Coverage: A judge may authorize expanded media coverage of court proceedings, subject to the guidelines set forth below.

(1) **Definitions.** As used in this section, unless the context otherwise requires:

(A) “Proceeding” means any trial, hearing, or any other matter held in open court which the public is entitled to attend.

(B) “Photograph” and “photography” means all recording or broadcasting of visual images, by means of still photographs, videotape, television broadcasts, motion pictures, or otherwise.

(C) “Expanded media coverage” means any photography or audio recording of proceedings.

(D) “Judge” means the justice, judge, magistrate, or other judicial officer presiding over the proceedings. In proceedings with more than one judge presiding, any decision required shall be made by a majority of the judges.

(E) “Media” means any news gathering or reporting agency and the individual persons involved, and includes newspapers, radio, television, radio and television networks, news services, magazines, trade papers, in-house publications, professional journals, or any other news reporting or news gathering agency whose function it is to inform the public or some segment thereof.

(2) **Standards for Authorizing Coverage.** In determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

(A) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial;

(B) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court; and

(C) Whether expanded media coverage would create adverse effects which would be greater than those caused by traditional media coverage.

(3) **Limitations on Expanded Media Coverage.** Notwithstanding an authorization to conduct expanded media coverage of a proceeding, there shall be no:

(A) Expanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments;

(B) Expanded media coverage of jury voir dire;

(C) Audio recording or “zoom” close-up photography of bench conferences;

(D) Audio recording or close-up photography of communications between counsel and client or between co-counsel;

(E) Expanded media coverage of in camera hearings;

(F) Close-up photography of members of the jury.

(4) **Authority to Impose Restrictions on Expanded Media Coverage.** A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, or jurors. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this Rule or additional rules imposed by the judge have been violated; or (2) substantial rights of individual participants or rights to a fair trial will be prejudiced by such coverage if it is allowed to continue.

(5) **Conditions for Coverage.** Expanded media coverage shall be conducted only under the following conditions:

(A) Equipment Limitations.

(i) Video. Only one person at a time shall be permitted to operate a videotape, television, or motion picture camera. There shall be only one such camera at a time in the courtroom, except that, at the discretion of the judge, the camera operator may have a second camera. The camera operator may use a tripod, but shall not change location while court is in session.

(ii) Audio. The court's audio system shall be used if technically suitable and, in that event, there must be no interference with the court's use of its system. If the court's system is not technically suitable, then the person conducting expanded media coverage may install an audio recording system at his or her own expense upon first obtaining approval of the judge. All microphones and related wiring shall be unobtrusive and shall not interfere with the movement of those in the courtroom.

(iii) Still Cameras. Only one person at a time shall be permitted to operate still cameras, which shall make as little noise as possible. The still photographer may use a tripod, but shall not change location while court is in session.

(iv) Lighting. No movie lights, flash attachments, or sudden lighting changes shall be permitted during a proceeding. No modification or addition of lighting equipment shall be permitted without the permission of the judge.

(v) Operating Signals. No visible or audible light or signal (tally light) shall be used on any equipment.

(B) Pooling Arrangements. The media shall be solely responsible for designating one media representative to conduct each of the categories of expanded media coverage listed in subsection (I) of this section, and for arranging an open and impartial distribution scheme with a distribution point located outside of the courtroom. If no agreement can be reached on either of these matters, then there shall be no expanded media coverage of the type for which no pooling agreement has been made. Neither judges nor other court personnel shall be called upon to resolve any disputes concerning such pooling arrangements.

(C) Conduct of Media Representatives. Persons conducting expanded media coverage shall conduct themselves in a manner consistent with the decorum and dignity of the courtroom. The following practices shall apply:

(i) Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction;

(ii) Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment. Persons operating such equipment shall not wear clothing bearing any such identifying information;

(iii) Equipment used to provide expanded media coverage shall not be placed in, or removed from, the courtroom while court is in session. No film, videotape, or lens shall be changed within a courtroom while court is in session.

(6) Procedures. The following procedures shall be followed in obtaining authorization for expanded media coverage:

(A) Request for Expanded Media Coverage. A written request shall be submitted to the judge at least one day before expanded media coverage is requested to begin, unless a longer or shorter time is required or permitted by the judge. Copies of the request shall be given to counsel for each party participating in the proceeding. The request shall include the following:

(i) The name, number, date and time of the proceeding;

(ii) The type (audio, video or still photography) of expanded media coverage requested and a description of the pooling arrangements required by section (e)(II), if any, including the identity of the designated representatives.

(B) Objections. Any party or witness may lodge with the judge a written objection to expanded media coverage of all or a portion of a proceeding.

(C) Judicial Authorization. The judge shall rule on a request or objection within a reasonable time prior to the proceeding or promptly after the request or objection if the proceeding has begun. The ruling shall be made on the record and the reasons therefore set forth briefly.

(D) The media or any witness may not appeal, or seek review by original proceeding, the granting or denial of expanded media coverage. A party to the case may seek review of a ruling by original proceeding, if otherwise appropriate, or by post-trial appeal.

(b) Other use of Media.

(1) A judge may authorize the use of electronic or photographic means for the perpetuation of a record, or for purposes of judicial administration.

(2) A judge may authorize the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings.