

FINAL REPORT

Judicial Council Study Committee
on Technology Brought into the Courtroom

April 10, 2012

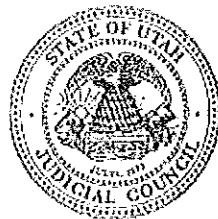


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COMMITTEE CHARGE

Conduct a study of the public's access to information on trial court proceedings, the issues surrounding technology being brought into courtrooms and its impact on court operations, security and safety, and issues relating to the possible use of recording equipment in justice courts.

The Committee's principal focus should be on the first issue, namely, the pros and cons of expanding media coverage in trial courtrooms to include the use of video technology. However, the study should also be used to bring together several independent inquiries including: the Board of District Court Judges' inquiry on the use of phones and cameras in courtrooms and jury rooms and the impact of that technology on courtroom security; the Judicial Outreach Committee's study of social media; and the Board of Justice Court Judges' monitoring of the Davis County pilot program on the use of recording technology in the justice courts. These inquiries, along with the issue of video technology in trial courtrooms, should be coordinated and consolidated into a single report covering all trial courtroom technology issues.

The Committee should report back to the Judicial Council by April 2012, their findings and recommendations, including, if any, proposed rule changes.

INTRODUCTION

In February 2011, the Judicial Council established a committee to study issues surrounding technology being brought into courtrooms and its impact on court operations, security and safety. Specifically, the Study Committee on Technology Brought into the Courtroom (the Committee) was asked to study the pros and cons of expanding media coverage in trial courtrooms to include the use of video technology, and to consolidate into a single report the Judicial Outreach Committee's and the Board of District Court Judges' independent inquiries on the use of electronic portable devices in courthouses and courtrooms. The Committee was also asked to report on the Board of Justice Court Judges' monitoring of the Davis County pilot program on the use of recording equipment in justice courts. Finally, the Committee was asked to report its findings and recommendations to the Judicial Council by April 2012, including any proposed rule changes.

CAMERAS IN THE COURTROOM

A. Background and Overview

From the 1970s through the 1990s, many state courts implemented experimental rules allowing electronic media coverage of judicial proceedings. Nearly all of these experimental state rules have now been made permanent. Presently, every state in the nation permits some type of electronic media coverage of its trial or appellate courts. The District of Columbia is the only jurisdiction that prohibits such coverage.

State rules permitting electronic media coverage vary widely in scope and approach. Restrictions on coverage generally fall into three categories: (1) restrictions based upon type of court (i.e., trial court vs. appellate court); (2) prohibitions on coverage of certain types of proceedings, witnesses, or trial participants, such as juveniles, sexual

assault victims, or jurors; and (3) consent-based restrictions (i.e., coverage prohibited unless parties, witnesses, or other trial participants consent).

Some states, including Nevada, Colorado, and Washington, have adopted a presumption that electronic media coverage is permitted in proceedings that are open to the public. A decision to prohibit or limit such coverage requires the judge to make particularized findings on the record after consideration of various factors such as fair trial rights, privacy interests, safety interests, and other factors bearing on the fair administration of justice.

Some states expressly prohibit electronic media coverage of certain types of proceedings, witnesses, or trial participants, such as juveniles, sexual-assault victims, or jurors. Other states do not codify such exceptions, but afford the judge presiding over the proceeding broad discretion to impose limitations on photographic coverage to protect compelling interests, such as privacy interests, personal safety, and fair trial rights.

The Radio Television Digital News Association, which maintains a state-by-state guide to cameras in state courts, divides state rules concerning electronic media coverage of the courts into the following three tiers:

Tier 1: States that allow the most electronic media coverage of their courts: (19 states) California, Colorado, Florida, Georgia, Idaho, Kentucky, Michigan, Montana, Nevada, New Hampshire, New Mexico, North Dakota, South Carolina, Tennessee, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

Tier 2: States with restrictions prohibiting coverage of certain types of cases or proceedings or prohibiting coverage of all or large categories of witnesses who object to coverage: (16 states) Alaska, Arizona, Connecticut, Hawaii, Indiana, Iowa, Kansas,

Massachusetts, Missouri, North Carolina, New Jersey, Ohio, Oregon, Rhode Island, Texas, and Virginia.

Tier 3: States that allow appellate coverage only or that have such restrictive trial coverage rules that coverage is essentially prohibited: (15 states) Alabama, Arkansas, Delaware, Illinois, Louisiana, Maine, Maryland, Minnesota, Mississippi, Nebraska, New York, Oklahoma, Pennsylvania, South Dakota, and Utah.¹

The arguments for and against cameras in the courtroom have remained constant over the years. Camera proponents base their arguments on First and Sixth Amendment guarantees of freedom of the press and public trials, and on the belief that televised court proceedings serve to educate the public and inspire confidence in the justice system. Opponents raise concerns about the adverse impact cameras can have on trial participants and argue that broadcast coverage may, in fact, diminish the public's confidence in the justice system.

The concern most often raised about electronic media coverage is that such coverage may harm the decorum of the proceedings and negatively impact trial participants. The extensive empirical research and broad-based experience of other states, however, suggest that these concerns are unfounded. For example, several states, including Arizona, California, Florida, Hawaii, Kansas, Louisiana, Maine, Massachusetts, Minnesota, New Jersey, New York, Ohio, Virginia, and Washington, have studied the impact of electronic media coverage on courtroom proceedings, focusing particularly on the effect that cameras have upon courtroom decorum and

¹ Under existing Rule 4-401, Utah Code of Judicial Administration, video recording and audio recording of appellate proceedings is permitted to preserve the record and as permitted by procedures of those courts, but is prohibited in trial proceedings except to preserve the record. Still photography of trial and appellate proceedings is permitted at the discretion of the judge presiding over the proceeding.

upon witnesses, jurors, attorneys, and judges. See Kelli L. Sager & Karen N. Fredericksen, *Televising the Judicial Branch: In Furtherance of the Public's First Amendment Rights*, 69 S. CAL. L. REV. 1519, 1543 (1996) (“*Televising the Judicial Branch*”).

The results from the state studies were unanimous: electronic media coverage of courtroom proceedings—whether civil or criminal—has no detrimental impact on the parties, jurors, counsel, or courtroom decorum. *Televising the Judicial Branch*, 69 S. CAL. L. REV. at 1544, 1547. For example, the state studies revealed that fears about witness distraction, nervousness, distortion, fear of harm, and reluctance to testify were unfounded. *Id.* at 1543-44. A three-year pilot program permitting electronic media coverage of civil proceedings in six federal district courts and two federal circuit courts reported similar results, as well a favorable view of such coverage by the judges who participated in the program. See Federal Judicial Center, ELECTRONIC MEDIA COVERAGE OF FEDERAL CIVIL PROCEEDINGS: AN EVALUATION OF THE PILOT PROGRAM IN SIX DISTRICT COURTS AND TWO COURTS OF APPEALS (1994); see also *Televising the Judicial Branch*, 69 S. CAL. L. REV. at 1545; Alex Kozinski & Robert Johnson, *Of Cameras and Courtrooms*, 20 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 1107, 1114 (2010) (summarizing state and federal studies on electronic media coverage of judicial proceedings and concluding that the empirical research demonstrates no detrimental impact on trial participants or on courtroom decorum).

The United States Supreme Court weighed in on the debate in 1965 and again in 1981, ultimately recognizing the right of states to allow such coverage. In *Estes v. Texas*, 381 U.S. 532 (1965), the Supreme Court overturned the conviction of Billy Sol Estes, holding that coverage of the trial, which included some use of cameras, violated Estes' due process rights. Four justices of the five member majority found that televising trials, at least under then-existing technology, was inherently unconstitutional. The fifth justice took a narrower view based on the specific

circumstances of the *Estes* case and suggested that technological advancements might one day lead to a different result.

In *Chandler v. Florida*, 449 U.S. 560 (1981), the Supreme Court revisited the issue of cameras in the courtroom and unanimously upheld the Chandler defendants' burglary convictions even though a brief part of the trial was televised over their objections. Chief Justice Warren Burger, writing for the Court, held that states should be free to develop their own procedures for broadcasting trials, and that such television coverage was not an inherent violation of due process. After *Chandler*, states rapidly began to open their doors to television cameras on a permanent or experimental basis.

Federal courts, by comparison, expressly prohibit electronic media coverage of criminal proceedings under Rule 53 of the *Federal Rules of Criminal Procedure*. In 1988, the federal judiciary appointed a committee to study the issue, and that committee recommended a three-year pilot program, for civil cases only, in several federal district and circuit courts of appeals. The pilot program was in effect from 1991 through 1994. Notwithstanding the Federal Judicial Center's ultimate recommendation that federal trial courts allow cameras in civil proceedings, the federal judiciary declined to continue the program when the study period expired.

In 1996, the U.S. Judicial Conference rescinded its camera-coverage prohibition for courts of appeals and allowed each appellate court the discretion to permit broadcasting of oral arguments. Presently, two courts of appeals—the Second and the Ninth—allow such coverage. In September 2010, the U.S. Judicial Conference approved a new pilot project to evaluate the effect of cameras in federal district courtrooms and of the public release of digital video recordings of some civil proceedings. The pilot project is national in scope and is expected to last for approximately three years.

B. Findings and Recommendations

Every state in the nation permits some type of electronic media coverage of its trial or appellate courts. Presently, Utah is one of the most restrictive states in the country. If adopted as recommended, proposed Rule 4-401, set forth in its entirety behind Tab 7, will place Utah in the ranks of states that allow the most electronic media coverage of their courts. The Committee concluded that the potential public benefits flowing from electronic media coverage of open judicial proceedings are substantial. While relatively few judicial proceedings are likely to attract electronic media coverage, those that do are likely to be of significant public interest and concern. Permitting electronic media coverage will allow the public to actually see and hear what transpires in the courtroom, and to become better educated and informed about the work of the courts. At the same time, electronic media coverage of trial court proceedings raises concerns about fair trial rights, personal privacy, safety, security interests, and other legitimate interests. Accordingly, the proposed revision of Rule 4-401 balances those interests by permitting electronic media coverage of open judicial proceedings while allowing a judge to prohibit or restrict such coverage to protect fair trial rights, privacy, security, and other important interests.

C. Summary of Revised Rule 4-401:

Section 1 of revised Rule 4-401 defines the terms “judge,” “proceeding,” “electronic media coverage,” and “news reporter.” The definition of “news reporter” under the proposed rule is consistent with the definition of “news reporter” under Utah’s reporter’s shield rule, which is codified in Rule 509 of the *Utah Rules of Evidence*.

Section 2 creates the presumption that electronic media coverage by a news reporter is permitted in courtroom proceedings that are open to the public, subject to the limitations set forth in the rule. Limitations on electronic media coverage must be

supported by reasons found by the judge who is presiding over the proceeding to be sufficiently compelling to outweigh the presumption. Section (2)(B) identifies nine factors that may guide judges in exercising their discretion. Section (2)(C) requires the judge to make particularized findings on the record supporting a prohibition of electronic media coverage or restricting such coverage beyond the limitations provided by the proposed rule. Such findings can be made orally or in a written order.

Section 3(A) requires news reporters who desire permission to provide electronic media coverage to file a written request with the court at least 24 hours prior to the proceeding (the current rule), but allows the judge to grant such a request on shorter notice or to waive the requirement for a written request upon a showing of good cause. Section 3(B) allows the judge to terminate or suspend electronic media coverage at any time without prior notice under certain circumstances.

Section 4 regulates conduct in the courtroom. It also places responsibility for pooling arrangements on the shoulders of news reporters rather than the judge who is presiding over the proceeding or court staff. Section 5 addresses sanctions for violations of the rule.

Section 6 sets forth several categorical restrictions on electronic media coverage under the rule, including prohibitions against photography of minors, of jurors unless dismissed, in camera hearings, confidential communications, and of documents not part of the official public record. Subparts (6)(A), (6)(B), and (6)(C) exist under the current rule. Subparts (6)(D), (6)(E), and (6)(F) are new under the proposed rule.

ELECTRONIC PORTABLE DEVICES IN COURTHOUSES AND COURTROOMS

A. Background and Overview

The near universal use of electronic portable devices presents challenges for the judiciary: security and personal safety; maintaining dignity and decorum in the courtroom; and conducting fair and impartial hearings. But the judiciary has faced these challenges for centuries. The challenges are, perhaps, heightened by the proliferation of evolving technologies, but they are, in concept, nothing new.

1. Social Media Subcommittee of the Judicial Outreach Committee's Report and Recommendations

The Social Media Subcommittee of the Judicial Outreach Committee, whose membership consisted of judges from each court level, court executives and practicing attorneys, studied the issue of electronic portable devices in courtrooms for several months. The Subcommittee reviewed studies and recommendations by the National Center for State Courts, the American Trial Lawyers Association, various media advocacy groups and policies already in place in other judicial systems. The Subcommittee also reviewed emerging case law before it unanimously recommended to the Judicial Outreach Committee a policy that it believed fairly balanced the interests of the public with the interests of the judiciary. The Subcommittee's proposed policy, set forth in its entirety behind Tab 9:

1. Recognized the growing need for lawyers to use mobile devices in court and acknowledged that the silent use of mobile devices by members of the media was not disruptive and enabled the media to better report on judicial proceedings;

2. Distinguished between the possession and use of mobile devices in court facilities and the possession and use in courtrooms, with there being greater restrictions on the latter;
3. Generally allowed the use of portable devices by lawyers and members of the public in both facilities and courtrooms, subject to certain restrictions enumerated in the policy, including a ban on using the devices to record proceedings;
4. Allowed an individual judge to further restrict or totally prohibit the possession or use of mobile devices in his/her courtroom based on certain articulated circumstances related to safety, security, the fair administration of justice, privacy and other factors;
5. Prohibited juror use in courtrooms and possession while deliberating; and
6. Allowed for the screening of mobile devices upon entry to court facilities and confiscation where appropriate.

The Subcommittee's proposed policy, with minor non-substantive changes, was approved by the Judicial Outreach Committee on a vote of 6-4 and subsequently sent to this Committee for debate and consideration.

2. Board of District Court Judges' Report

A subcommittee of the Board of District Court Judges undertook a study of the issue of cell phones in the courts and provided a report to the Board in early 2011. The subcommittee report, located behind Tab 10, was adopted by the Board and submitted to this Committee for consideration. As the report indicates, the Board reviewed a number of reported circumstances where the administration of justice was significantly undermined by the presence of cell phones in the courtroom. The Board concluded that the potential damage caused by electronic devices in the courtroom

and jury room could not be ignored and that a policy prohibiting their use should be implemented. Ultimately, the Board proposed that:

1. No electronic devices of any kind may be brought into the courthouse except by:
 - a. Attorneys appearing before the court;
 - b. Court employees;
 - c. Law enforcement or Department of Corrections employees;
 - d. Electronic dictionaries for interpreters; or
 - e. A device for which the patron has obtained written approval from the judge whose court the patron will be attending.
2. Members of the press may apply for an exception to this rule using the same procedure to request permission to take photographs in the courtroom.
3. Court security will not hold or store any electronic devices. Patrons who bring such devices to the courthouse will be required to return them to their vehicles or store them elsewhere. Notice should be posted to this effect along with the notices regarding weapons.
4. Jury instructions should be drafted to inform the jury of the restrictions regarding electronic media, including the ban of such media in the courthouse and the prohibition against utilizing any form of electronic media to research or communicate about the case.

5. The judiciary should recommend that the legislature enact a statute making a juror's violation of these instructions a Class B misdemeanor. Jurors should be instructed of the possible penalty for failure to abide by the court's instructions.

B. Findings and Recommendations

The Committee recommends a policy which attempts to balance the interests of the public and the judiciary. The proposed policy is built on the philosophy that the judiciary should focus on regulating conduct that is injurious to the judicial process and not on regulating the types of electronic devices that may or may not be allowed in the courthouse or individual courtrooms.

The majority of the members of the Committee concluded that electronic portable devices such as personal digital assistants (PDAs), smart phones, and tablet and laptop computers have become a common and necessary tool for people observing or participating in judicial proceedings. They are the everyday tools of lawyers and the clients they represent: as necessary today as pen and paper and books have always been. Jurors, witnesses, consultants, parties and the public at large have come to expect that their ability to communicate - and to continue the business of their everyday lives - will not automatically cease when entering a courthouse. Members of the press are increasingly using these technologies to report on judicial proceedings in a more effective and timely manner.

The Committee's recommended policy on the possession and use of electronic devices in court facilities, set forth in its entirety behind Tab 11, acknowledges the realities of today's technologically sophisticated and dependent society; reflects a reasoned approach and a fair accommodation of the needs of all participants in the judicial process; and preserves the fair and impartial administration of justice.

The Committee considered input from various stakeholders, including the Court Security Director, and modified the Social Media Subcommittee's proposed policy to reflect that input. However, three members of the Committee, all trial judges, voted against the recommendation to allow cell phones in the courthouse. These dissenting members favored adopting the recommendations of the Board of District Court Judges. These votes were premised on the idea that there should be some places in society where decorum and undivided attention are expected. These votes also represent the view that if cell phones are allowed in the courthouse, it is not unreasonable to ask that they only be used in the halls and waiting areas of the courthouse and not in the courtroom.

AUDIO RECORDING IN JUSTICE COURTS

When the Committee charge was drafted in January 2011, it was an open question whether audio recording of justice court proceedings was a good idea. To test the idea, Judge Jerald Jensen volunteered to conduct a yearlong pilot project in the Davis County Justice Court to test the use of digital audio recordings. That pilot program began in April 2011 and Judge Jensen reports that it has been a very positive experience.

During the 2011 legislative session, the Utah legislature preempted the debate by passing legislation requiring verbatim audio recording of all justice court proceedings, effective July 1, 2012. In preparation for that deadline, the Judicial Council amended the Rules of Judicial Administration to establish technical standards for each level of justice court. Also, some funding for implementation has been provided to each justice court through a grant from the Security, Education and Technology fund.

In light of Judge Jensen's experience with digital audio recording in Davis County, the Committee concluded that it would be helpful to identify for the Judicial Council

significant issues and challenges the courts can expect to face as justice courts implement the digital audio recording mandate statewide. These issues include:

1. Funding - Financing for audio equipment, particularly in Class I and Class II justice courts, will be largely funded by local government. In many cases, that cost will be significant. Technical standards for Class III and Class IV justice courts are much less costly and should be fully funded through the Security, Education and Technology grants.
2. Records - It is critical that individual justice courts maintain control and dissemination of the audio records. The records are clearly a public record; however, questions such as how the recordings can be used and who may have ready access to them are yet to be clarified.

The issues and challenges that have surfaced to date, and those issues which will likely arise when full implementation takes place, are beyond the scope of this committee's assignment. Therefore, the Committee recommends that these issues be assigned to another committee or perhaps to the Justice Court Board itself for further monitoring and follow up.

CONCLUSION

The Committee recommends the adoption of proposed Rule 4-401 and the proposed policy on the possession and use of electronic devices in court facilities.

Tab 7

Proposed Rule 4-401:

Rule 4-401. Electronic Media Coverage of Court Proceedings.

Intent:

To establish uniform standards and procedures for electronic media coverage of proceedings in the courts of the state.

To permit electronic media coverage of courtroom proceedings while protecting the rights of parties to a fair trial, legitimate personal privacy and safety interests, the decorum and dignity of judicial proceedings, and the fair administration of justice.

Applicability:

This rule applies to the courts of record and not of record.

This rule governs electronic media coverage and conduct of courtroom proceedings that are open to the public.

This rule does not govern coverage of courtroom proceedings by a news reporter who is not using a camera or electronic equipment to photograph or create audio or video recordings or transmissions of judicial proceedings.

Except as provided by this rule, the use of cameras, cellular phones, personal computers or other portable electronic devices to photograph or create audio or video recordings or transmissions of courtroom proceedings without the express permission of the judge is prohibited.

This rule shall not diminish the authority conferred by statute, rule, or common law of the judge or court to control the conduct of proceedings in the courtroom or areas immediately adjacent to the courtroom.

Statement of the Rule:

(1) *Definitions.*

(A) “Judge” as used in this rule means the particular judge, justice, or judicial officer who is presiding over the public proceeding.

(B) “Proceeding” as used in this rule means any trial, hearing, motion, or any other matter held in open court which the public is entitled to attend.

(C) “Electronic media coverage” as used in this rule means a news reporter taking photographs or broadcasting, televising, recording, streaming, or transmitting images or sounds by electronic means, including but not limited to video cameras, still cameras, cellular phones, audio recorders, computers, or other portable electronic devices.

(D) “News reporter” as used in this rule means any person who gathers, records, photographs, reports, or publishes information for the primary purpose of disseminating news and information to the public, and any newspaper, magazine, or other periodical publication, press association or wire service, radio station, television station, satellite broadcast, cable system or other organization with whom that person is connected.

(2) *Presumption of electronic media coverage; restrictions on coverage.*

(A) There is a presumption that electronic media coverage shall be permitted in courtroom proceedings that are open to the public. Limitations on electronic media coverage must be supported by reasons found by the judge to be sufficiently compelling to outweigh the presumption.

(B) When determining whether the presumption of electronic media coverage has been overcome and whether such coverage should be prohibited or restricted beyond the limitations provided in this rule, a judge shall consider some or all of the following factors:

- (i) whether there is a reasonable likelihood that electronic media coverage would prejudice the rights of the parties to a fair proceeding;
- (ii) whether there is a reasonable likelihood that electronic media coverage would jeopardize the safety or well-being of any individual;
- (iii) whether there is a reasonable likelihood that electronic media coverage would jeopardize the interests or well-being of a minor;
- (iv) whether there is a reasonable likelihood that electronic media coverage would constitute an unwarranted invasion of personal privacy of any party or witness;
- (v) whether electronic media coverage would create adverse effects that would be greater than those caused by traditional media coverage;
- (vi) the adequacy of the physical facilities of the court for electronic media coverage;
- (vii) the public interest in and newsworthiness of the proceeding;
- (viii) potentially beneficial effects of allowing public observation of the proceeding through electronic media coverage; and

(ix) any other factor affecting the fair administration of justice.

(C) The judge shall make particularized findings on the record supporting a prohibition of electronic media coverage or restrictions on such coverage beyond the limitations provided by this rule. Such findings may be made orally or in a written order. Any written order granting or denying a request for electronic media coverage shall be made part of the record of the proceedings.

(D) Any reasons found sufficient to support restrictions on electronic media coverage beyond the limitations provided in this rule shall relate to the specific circumstances of the case before the court rather than reflecting merely generalized views or preferences.

(3) *Duty of news reporters to obtain permission; termination or suspension of coverage.*

(A) News reporters desiring permission to provide electronic media coverage of a proceeding shall file a written request with the court at least 24 hours prior to the proceeding; however, the judge may grant such a request on shorter notice or waive the requirement for a written request upon a showing of good cause.

(B) A judge may terminate or suspend electronic media coverage at any time without prior notice when it is determined that a news reporter has violated the limitations set forth in this rule or ordered by the court, or that continued electronic media coverage is no longer appropriate based upon a consideration of one or more of the factors set forth in Rule 4-401(2)(B). If permission to provide electronic media coverage is terminated or revoked, the judge shall make oral or written particularized findings on the record.

(4) *Conduct in the courtroom; pool coverage.*

(A) A judge may position news reporters and equipment in the courtroom to permit reasonable news coverage. No more than one video camera person and one still photographer shall be permitted in the courtroom. The camera operator and still photographer may use tripods, but shall not change location when court is in session.

(B) If more than one news reporter has requested permission to provide electronic media coverage, it is the responsibility of news reporters to determine who will participate at any given time or, in the alternative, how they will pool their coverage. The pooling arrangement shall be reached outside the courtroom and before court session, and without imposing on the judge or court staff.

(C) News reporters shall designate a representative with whom the court may consult regarding pool coverage, and shall provide the court with the name and contact information for such representative.

(D) To be eligible to participate in a camera pool, a news reporter must apply for permission to provide electronic media coverage pursuant to Rule 4-401(3)(A). The pool photographer shall use equipment that is capable of disseminating photographs, video or audio to pool recipients in a generally accepted format.

(E) It shall be the responsibility of news reporters to make arrangements for the sharing and dissemination of photographs, video or audio produced by pool coverage. Neither judges nor court personnel shall be called upon to resolve disputes concerning pooling arrangements.

(F) Photographers shall not use flash or strobe lights. News reporters shall use normally available courtroom equipment unless the judge and court administrator approve modifications, which shall be installed and maintained without public expense. Any such modifications, including microphones and related wiring, shall be as unobtrusive as possible, shall be installed in advance of the proceeding or during adjournment, and shall not interfere with the movement of those in the courtroom.

(G) Proceedings in the courtroom shall not be disrupted. Photographers and news reporters in the courtroom shall:

- (i) not use equipment that produces loud or distracting sounds;
 - (ii) not place equipment in or remove equipment from the courtroom while court is in session;
 - (iii) conceal on all cameras any identifying business names, marks, call letters, logos or symbols;
 - (iv) not make comments in the courtroom during the court proceedings;
 - (v) not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;
 - (vi) present a neat appearance and conduct themselves in a manner consistent with the dignity of the proceedings;
 - (vii) not conduct interviews in the courtroom except as permitted by the judge;
- and

(viii) comply with the orders and directives of the court.

(5) *Violations.*

In addition to contempt and any other sanctions allowed by law, a judge may remove anyone violating these rules from the courtroom and revoke permission to provide electronic media coverage.

(6) *Limitations on electronic media coverage.*

Notwithstanding an authorization to conduct electronic media coverage of a proceeding, and unless otherwise authorized by the judge, there shall be no:

(A) electronic media coverage of a juror or prospective juror until the person is dismissed;

(B) electronic media coverage of the face of a person known to be a minor;

(C) electronic media coverage of an exhibit or a document that is not part of the official public record;

(D) audio recording or transmission of the content of bench conferences or in camera hearings; or

(E) audio recording or transmission of the content of confidential communications between counsel and client, between clients, or between co-counsel.

(F) A judge may order further limitations on electronic media coverage as deemed appropriate in consideration of the factors set forth in Rule 4-401(2)(B).