

Guidelines for
Participants

CIRCUIT COURT OF COOK COUNTY EXTENDED MEDIA COVERAGE A PILOT PROJECT

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Chief Judge
Circuit Court of Cook County





AGENDA

Extended
Media
Coverage

in the

Circuit Court
of Cook
County

GUIDELINES FOR
PARTICIPANTS

- Coverage allowed
- Pilot program site
- Principal participants
- Governing policies
- Media pooling
- Making an EMC request
- Decision on EMC request
- Objections to EMC
- Restrictions on coverage
- Preparation for coverage in advance
- Day of the proceeding
- Security
- Sanctions for non-compliance



COVERAGE

What is
permitted?

What is
prohibited?

When is it
permitted?

- **Types of coverage**
 - broadcasting
 - radio
 - TV
 - recording
 - audio
 - video
 - still photography
 - Internet streaming
- **Live reporting**
 - prohibited in courtrooms and hallways
 - allowed in courthouse areas designated by the sheriff or outside the courthouse
 - shall not impede:
 - pedestrian traffic
 - movement through courtroom corridors, entrances, and exits
- **At the court's discretion**
 - during court sessions
 - ceremonial proceedings



Leighton Criminal Courthouse
2600 S. California Avenue
Chicago, IL 60608
(773) 674-3160

LOCATION

- **Experimental program**
- **Vast size of Cook County court system**
- **Largest media market in the state**
- **Public's interest in criminal proceedings**
- **Pilot site**



EXPANSION

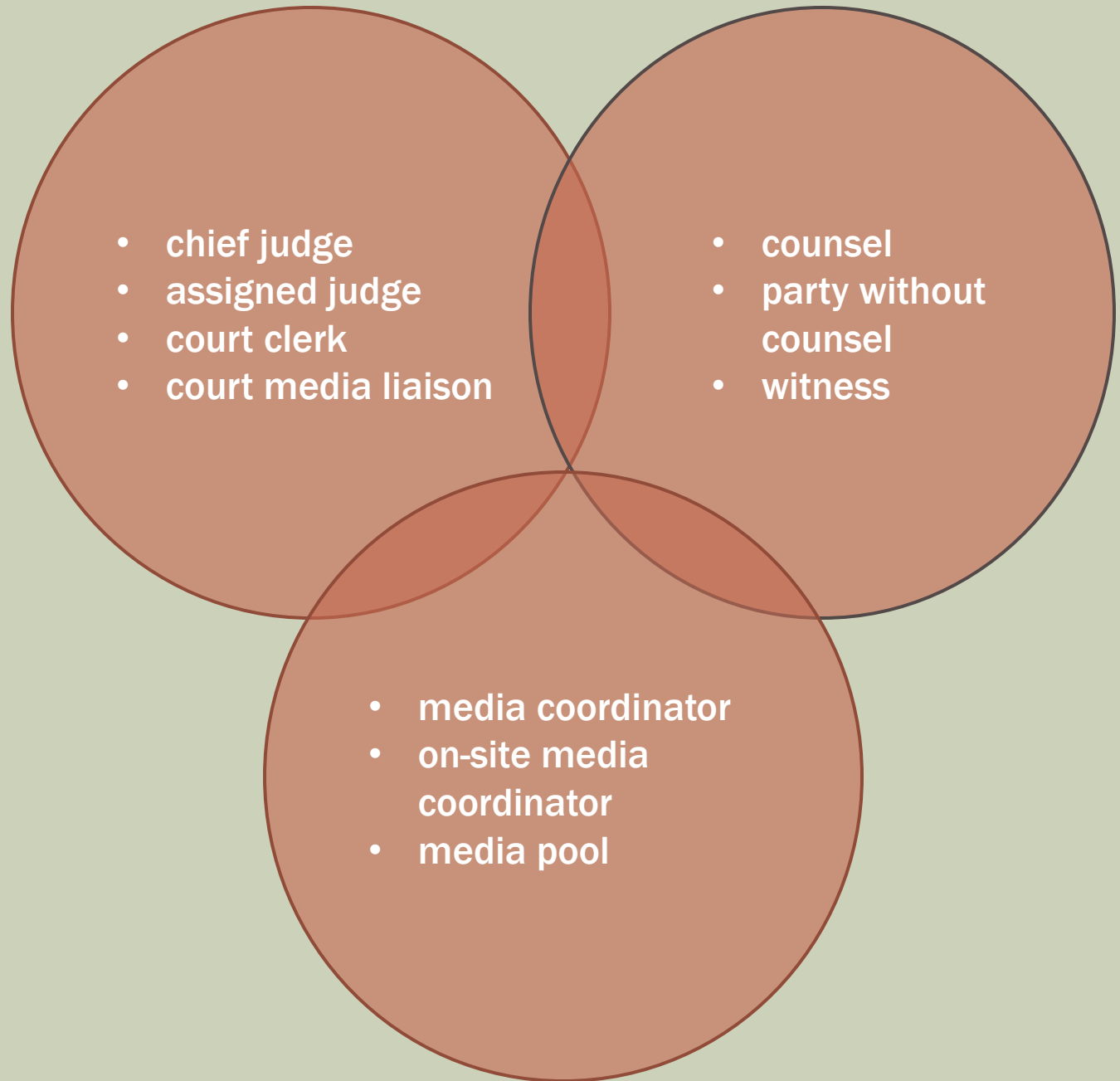
depends on
success of
pilot
program

- Other courthouses
- Other case types
- Excluded subjects
 - Adoption
 - Child custody
 - Dissolution of marriage
 - Evidence suppression
 - Juvenile court
 - Trade secret cases



PARTICIPANTS

Who are the
principal
participants?





LEGAL AUTHORITY

Illinois
Supreme
Court

Cook County
Circuit Court

Judge
Presiding

- III. S. Ct., Policy for Extended Media Coverage in the Circuit Courts of Illinois, M.R. 2634 (eff. Jan. 24, 2013)
- III. S. Ct., Extended Media Coverage Pilot Project, Circuit Court of Cook County, M.R. 2634 (eff. Dec. 16, 2014)
- Cook Co. G.A.O. 2014-12: Extended Media Coverage (eff. Jan. 5, 2015)
- Orders of the assigned judge



FORMS

Are there
official
forms?

Are official
forms
required?

Where are
they
available?

How are the
forms used?

What record
is made of
the request?

- Official forms
 - request for EMC
 - order on request for EMC
 - objection to EMC by party
 - objection to EMC by witness
- Official forms are required
 - supplementation is allowed
- Obtain forms from the clerk
 - office
 - Web site
- Must be filed with the clerk
- Forms are docketed
 - part of the record of the case being covered
 - public records



HOW IS EMC DIFFERENT IN COOK COUNTY?

Supreme Court policy allows some variances preferred by circuits.

Cook County Circuit Court variances address local needs:

- multiple locations
- judges presiding
- large media market
- large caseload

- Notice of EMC request by court media liaison
- Only 1 media coordinator for administrative purposes
- On-site (courtroom) media coordinators manage specific proceedings



REQUESTING EMC

What does
the media
do?

Are there
deadlines?

What is the
procedure?

- Requests must be made at least 14 days before the proceeding to be covered, except:
 - as soon as possible, when the proceeding is scheduled less than 14 days in advance
 - when the assigned judge orders otherwise
- News agency contacts the Media Coordinator
- Media Coordinator, on behalf of all interested media, files a request with the clerk
 - paper
 - fax
 - email
 - e-filing (pending)
- Court media liaison gives notice to:
 - counsel of record
 - parties representing themselves
 - Office of Presiding Judge, Criminal Division
 - assigned judge
 - chief judge
- Office of Presiding Judge, Criminal Division, works with the following to schedule hearing date:
 - assigned judge
 - counsel and parties without counsel
 - media coordinator
 - court media liaison
- Assigned judge schedules hearing on the request
- Hearing on the request is held
- Assigned judge signs an order granting or denying the request



CONTENT AND FORM OF REQUEST FOR EMC

What
information is
required?

- A request must state:
 - Name (e.g., *Plaintiff v. Defendant*) and case number
 - If available, date and time of the proceeding
 - Type of extended media coverage requested
 - audio
 - Internet streaming
 - video
 - still photo
 - Description (e.g., the number of TV cameras or still photographers).
 - Appropriate notice is being provided to (names and contact info. included):
 - counsel of record
 - parties appearing without counsel
 - court media liaison
 - assigned judge
 - Name, address, and telephone number of:
 - requesting media coordinator
 - requesting media coordinator's employer
 - on-site media coordinator



EMC REQUEST FORM

- Official form is required
 - supplementation is allowed
- Obtain forms from the clerk
 - office
 - Web site
- Must be filed with the clerk
- Forms are docketed
 - part of the official record of the case
 - public records



POOL COVERAGE

What happens
when more than
one news agency
wants to cover
the same
proceeding?

- Maximum of 2 video/TV cameras
- Maximum of 2 still photographers
 - maximum of 2 cameras each
- Pooling is encouraged.
 - equipment
 - personnel
 - “overflow room” may be requested
- Pooling is arranged, supervised, and monitored by the media coordinator.
- No court involvement in pooling decisions, including disputes.



DECISION ON THE REQUEST IS BY ORDER

Who decides?

How is the
decision made?

What happens
if it's denied?

What happens
if it's granted?

- **Assigned judge may allow or deny**
 - subject to denial by Chief Judge
- **Exercise of discretion required**
 - maintain solemnity, decorum, and dignity of the court
 - prevent distractions
 - guarantee courtroom safety
 - ensure fair and impartial administration of justice
- **No right to appeal (granted or denied)**
- **If granted:**
 - chief judge may deny
 - conditions may be prescribed
 - Supreme Court prohibitions
 - jury selection
 - juries
 - individual jurors
 - certain case types
 - conferences between:
 - attorneys and their clients
 - co-counsel
 - attorneys and opposing counsel
 - attorneys and the judge
 - during recesses
 - quantity and types of equipment is specified
 - permission is subject to amendment or termination
 - permission is not transferable



OBJECTIONS TO EMC

Who may
Object?

What is the
procedure?

- **Parties or witnesses may object**
 - others permitted by the assigned judge
- **After EMC request is granted**
 - Party with counsel is told by counsel.
 - “Victim” in criminal case is told by state’s attorney.
 - Counsel and parties without counsel notify their witnesses at least 7 days before the proceeding.
 - Objections of parties and witnesses must be filed with the clerk at least 3 days before the proceeding.
 - Objections of others must be filed as directed by the assigned judge.
 - Time for filing of objections may be extended or reduced at the discretion of the judge



NOTICE OF OBJECTION TO EMC

Who must
be notified?

Who must
give notice?

When is the
decision
made?

■ Right to notice

- all counsel of record
- parties appearing without counsel
- media coordinator
- assigned judge

■ Duty to notify

- parties
- witnesses
 - right to the assistance of the clerk
 - contact information of persons entitled to notice
 - transmittal of notice
 - without fee (party may be ordered to pay by the judge)
 - right to decline clerk's assistance
 - must state choice on objection form

■ Assigned judge decides before the proceeding starts.



DECISIONS ON OBJECTIONS TO EMC

Who decides?

What are the
criteria?

- **Assigned judge decides**
 - broad discretion
 - written objection alone
 - additional evidence of objector or party
 - affidavit of objector or party
 - other means as determined by the assigned judge
 - in judge's discretion, presentation of affidavit or evidence by the media coordinator
 - list below is not exclusive
- **Consent required**
 - "victim"
 - prosecution for sexual abuse
 - sexual abuse is an essential element of the prosecution
- **Presumption (rebuttable) of validity**
 - "victim" in any other forcible felony prosecution
 - police informant
 - undercover agent
 - relocated witness



MEDIA COORDINATOR

How many are
there?

What does a
coordinator do?

■ **Administrator**

- Primary contact between the court and the media
- Chosen by the media; approved by the Chief Judge
- Files each request for EMC
- Appoints on-site media coordinator
- Resolves all media EMC disputes

■ **On-site**

- Plans EMC of the proceeding
- Works with court media liaison to provide coverage
- Works with media organizations to schedule coverage
- Coordinates pool coverage
- Ensures all courtroom media receive guidelines and restrictions



MEDIA PREPARATION

What is
coordinated
with the court
media liaison
team in
advance?

- Confirmation of on-site media coordinator
- Review EMC order
- Technical requirements and needs
 - Equipment types
 - Numbers of cameras and people
- Site visit (courtroom & courthouse)
- Courtroom location of media
 - TV/video cameras
 - Still photographers
 - Need for pooling
 - Overflow room
- Limits on coverage
 - Testimony of individuals
 - Shielding of prospective jurors and sworn jury



SECURITY

Who makes
the rules?

Who's in
charge?

What are
the rules?

- Policies are jointly decided by the court and sheriff.
- Security is implemented by the sheriff
 - executive officer of the court for security
 - responsible for courthouse security
- Generally, media must:
 - all media are required to go through security checkpoints
 - sheriff approves credentials of media doing coverage



COURTROOM RULES

What are
the basic
courtroom
rules before
the judge
sets limits?

- No subcontracting of consent to EMC
- Arrive 1 hr. in advance for set-up
- No equipment set-up is permitted after court has convened
- No change of video or audio tape except during court recess
- No movement of equipment or personnel while court is in session
- No more than 2 still photographers with 2 cameras each
- No more than 2 TV cameras, each operated by 1 camera person
- No sounds from still cameras
- No parabolic or long range microphones
- No media logos or insignia on equipment or personnel
- No recording or transmitting images of materials related to case and not in evidence
- No comments during proceedings
- No comments within hearing of jury
- No interviews in the courtroom
- No filming of jury selection, the jury, or individual jurors



JUDGE RULES

When will
conditions
be set?

What are
common
conditions a
judge might
impose?

- The assigned judge will enter an order for every proceeding in the case.
- Common conditions
 - screen between media and jury
 - “locking” of camera tripods
 - remain in courtroom until jury has left
 - provide judge with monitor and “broadcast delay” capacity



BREAKING THE RULES

What happens if someone fails to comply with an order or policy?

- **Sanctions (penalties) may be imposed**
 - assigned judge
 - chief judge
- **Sanctions may include:**
 - revocation of consent to provide EMC
 - restrictions on the dissemination, broadcast, or publication of EMC
 - penalties for contempt
 - Fine
 - Incarceration
 - Court costs
 - Limits on future participation in EMC



Evaluation of EMC REPORTS

Assigned Judge

- files a confidential, written report with:
 - Chief Judge
 - Chief Justice of the Supreme Court
 - Supreme Court Justices of the First District
- within a reasonable time after each EMC is concluded
- contents of the report
 - Minimum
 - type of EMC
 - date, time, location and nature of the proceeding covered
 - statement of any problems encountered
 - any other information relevant to the EMC
 - Assigned judge's option
 - judge's observations, comments or recommendations concerning EMC
 - Chief judge's option
 - supplement with observations, comments, and recommendations.

Chief Judge

- files confidential, written report with:
 - Chief Justice of the Supreme Court
 - Supreme Court Justices of the First District
- monthly
- contents of the report
 - Minimum
 - number of requests for EMC during the past month
 - number granted
 - number denied
 - number in each case category
 - type of EMC requested
 - Optional
 - chief judge's observations, comments, or recommendations concerning EMC