

Guideline for media coverage:

Multnomah County

Presiding Judge: Nan Waller: 503.988.3846

Trial Court Administrator: Barbara Marcille: 503.988.3957

Courthouse: 1021 SW Fourth Avenue, Portland, OR 97204-1123

Justice Center: 1120 SW Third Avenue, Portland, Oregon

Juvenile Justice Complex: 1401 NE 68th Street, Portland, OR 97213

East County Courthouse: 18480 SE Stark Street, Gresham, OR 97233

Whom should I contact to be the pool broadcast reporter for a hearing or trial?

The judge presiding over the hearing is the only person who can approve media presence in a courtroom for a hearing or trial. Contact the judge's office. If you don't know who the correct judge is to contact, call the Court Administrator's Office at 503-988-3597.

Is it possible to have more than one public access device (camera) in a court proceeding?

The court, at its discretion, may permit additional public access coverage equipment provided the additional equipment does not interfere with the rights of the parties to a fair trial or affect the presentation of evidence or outcome of the trial, and, any cost or increased burden resulting from the additional public access coverage does not interfere with the efficient administration of justice.

May I take photographs or video in courthouse hallways?

Not without permission. Permission must be granted for photographs or videos in courthouse public space. For permission to use cameras on court facility premises, but not in a courtroom, you must contact the Office of the Presiding Judge. This restriction applies to all court facilities in the Fourth Judicial District – the Courthouse, the Justice Center and the East County Courthouse. Cameras are never permitted to be used in the court rooms or in any premises of the Juvenile Justice Complex.

May I take photographs or video on the courthouse steps or sidewalks?

The Court's authority under UTCR 3.180 and SLR 3.181 applies only to court controlled space within a court facility or on Multnomah County owned premises that include access points to such a facility. This may include the "courthouse steps" but does not include the public sidewalk.

Does Multnomah County have a rule that requires cell phones be turned off inside courtrooms?

Yes. It is SLR 3.182.

Whom should I ask if I want to tweet or live blog from inside the courtroom?

The judge presiding over the hearing can give you permission to tweet or live blog from inside the courtroom. Call the judge's office in advance of the hearing and obtain permission for this activity. Sheriff's Deputies are trained to enforce the court rule regarding turning communication devices off and will enforce the prohibition against using such devices during court proceedings under SLR 3.182. It will save you embarrassment and time if you obtain specific judicial permission for your use of such communication devices while inside the courtroom.

May I tweet or blog from the hallway outside the courtroom?

Tweeting and blogging from the hallway outside the courtroom is not restricted and you may do so. This permission does not extend to using photo, video or the recording feature of devices, absent first obtaining permission as provided under SLR 3.181.

If I have a question for the judge, how should I handle that?

Call the judge's office. Depending on the question, the judge may or may not be able to speak to you. Bear in mind that judges are restricted from commenting on pending matters in the court, and can be subject to discipline for doing so. The judge's staff may screen your question, and once a judge has determined that it is a matter about which the judge cannot comment, please don't push the matter with the judge. It is the judge's determination that controls on this issue.

If I do not like my camera position, how should I handle that?

You may request a new camera position if you are in a trial or hearing. It is the judge's discretion whether you will be permitted to move the camera, but it is appropriate to make the request. Wait until the next break in court proceedings to make the request. Never attempt to move your position without prior approval or while a hearing is in session. Wait for a recess, get permission, and make the move before the court session resumes.

When filming in the public spaces, there is more flexibility, but if you have been given an assigned spot, don't stray from it without permission to do so. There are public areas of the courthouse where photo or video is never permitted to protect jurors or vulnerable users of the court's services, and a change in position without permission may compromise those safeguards and lead to a temporary exclusion of your station having any public access coverage.

Are there any other local rules that might affect my reporting?

The key rules are UTCR 3.180, SLR 3.181, SLR 3.182 and SLR 6.027. Other than those rules, any judge presiding over a proceeding may put into place additional orders regarding the media and the public access to the proceeding in order to maintain proper decorum and the effective administration of justice during the proceeding. In "notorious" case trials or hearings, the court may impose "special" orders to provide rules for access to the proceeding. These special orders in notorious cases may address public access coverage as well as general access by the public to

the proceedings. A judge will be quick to let you know if there is a special order regarding the trial or hearing for which you have requested public access coverage.

If I'd like to talk to jurors after trial, does the court facilitate that?

No. You may request the court to provide you with a list of juror names under the Oregon Public Records Law, but, it is not clear at this time that such a request is subject to the public records law.

May I enter the waiting room for the Grand Jury and talk to Grand Jury potential witnesses?

No. The space allocated to the Grand Jury for its meetings and for its witness waiting is not public space in the Courthouse, it is private space. You may not enter these spaces absent an invitation or a summons to appear before the grand jury. You may wait in the public hallway of the courthouse outside of the Grand Jury's hearing and witness waiting room.

Can I photograph in juvenile court?

No, public access coverage is not allowed in juvenile or family court proceedings. Media may attend the proceedings in open court and report on them. Juvenile court records are confidential. The Juvenile Justice Complex is located at 1401 NE 68th Avenue, Portland, 97213.

Can I hide cameras or microphones in public places in the court facility or the courtroom to record conversations intended to be private?

No, public access coverage if granted in the courtrooms or in the public places in the courthouse must be openly done, with cameras and microphones visible to the parties to the proceeding, to the witnesses, and to the public.

Can I be held in contempt for violation of the courts rules and orders regarding public access coverage of proceedings in courtrooms or in the public spaces of a court facility.

Yes, if you violate a direct order of the court to comply with the rules and orders of the court regarding public access coverage you risk either summary or remedial contempt sanctions.

Appendix of Rules Applicable to the Circuit Court for Media Coverage

UTCR 3.180 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

- (1) Courtrooms. Upon request or on the court's own motion, after notice to all parties, public access coverage shall be allowed in any courtroom, except as provided under this rule.
- (2) There shall be no public access coverage of the following:
 - (a) Proceedings in chambers.
 - (b) Any notes or conversations intended to be private including, but not limited to, counsel and judges at the bench and conferences involving counsel and their clients.
 - (c) Dissolution, juvenile, paternity, adoption, custody, visitation, support, civil commitment, trade secrets, and abuse, restraining and stalking order proceedings.
 - (d) At a victim's request, sex offense proceedings.
 - (e) *Voir dire*.
 - (f) Any juror anywhere during the course of the trial in which he or she sits.
 - (g) Recesses.
- (3) Limitations on Denial of Public Access Coverage in Courtrooms. A judge may limit or deny a request for or terminate public access coverage only if the judge makes findings of fact on the record setting forth substantial reasons for the ruling. The judge may prohibit public access coverage if there is a reasonable likelihood of any of the following:
 - (a) The public access coverage would interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial.
 - (b) Any cost or increased burden resulting from the public access coverage would interfere with the efficient administration of justice.
- (4) A judge may summarily prohibit public access coverage of a particular witness only if the judge finds on the record that public access coverage would endanger the welfare of the witness or materially hamper the witness' testimony.
- (5) Areas Outside of Courtrooms. The presiding judge may allow public access coverage in any area outside the courtroom that is on the courthouse premises and under the control and supervision of the court. Courts are encouraged to designate an area or areas outside the courtroom that is on the courthouse premises for public access coverage. For areas subject to this subsection, each judicial district, by SLR, may establish, for any court location, procedures for obtaining permission for public access coverage that differ from this

subsection or may designate locations where public access coverage is allowed or prohibited. SLR 3.181 is reserved for SLR adopted under this subsection.

- (6) Public Access Coverage Defined. As used in this rule:
- (a) "Public access coverage" means coverage by means of any public access coverage equipment.
 - (b) "Public access coverage equipment" means any of the following in the possession of persons other than the court or the court's staff: television equipment; still photography equipment; audio, video, or other electronic recording equipment.
- (7) Equipment and Personnel for Public Access Coverage. The court may limit the location of public access coverage equipment. One pool video camera and one pool still camera and one pool tape recorder shall be permitted. The court, at its discretion, may permit additional public access coverage equipment, consistent with the considerations in subsections (3)(a) and (b).
- (a) No public access coverage device shall be operated by more than one person.
 - (b) No person shall use public access coverage equipment that interferes or distracts from proceedings in the courtroom.
 - (c) The video camera must be mounted on a tripod or other device or installed in the courtroom. The tripod or other device must not be moved while the proceedings are in session. Video equipment must be screened where practicable or located and operated as directed by the court.
 - (d) No artificial lighting devices of any kind shall be allowed.
 - (e) Any pooling arrangement required by limitations on equipment and personnel imposed by the judge or by this rule must be the sole responsibility of the persons seeking public access coverage, without calling upon the judge to mediate any disputes involved therein.
- In the absence of agreement on such issues by persons seeking public access coverage, the judge may exclude any or all public access coverage.
- (8) Upon request by the court for the purpose of determining whether there has been a violation of this rule, or to assure the effective administration of justice, any person engaging in public access coverage of a court event or in a courtroom, courthouse, its premises, or environs under the control and supervision of the court must promptly provide to the court, without expense, for the court's *in camera* review, a copy of any public access coverage the person performed in a format accessible to the court. Said copy may be retained by the court, subject to sealing, if necessary for the further administration of justice.

- (9) A judge may impose other restrictions or limitations necessary to preserve the solemnity, decorum, and dignity of the court and to protect the parties, witnesses, and jurors. A judge may terminate any or all public access coverage at any point upon finding, based on substantial reasons in the record, that this UTCR or other rules imposed by the judge have been violated.
- (10) Nothing in this rule is intended to limit the court's contempt powers.
- (11) Nothing in this rule constitutes a waiver of ORS 44.510 – 44.540 (media shield law).

SLR 3.181 PUBLIC ACCESS COVERAGE IN AREAS OUTSIDE OF COURTROOMS

In facilities occupied by the court, public access coverage in areas outside of courtrooms, other than the Jury Assembly Room when jurors are in attendance and the Juvenile Justice Center, is permitted only with the prior approval of the Presiding Judge. Requests to conduct public access coverage in such areas may be made to the Office of the Presiding Judge at any time during the business day. Public access coverage is not permitted in the court's Jury Assembly Room when jurors are in attendance or at any time in the Juvenile Justice Center in areas outside of the courtrooms.

SLR 3.182 USE OF CELL PHONES AND OTHER PERSONAL DATA AND COMMUNICATION DEVICES WHICH HAVE AUDIO RECORDING, PHOTOGRAPHIC OR ANY OTHER VISUAL OR IMAGE RECORDING OR REPRODUCTION CAPABILITY

- (1) Cell phones and other personal data or communication devices which have text transmission, audio recording, photographic or any other visual or image recording or reproduction capability:
 - (a) constitute public access coverage equipment as defined in UTCR 3.180;
 - (b) such devices may be used in a facility occupied by the court only as provided by UTCR 3.180, SLR 3.181, and this rule;
 - (c) must be turned off when entering any courtroom in any facility occupied by the court as provided by SLR 6.027, and must not be turned on for any use in a courtroom without complying with SLR 6.027, UTCR 3.180 and this rule.
- (2) Cell phones or other personal data or communication devices may be used in areas outside of a courtroom, as defined in UTCR 3.180 and SLR 3.181, in a facility occupied by the court without violating this rule or SLR 3.181, provided that such use is restricted to the transmission of the user's oral or written communication only and does not involve any operation

or use of the device's audio recording, photographic or any other visual or image recording or reproduction capability.

(3) In addition to any other consequence permitted under law or court rules, violators of this rule are subject to being ordered by the court to delete from the device any audio recording, photographic or any other visual or image recording or reproduction made in a court facility.

**SLR 6.027 PERSONAL COMMUNICATION DEVICES IN JURY ROOMS
DURING DELIBERATIONS AND IN COURTROOMS DURING
PROCEEDINGS**

(1) Unless otherwise permitted by the judge presiding over the trial, personal data or communication devices (any electronic or other equipment capable of communicating with others outside a jury room, including, but not limited to personal computing devices, cell phones and pagers) are not allowed in a jury room during jury deliberations.

(2) After a jury has been instructed and charged to commence deliberations the courtroom clerk will collect all such devices and retain them in a secure place during deliberations.

(3) Unless otherwise permitted by the judge presiding over the proceeding, personal computing and communication devices (any electronic or other equipment capable of communicating with others outside a courtroom by transmission of sound or images, including, but not limited to cell phones and pagers) taken into a courtroom by any person shall be turned off upon entering the courtroom and shall remain off until after the person has departed from the courtroom.

(4) See SLR 3.182 regarding the operation of cell phones and other personal data and communication devices which have audio recording, photographic or any other visual or image recording or reproduction capability.