

JOSEPHINE COUNTY CIRCUIT COURT



ELECTRONIC RECORDING AND ELECTRONIC WRITING INFORMATION GUIDE

General Rules

- I. **Electronic Recording and Electronic Writing Coverage Rules** - are provided in the Uniform Trial Court Rules (UTCRC) – Rule 3.180 and the Josephine County Circuit Court Supplemental Local Rules (SLR) – 3.181 and 3.182. Individuals requesting electronic recording or electronic writing permission are expected to be familiar with the UTCRC, Josephine County Circuit Court SLR and this Information Guide. You will be required to confirm that you have read and understand the rules and agree to abide by them. Strict compliance is expected and violations will be dealt with by the judge presiding over the specific proceeding. For informational purposes, attached is a flowchart of UTCRC 3.180, UTCRC 3.180 and Josephine County Circuit Court SLR 3.181 and 3.182.

- II. **Electronic Recording and Electronic Writing-** Any member of the media or public desiring to engage in electronic recording or electronic writing in the Josephine County Circuit Courthouse shall first file with the court a Request for Electronic Recording and Electronic Writing on Courthouse Premises request form. Such request should be submitted at least 24 hours prior to the requested proceeding when possible. Requests submitted less than 24 hours prior to the requested proceeding may not be reviewed by a judge in time for the proceeding.

Requests may be submitted by fax or email at any time. Requests will be reviewed on a “first come, first served” basis, with conditional approvals granted for requests submitted after primary approval has been given. In such case, the secondary and subsequent requesters must utilize “pool” recorded materials. If the party who has been granted primary access fails to appear by the start of the proceeding, the secondary access party may initiate coverage. The Josephine County Circuit Court Request for Electronic Recording and Electronic Writing on Courthouse Premises request form is attached as the last page of this packet.

- III. **“Electronic Recording”** includes video recording, audio recording, live streaming, and still photography by cell phone, tablet, computer, camera, tape recorder, or any other means.

“Electronic Writing” means the taking of notes or otherwise writing by electronic means and includes but is not limited to the use of word processing software and the composition of texts, emails, instant messages, and postings to social media and networking services.

IV. Electronic Recording Not Allowed in Certain Areas –

- Proceedings in Judges' Chambers
- 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
- Dissolution, juvenile, paternity, adoption, custody, visitation, support, civil commitment, trade secrets, and abuse, restraining and stalking order proceedings
- At a victim's request, sex offense proceedings
- Jury voir dire
- Any juror *anywhere* during the course of the trial in which he or she sits
- Recesses

V. Limitations or Denial of Request for Electronic Recording and Electronic Writing Coverage - The judge may limit or deny a request for or terminate electronic recording or electronic writing if there is a reasonable likelihood that such 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. The judge also may summarily prohibit coverage of a particular witness if such coverage would endanger the welfare of the witness or materially hamper the witness' testimony. Those granted electronic recording and electronic writing are to follow the orders of the judge whether the orders are given directly by the judge or conveyed by staff.

VI. Limits to Electronic Recording and Electronic Writing -

- The Court may limit the location of equipment
- Unless the judge specifically otherwise permits, only one pool video camera, one pool still camera and one pool tape recorder shall be permitted in the courtroom
- Any pooling arrangement required by limitations on equipment and personnel imposed by the judge or by rule must be the sole responsibility of the persons seeking to record, without calling upon the judge to mediate any disputes involved therein
- Electronic recording and electronic writing equipment shall not distract from the proceedings
- No artificial lighting is allowed
- No transmission of any electronic recording or electronic writing from within a courtroom without prior permission

- The court may limit electronic recording of particular components of a proceeding if the court finds that:
 - (a) The limitation is necessary to preserve the solemnity, decorum or dignity of the court or to protect the parties, witnesses, or jurors;
 - (b) The use of electronic recording equipment interferes with the proceedings; or
 - (c) The electronic recording of a particular witness would endanger the welfare of the witness or materially hamper the testimony of the witness.

VII. Violations of the Public Access Coverage Rules - The court may order the person, and any organization which the person is affiliated, to terminate electronic recording or electronic writing. For the purpose of determining whether this rule or other requirements imposed by the court have been violated, or to assure the effective administration of justice, a person engaged in electronic recording under this rule must, upon request and without expense to the court, provide to the court, for in camera review, an electronic recording in a format accessible to the court. The copy may be retained by the court and may be sealed if necessary for the further administration of justice. Nothing in the UTCR or SLR limits the court's contempt powers. If you have any questions about public access coverage, contact the Judge's judicial assistant or the courtroom clerk.

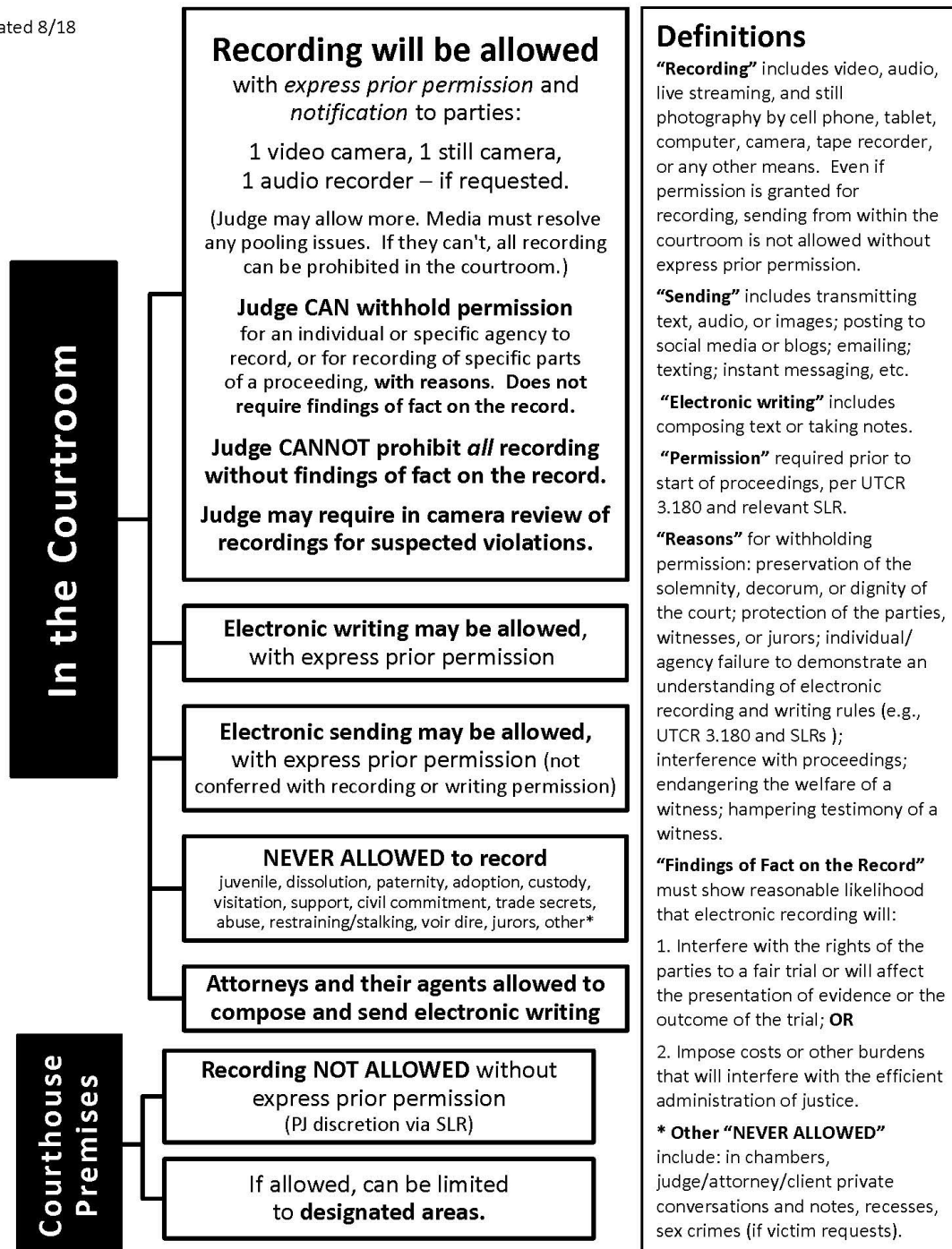
VIII. Josephine County Circuit Court Public Information Officer –

- Trina Swaja – (541) 476-2309

IX. Designation of Electronic Recording Outside of Courtroom - Audio recording, photographic or any other visual or image recording or reproduction capability is prohibited in public hallways outside of any courtroom or court office without express prior permission. Upon request through a Request for Electronic Recording and Writing on Courthouse Premises form, and if granted by a judge, the designated area for recording on courthouse premises outside of courtrooms is at the main courthouse, 500 NW 6th Street, Grants Pass, in the second-floor lobby at the top of the stairs, facing north to create the north wall as the backdrop. Video, audio or still photography without permission may result in confiscation of product.

UTCR 3.180 - Electronic Recording and Writing on Courthouse Premises

Updated 8/18



3.180 ELECTRONIC RECORDING AND WRITING

(1) As used in this rule:

(a) “Electronic Recording” includes video recording, audio recording, and still photography by cell phone, tablet, computer, camera, tape recorder, or any other means. “Electronic recording” does not include “electronic writing.” UTCR 8/1/2024 3.8

(b) “Electronic Writing” means the taking of notes or otherwise writing by electronic means and includes but is not limited to the use of word processing software and the composition of texts, emails, and instant messages.

(c) “Electronic Transmission” means to send an electronic recording or writing, including but not limited to transmission by email, text, or instant message; live streaming; or posting to a social media or networking service.

(2) Except with the express prior permission of the court, and except as provided in subsection (3) of this rule, a person may not:

(a) Electronically record in any area of the courthouse under the control and supervision of the court unless permitted by Supplementary Local Rule (SLR) pursuant to subsection (11)(a) of this rule;

(b) Electronically record any court proceeding;

(c) Electronically transmit any recording from within a courtroom during a proceeding;

(d) Engage in electronic writing within a courtroom;

(e) Electronically transmit any electronic writing from within a courtroom during a proceeding; or

(f) While remotely observing or participating in a proceeding, electronically transmit any electronic writing directly and specifically to a witness until the witness is excused by the court.

(3) Subsections (2)(d), (e), and (f) of this rule do not apply to attorneys or to agents of attorneys unless otherwise ordered by the court.

(4) (a) A request for permission to engage in electronic recording or writing must be made prior to the start of a proceeding. No fee may be charged.

(b) The granting of permission to any person or entity to engage in electronic recording or writing is subject to the court’s discretion, which may include considerations of the need to preserve the solemnity, decorum, or dignity of the court; the protection of the parties, witnesses, or jurors; or whether the requestor has demonstrated an understanding of all provisions of this rule.

(c) If the court grants all or part of the request,

(i) The court shall provide notice to all parties, and electronic recording or writing thereafter shall be allowed in the proceeding, in any courtroom or during a remote proceeding, consistent with the court's permission. UTCR 8/1/2024 3.9

(ii) The court shall permit one video camera, one still camera, and one audio recorder in the courtroom, and it may permit additional cameras and electronic recording in any courtroom or during a remote proceeding consistent with this rule.

(iii) The court may prescribe the location of and the manner of operating electronic equipment within a courtroom. Artificial lighting is not permitted.

(iv) Any pooling arrangement made necessary by limitations on equipment or personnel imposed by the court is the sole responsibility of the persons or entities seeking to electronically record.

(v) The court will not mediate disputes. If multiple persons or entities seeking to electronically record are unable to agree on the manner in which the recording will be conducted or distributed, the court may terminate any or all such recording.

(5) Except as otherwise provided in this rule:

(a) The court shall not wholly prohibit all electronic recording of a court proceeding unless the court makes findings of fact on the record setting forth substantial reasons that establish:

(i) A reasonable likelihood that the electronic recording will interfere with the rights of the parties to a fair trial or will affect the presentation of evidence or the outcome of the trial; or

(ii) A reasonable likelihood that the costs or other burdens imposed by the electronic recording will interfere with the efficient administration of justice.

(b) "Wholly prohibit all electronic recording" means issuing an order prohibiting all recording of a proceeding by all persons. The court's denial of a particular request under the factors in section (4)(b) does not constitute an order prohibiting all recording by all persons and does not require findings of fact on the record, even if the person whose request is denied is the only person who has requested permission to record a proceeding.

(6) The court has discretion to limit electronic recording of particular components of the proceeding based on one or more of the following factors:

(a) The limitation is necessary to preserve the solemnity, decorum, or dignity of the court or to protect the parties, witnesses, or jurors;

(b) The use of electronic recording equipment interferes with the proceedings;

(c) The electronic recording of a particular witness would endanger the welfare of the witness or materially hamper the testimony of the witness; or

(d) The requestor has not demonstrated an understanding of all provisions of this rule.

(7) Notwithstanding any other provision of this rule, the following may not be electronically recorded by any person at any time:

(a) Proceedings in chambers.

(b) Any notes or conversations intended to be private including but not limited to attorneys and judges conferring at the bench and conferences involving attorneys and their clients.

(c) Dissolution, juvenile, paternity, adoption, custody, visitation, support, civil commitment, trade secrets, and abuse, restraining, and stalking order proceedings.

(d) Proceedings involving a sex crime, if the victim has requested that the proceeding not be electronically recorded.

(e) Voir dire.

(f) Any juror anywhere under the control and supervision of the court during the entire course of the trial in which the juror sits.

(g) Recesses or any other time the court is off the record.

(8) For the purpose of determining whether this rule or other requirements imposed by the court have been violated, or to ensure the effective administration of justice, a person engaged in electronic recording under this rule must, upon request and without expense to the court, provide to the court, for in camera review, an electronic recording in a format accessible to the court. The copy may be retained by the court and may be sealed if necessary for the further administration of justice.

(9) If a person violates this rule or any other requirement imposed by the court, the court may order the person, and any organization with which the person is affiliated, to terminate electronic recording or electronic writing.

(10) This rule does not:

(a) Limit the court's contempt powers;

(b) Operate to waive ORS 44.510 to 44.540 (media shield law); or

(c) Apply to court personnel engaged in the performance of official duties. UTCR

(11) A judicial district may, by SLR:

(a) Designate areas outside a courtroom and under the control and supervision of the court, including hallways or entrances, where electronic recording is allowed without prior permission, unless otherwise ordered in a particular instance.

(b) Adopt procedures to obtain permission for electronic recording or electronic writing.

(c) SLR 3.181 is reserved for any SLR adopted under this subsection.

SUPPLEMENTAL LOCAL RULE FOR JOSEPHINE COUNTY

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

Media or public access coverage is prohibited in the public hallways outside of any courtroom or court office. Public or media wanting to film outside courtrooms or court offices must obtain approval from the Public Information Officer or Trial Court Administrator.

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

- (1) Cell phones and other personal data or communication devices which have audio recording, photographic or other visual 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, while conducting business at court service counters and must not be turned on for any use in a courtroom without complying with UTCR 3.180 and this rule.
- (2) Cell phones or other 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 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.

Request for Electronic Recording and Writing on Courthouse Premises

_____ Plaintiff, vs. _____ Defendant.

IN THE CIRCUIT COURT FOR THE STATE
OF OREGON FOR JOSEPHINE COUNTY

Case Number: _____

Hearing Date/Time: _____

Courtroom: _____

Name: _____ Representing (media agency): _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

- Requests for media or other public access coverage should be made at least 24 hours in advance of court proceedings for which the request is made.
- Unless otherwise noted, permissions are valid for the hearing Date/Time listed above.

In the Courtroom (Trial Judge or Designee Permission)

I request permission to use an electronic device or still/video camera to:

- ☐ Take notes or compose web posts, emails, text messages or other electronic writing
- ☐ Record: ☐ audio ☐ video ☐ still images
- ☐ Send/transmit web posts (blog, social media, etc.), emails, text messages, or other electronic writing.....
- ☐ Request for pooled coverage – I have **checked** with other like media, and have been designated representative to coordinate media coverage and pooling arrangement.....
- ☐ Request for coverage – I have **not checked** with other like media, but I am willing and technologically capable to pool my coverage if it is so requested.....

I request permission to use an electronic device or still/video camera on courthouse premises outside the courtroom specified above to:

- ☐ Record: ☐ audio ☐ video ☐ still images

NOTE: If approved by judge below, the designated area for recording on courthouse premises outside of courtrooms is at the Main Courthouse, 500 NW 6th Street, Grants Pass, Oregon, second-floor lobby, top of the stairs facing north to create the north wall as the backdrop.

I am knowledgeable about and agree to abide by the Josephine County Circuit Court Electronic Recording and Electronic Writing Information Guide, Uniform Trial Court Rule 3.180 and the Josephine County Circuit Court Supplemental Local Court Rules 3.181 and 3.182 related to interviewing, recording, photography, and electronic writing on courthouse premises, including allowable spaces and locations for media activity.

Signature _____ Date _____

PLEASE RETURN THIS FORM to reception at 500 NW 6th Street, Grants Pass OR, fax to 541-471-2079, or email to JOS.Information@ojd.state.or.us.

Date

Circuit Court Judge

Judge/Designee
(Initial)

_____ Approved

_____ Approved

_____ Approved

_____ Approved

_____ Approved

* _____ Approved as
secondary coverage.

_____ Approved