

Lincoln County Circuit Court Guidelines for Media Coverage

Presiding Judge: Sheryl Bachart

Trial Court Administrator: Sally Bovett

Courthouse: 225 West Olive Street Newport, Oregon 97365 541-265-4236

Do I need prior permission from the court for electronic recording and writing?

Electronic note-taking and recording are generally allowed, but the court needs to approve in advance. You need separate, advance permission from the court before you take any electronic notes or do other electronic writing in the courtroom, electronically record in the courtroom or other areas, or send any electronic recordings or writings from the courtroom. Permission process is outlined below.

What constitutes an “electronic recording”

Pursuant to Oregon’s Uniform Trial Court Rule 3.180, an “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.”

What constitutes an “electronic writing”

Pursuant to Oregon’s Uniform Trial Court Rule 3.180, an “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.”

What constitutes an “electronic transmission”

Pursuant to Oregon’s Uniform Trial Court Rule 3.180, an “electronic transmission” means the “send[ing] [of] 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.”

What is the process for a media agency to obtain authorization to electronically record or electronically write while on the court grounds?

Each media agency must complete a Media Request for Electronic Recording and Writing on Courthouse Premises form and timely submit it to Lincoln County Circuit Court Trial Court Administration at LNN.G.Delivery@ojd.state.or.us, or mail it to:

Sally Bovett, Trial Court Administrator
Attn: Media Access Request
Lincoln County Circuit Court
PO Box 100
Newport, Oregon 97365

Are there proceedings where public access coverage is not permitted?

Yes. Public access coverage is not permitted in any of the proceedings found in UTCR 3.180(2), which is as follows:

- Proceedings in 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.
- Voir dire.
- Any juror anywhere during the course of the trial in which he or she sits.
- Recesses.

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?

Unless allowed by the Presiding Judge, Media or Public Access Coverage is prohibited on the Second and Third Floors of the Lincoln County Courthouse.

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

No. Cell phones can be in the court room on silent.

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.

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.

Must my video camera be mounted on a tripod?

Yes, the video camera must be mounted on a tripod or other device or installed in the courtroom. See UTCR 3.180(7)(c).

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.

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

The key rules are UTCR 3.180, SLR 3.181 and SLR 3.182. 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.

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.

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.

If I would like to talk with jurors after trial, does the court facilitate that?

No.

Appendix of Rules Applicable to the Circuit Court for Media Coverage

UTCR 3.180 ELECTRONIC RECORDING AND WRITING

- (1) As used in this rule:
 - (a) “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 recording” does not include “electronic writing.”
 - (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, instant messages, and postings to social media and networking services.
- (2) Upon request made prior to the start of a proceeding, and after notice to all parties, electronic recording shall be allowed in any courtroom except as provided under this rule. The court shall permit one video camera, one still camera and one audio recorder. The court may permit additional electronic recording consistent with this rule.
- (3) A person who seeks to electronically record all or any portion of a court proceeding must obtain express permission from the court prior to any proceeding. No fee may be charged. The granting of such permission to any individual person or entity 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.
- (4) 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) There is 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) There is 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 (3) 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.

- (5) Except with the express prior permission of the court, a person may not:
 - (a) Electronically record any court proceeding;
 - (b) Electronically record in any area under the control and supervision of the court;
 - (c) Engage in electronic writing;
 - (d) Even if granted permission to record, send any electronic recording from within a courtroom; or
 - (e) Even if granted permission to engage in electronic writing, send any electronic writing from within a courtroom.
- (6) The provisions of subsections 5(c) and (e) of this rule do not apply to attorneys or to agents of attorneys unless otherwise ordered by the court.
- (7) The court may limit electronic recording of particular components of the 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.
- (8) 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.
- (9) 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 counsel and judges conferring 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) 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.
- (10) The court may prescribe the location of and the manner of operating electronic equipment within a courtroom. Artificial lighting is not permitted. Any pooling arrangement made necessary by limitations on equipment or personnel imposed by the court is the sole responsibility of the persons seeking to electronically record. The court will not mediate disputes. If the persons 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.
- (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.
- (12) 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.
- (13) 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.

NOTE: UTCR 3.180 was adopted by the entire Oregon Supreme Court, and any changes to the rule will be made only with the consent of the Supreme Court.

SLR 3.181 Media or Other Public Access Coverage of Court Events

This rule governs public access coverage in public areas outside of the courtrooms under UTCR 3.180(11). For the purpose of this rule a public area is defined as any area within 30 feet of any point of ingress or egress to the second and third floor of the courthouse, and any hallway, elevator or other area used by the public for access to the second and third floor of the courthouse.

1. In Lincoln County, public areas on the second and third floor of the courthouse are within the control and supervision of the court.
2. Subject to UTCR 3.180, no public access coverage will be permitted in any public area except as provided herein:
 - a. Any party seeking to provide public access coverage in any area must file with the clerk of the court, at least two hours prior to the scheduled proceeding time, a certificate (See Appendix 1) in advance of commencing the coverage. This rule includes court proceedings conducted remotely on WebEx. Remote court hearings on WebEx are subject to UTCR 3.180 and may not be recorded or 17th Judicial District, Lincoln County Circuit Court Supplementary Local Rules for 2025 - Page 7 captured without seeking public access coverage and filing a certificate in advance of commencing coverage.
 - b. Upon filing of the certificate described in sub-section (a) above, the clerk will present the certificate(s) to the judge presiding in the case related to the coverage request. The judge may permit or deny the public access coverage.
3. If public access coverage is denied, the judge must make findings of fact on the record setting forth the substantial reasons for the denial. The judge may prohibit public access coverage in public areas if there is any likelihood that the coverage would:
 - a. Constitute a material security risk to the public, jurors, witnesses or parties;
 - b. Interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial; or
 - c. Cause any cost or increased burden from the coverage that would interfere with the efficient administration of justice.
4. When public access coverage is permitted, public access restrictions will include a prohibition of any coverage of matters described in UTCR 3.080(2). The judge may also, subject to the requirements of this rule, establish other restrictions that apply to the coverage. Public access coverage restrictions may include:
 - a. Pooling coverage as described in UTCR 3.180(2); and
 - b. Any restrictions reasonably necessary to preserve the solemnity, decorum and dignity of the court and to protect the parties, witnesses and jurors.
5. If public access coverage for public areas is requested, coverage restrictions may include:
 - a. The designation of a reasonable location no closer than 15 feet from the courtroom where the case related to the request will be heard; and
 - b. A requirement that public access coverage representatives will be required to physically stay within the designated areas.

SLR 3.182 Personal communication devices in courtrooms during proceedings

Unless permitted by the judge presiding over the proceeding, personal communication devices (any electronic equipment capable of communicating with others outside a courtroom by transmission of sound or images, including, but not limited to cell phones, but excluding laptops) shall not be used while at counsel table. Except as expressly provided in UTCR 3.180, such devices if turned on, shall not be used to record, receive or transmit video images, pictures, or audio at any time while inside a courtroom, court office or the hallways outside and leading to a courtroom or court office.

APPENDIX OF FORMS

Form 3.181 – Public Access Certificate

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

In re Public Access Coverage:

CERTIFICATE

I, _____, represent _____
and I desire to provide public access coverage in the following case:

Case Name: _____

Case Number: _____

I make the following representations:

1. I have read and will comply with UTCR 3.180.
2. I have read and will comply with Lincoln County Circuit Court's SLR 3.181.
3. I understand my permission to provide public access coverage can be immediately withdrawn if:
 - a. I violate the above described rules;
 - b. I violate any limitations imposed by the Court under the rules; or
 - c. The Court orders termination of the coverage.

Date

Signature

Printed Name