

SUPREME COURT OF INDIANA

In re Pilot Project for Electronic News Coverage in Indiana Trial Courts

895 N.E.2d 1161 (Ind. 2006) · No. 94S00-0605-MS-166 · Decided May 9, 2006

SUMMARY

The Indiana Supreme Court authorized a limited pilot project permitting camera, audio, still-photography, and radio coverage of proceedings in certain Indiana trial courts from July 1, 2006, through December 31, 2007. The order established consent requirements, coverage limitations, equipment and media- conduct rules, participating judges, pooling arrangements, and evaluation procedures. Justice Dickson, joined by Justice Rucker, dissented on the grounds that courtroom cameras could impair fair trials and that the proposed evaluation was not sufficiently objective or scientific.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Per curiam; Chief Justice Shepard; Justice Sullivan; Justice Boehm; Justice Dickson; Justice Rucker
JURISDICTION	Indiana
DECIDED	May 9, 2006
DOCKET	94S00-0605-MS-166
DISPOSITION	other
PROCEDURAL POSTURE	The Indiana Broadcasters Association and Hoosier State Press Association requested authorization for an experimental pilot project permitting limited electronic news coverage of proceedings in certain Indiana trial courtrooms.
PRECEDENTIAL VALUE	Published Indiana Supreme Court order establishing the terms of a limited courtroom-electronic-coverage pilot project; the dissent is nonprecedential.

TOPICS

[civil procedure](#)[criminal procedure](#)[first amendment](#)[free speech](#)[constitutional law](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Indiana Supreme Court should authorize a limited pilot project permitting electronic news coverage of otherwise restricted proceedings in selected Indiana trial courtrooms.
2. What conditions should govern cameras, audio recording, media personnel, coverage of protected persons and communications, pooling arrangements, and evaluation of the pilot project.

HOLDINGS

1. The Indiana Supreme Court authorized a limited pilot project permitting video and audio coverage, still news photography, and radio news coverage of eligible proceedings in certain Indiana trial courtrooms from July 1, 2006, through December 31, 2007.
2. Coverage under the pilot project may occur only under the order's detailed conditions, including written consent, limits on equipment and movement, restrictions concerning jurors, minors, victims, informants, undercover agents, sentencing witnesses, attorney-client communications, co-counsel communications, and bench conferences.

KEY QUOTATIONS

“the Supreme Court ... will authorize a limited pilot project for video and audio coverage, still news photography, and radio news coverage, of proceedings in certain Indiana trial courtrooms, under the following terms:” (895 N.E.2d at 1161)

“Coverage by camera and/or recorder as provided in this order may not be permitted except upon the written consent of the trial judges and the parties involved.” (895 N.E.2d at 1161)

FACTUAL BACKGROUND

Indiana's Code of Judicial Conduct generally prohibited broadcasting, televising, recording, and photography in courtrooms. Following discussions initiated by the Indiana Broadcasters Association and conducted with the Hoosier State Press Association, the court considered a limited experiment involving video, audio, still photography, and radio coverage in selected trial courtrooms. The court authorized participation only with written consent of the presiding judge and parties, subject to restrictions protecting particular participants and preserving courtroom decorum.

PROCEDURAL HISTORY

The Indiana Supreme Court considered the media associations' request in its supervisory and rulemaking capacity. The court granted the request by order and established the terms of a pilot project running from July 1, 2006, through December 31, 2007. Justice Dickson dissented, joined by Justice Rucker.

DISPOSITION

other

CASES CITED

- *Estes v. Texas*, 381 U.S. 532, 85 S. Ct. 1628, 14 L. Ed. 2d 543 (1965)
- *Courtroom Television Network LLC v. State*, 5 N.Y.3d 222, 800 N.Y.S.2d 522, 833 N.E.2d 1197 (2005)

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