

§ 2-117. Media coverage of proceedings before the Nebraska Supreme Court and the Nebraska Court of Appeals.

(A) Definitions.

(1) "Judicial proceeding" or "proceeding" as referred to in these rules shall include all public trials, hearings, or other proceedings in the Supreme Court and the Court of Appeals, except those specifically excluded by these rules.

(2) "Expanded media coverage" includes broadcasting, televising, electronic recording, or photographing of judicial proceedings for the purpose of gathering and disseminating news to the public.

(3) "Supreme Court" shall mean the Supreme Court of Nebraska.

(4) "Chief Justice" shall mean the Chief Justice of the Supreme Court of Nebraska.

(5) "Court of Appeals" shall mean the Nebraska Court of Appeals.

(6) "Chief Judge" shall mean the Chief Judge of the Nebraska Court of Appeals.

(B) General. Except as provided below, broadcasting, televising, recording, and photographing will be permitted in all judicial proceedings in the courtroom during sessions of the Supreme Court and the Court of Appeals, including recesses between sessions, under the following conditions:

(1) There shall be no audio pickup or broadcast of conferences in a court proceeding between attorneys and their clients, between cocounsel, or between judges.

(2) The quantity and types of equipment permitted in the courtroom shall be subject to the discretion of the Chief Justice within the guidelines set out in the accompanying rules.

(3) Notwithstanding the provisions of any of these procedural or technical rules, the Chief Justice, or the Chief Judge as to the Court of Appeals, upon application, may permit the use of equipment or techniques at variance therewith, provided the application for variance is made at least 10 days prior to the scheduled hearing. Ruling upon such a variance application shall be in the sole discretion of the Chief Justice or the Chief Judge, as the case may be. Such variances may be allowed by the Chief Justice or the Chief Judge without advance application or notice if all counsel and parties consent.

(4) The rights provided for herein may be exercised only by persons or organizations which are part of the news media.

(5) These rules are designed primarily to provide guidance to media and courtroom participants and are subject to withdrawal or amendment by the Supreme Court at any time.

(C) Preservation of Rights. Expanded media coverage of a proceeding shall be permitted in all judicial proceedings unless the court concludes, after objection and showing of good cause, that under the circumstances of the particular proceeding such coverage would materially interfere with the rights of the parties to a fair trial. The Chief Justice or the Chief Judge, when applicable, may, as to any or all media participants, limit or terminate photographic or electronic media coverage at any time during the proceeding in the event the Chief Justice or Chief Judge finds

(1) that rules established under this order or additional rules imposed by the Chief Justice or Chief Judge have been violated or

(2) that substantial rights of individual participants or rights to a fair trial will be prejudiced by such manner of coverage if it is allowed to continue.

(D) Objections. A party to a proceeding objecting to expanded media coverage under these rules shall file a written objection, stating the grounds therefor, at least 3 days before commencement of the proceeding. All objections shall be heard and determined by the Chief Justice, or the Chief Judge as to the Court of Appeals, prior to commencement of the proceeding. Time for filing of objections may be extended or reduced in the discretion of the Chief Justice, or the Chief Judge as to the Court of Appeals, who may also in appropriate circumstances extend the right of objection to persons not specifically provided for in these rules.

(E) Technical.

(1) Equipment to be used by the media in the courtrooms during the proceeding must be unobtrusive and must not produce distracting sound. In addition, such equipment must satisfy the following criteria:

(a) Still cameras are to be standard, professional quality, single-lens reflex or rangefinder 35 mm cameras, or twin-lens reflex 120 mm cameras in good repair. Motor-driven film advances and autowinders on still cameras are not allowed.

(b) Television cameras are to be electronic and, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, and without distracting sound or light. Television cameras are to be designed or modified so that participants in the proceeding being covered are unable to determine when recording is occurring.

(c) Microphones, wiring, and audio recording equipment shall be unobtrusive and of adequate technical quality to prevent interference with the proceeding being covered. No modifications of existing systems shall be made without approval by the Supreme Court after submission of a specific written proposal which shall include technical specifications and details of the proposed changes. Microphones for use of counsel and judges shall be equipped with off/on switches.

(2) Other than light sources already existing in the courtroom, no flashbulbs or other artificial lighting device of any kind shall be employed in the courtroom.

(3) The following limitations on the amount of equipment and number of photographic and broadcast media personnel in the courtroom shall apply:

(a) At any one time, not more than one still photographer, using not more than two camera bodies and two lenses, shall be permitted in the courtroom during a proceeding.

(b) Not more than one television camera, operated by not more than one person knowledgeable in its use, shall be permitted in the courtroom during any proceeding. Where possible, recording and broadcasting equipment which is not a component part of a television camera shall be located outside the courtroom.

(c) Not more than one audio system shall be set up in the courtroom for broadcast coverage of a proceeding. Audio pickup for broadcast coverage shall be accomplished from any existing audio system present in the courtroom, if such pickup would be technically suitable for broadcast. Where possible, electronic audio recording equipment and any operating personnel shall be located outside the courtroom, except that an audio recorder which is a component part of the television camera operating in the courtroom may be used for audio pickup.

(d) Where the above limitations on equipment and personnel make it necessary, the media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the media, and neither the Supreme Court or the Court of Appeals nor their employees shall be called upon to mediate any dispute as to the appropriate media representatives authorized to cover a particular proceeding.

(4) Equipment and operating personnel shall be located in, and coverage of the proceeding shall take place from, an area or areas within the courtroom designated by the Chief Justice or Chief Judge.

(5) Television cameras and audio equipment may be installed in or removed from the courtroom only when court is not in session. In addition, such equipment shall at all times be operated from a fixed position. Still photographers and broadcast media personnel shall not move about the courtroom while a proceeding is in session, nor shall they engage in any movement which attracts undue attention. Still photographers shall not assume body positions inappropriate for spectators.

(6) All still photographers and broadcast media personnel shall be properly attired and shall maintain proper courtroom decorum at all times while covering the proceeding.

Rule 17, (A)(5), (A)(6), (B)(3), (C), (C)(1), (D), (E)(3)(d), and (E)(4) amended April 15, 1992; Rule 17(B)(3) amended May 28, 1992; Rule 17(E)(1)(c) and (E)(3)(c) amended November 23, 1999. Renumbered and codified as § 2-117, effective July 18, 2008.
