



# NEWS RELEASE

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## **Judicial Council Welcomes Comments On Bench-Bar-Media Collaboration**

### *New and Revised Rules Proposed on Cameras in Court, Gag Orders, Sealing Court Records, and Education*

San Francisco—The Judicial Council of California is seeking public comment on recommendations that would increase media access to court proceedings and records; enhance education about the roles and responsibilities of the bench, bar, and media; and help resolve conflicts in an effective manner that protects and promotes the administration of justice.

The recommendations were drafted by the Judicial Council's Bench-Bar-Media Committee, appointed in 2008 by Chief Justice Ronald M. George to foster improved understanding and working relationships among California judges, lawyers, and journalists.

The council's invitation to comment is available on the California Courts website at [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment). The deadline for comment is **5 p.m., Friday, October 29, 2010**.

Chaired by Associate Justice Carlos R. Moreno of the California Supreme Court, the committee includes appellate court justices, superior court judges, attorneys specializing in the First Amendment, a prosecutor, a criminal defense attorney, journalists, an academic, a superior court executive officer, and a superior court public information officer.

Highlights of the recommendations follow.

**Cameras in Court:** Amend rule 1.150 of the California Rules of Court to provide an explicit presumption that cameras and other recording devices are allowed in the courtroom unless sufficient reasons exist to prohibit or limit their use. The recommendation also calls for judges to make specific findings to prohibit or limit the use of cameras and other recording devices.

**Gag Orders:** Adopt a uniform statewide rule similar to those governing

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orders sealing records and consistent with the opinion in *Hurvitz v. Hoefflin* (2000) 84 Cal.App.4th 1232. That ruling, among other things, requires a specific finding of a legitimate competing interest that overrides the public's right of access and justifies some form of gag order. The ruling also limits the scope of any gag order to the narrowest restraint and shortest time period necessary to protect the identified overriding interest.

**Orders Sealing Records:** Develop a rule of court that requires all courts to post notice of any application for, or entry of, an order sealing a record on their local websites within five court business days after filing or entry. If that is not possible, the proposed rule would require that such a notice be sent to the Judicial Council for publication on the judicial branch's website within the same five court business days required for posting online.

**Educational Programs:** Support creation of educational content and programs to enhance relationships and cross-communication among the bench, bar, media, court staff, and public.

**Judicial Officer Training:** Develop training for judges and justices on how to present the meaning or substance of court decisions in a way that can be easily understood by the media and the public.

The Bench-Bar-Media Committee also drafted proposals to address the need to explain legal terminology to the public and media; create online training materials for court staff and judges; develop regional media access plans; and make regional public information officers available to assist the courts.

As part of its two-year study, the Bench-Bar-Media Committee also concluded that representatives of the California Newspaper Publishers Association and other media should meet with court reporter unions and associations to develop a special protocol and pricing formula that would allow court reporters to prepare limited partial transcripts for use by the media in preparing accurate accounts of court proceedings for publication. The protocol would give court reporters an opportunity to receive additional income without jeopardizing their current right to compensation from litigants for preparing transcripts while making the transcripts available to the media at reasonable cost.

The committee expects to hold its final meeting in early December 2010 to review public comments on the draft report. The committee plans to present a final report to the Judicial Council in spring 2011.

Additional information on the Bench-Bar-Media Committee is located at [www.courtinfo.ca.gov/jc/tflists/benchbarmedia.htm](http://www.courtinfo.ca.gov/jc/tflists/benchbarmedia.htm).

*The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and ensures leadership and excellence in court administration.*