

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff /State  
V. \_\_\_\_\_  
Case Number \_\_\_\_\_  
\_\_\_\_\_  
Defendant.

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**ORDER REGARDING REQUEST TO USE A RECORDING DEVICE PURSUANT  
TO RULE 22 ON RECORDING OF JUDICIAL PROCEEDINGS  
MADE BY NEWS OR MEDIA OUTLETS**

The Court has received a Request for Recording by a news or media outlet in the above styled case pursuant to Uniform Superior Court Rule 22. The same having been read and considered, the Court hereby enters its ruling as follows:

**APPROVED, SUBJECT TO OBJECTIONS.** The Court hereby approves the request. The Court will notify the parties. The parties shall then notify all witnesses and the prosecutor in a criminal case shall also notify the alleged victim(s). This approval shall be subject to any objections made in writing or on the record either before or at the start of the proceeding and shall also be subject to any additional limitations imposed by the Court (see Southern Judicial Circuit Recording of Judicial Proceeding Exhibit "A" attached hereto). If any objections are made the Court will conduct a hearing on the objection(s) at the start of the proceeding. The failure to make a timely objection may constitute a waiver of such objection(s). Coverage permitted by this Order includes only the following:

\_\_\_\_\_ Video With Audio \_\_\_\_\_ Video With Audio  
\_\_\_\_\_ Audio Only \_\_\_\_\_ Still Camera Photography Only  
\_\_\_\_\_ Live Broadcast \_\_\_\_\_ Delayed Broadcast or Publication

**The following rules shall apply: (U.S.C.R. 22)**

(H) **Manner of recording.** The Judge should preserve the dignity of the proceeding by designating the placement of equipment and personnel for recording the proceeding. All persons and affiliated individuals engaged in recording must avoid conduct or appearance that may disrupt or detract from the dignity of the proceeding. No person shall use any recording device in a manner that disrupts a proceeding.

(I) **Pooling of recording devices.** The Judge may require pooling of recording devices if appropriate. The persons or organizations authorized to record have the responsibility to implement proper pooling procedures that meet the approval of the Judge.

(J) **Prohibitions.** The following uses of recording devices are prohibited:

- (1) **No use of recording devices while the Judge is outside the courtroom:**  
Except as provided in paragraph (E) of the rule regarding celebratory or ceremonial proceedings, a person may use a recording device in a courtroom

only when the Judge is in the courtroom, and use of a recording device must terminate when the Judge leaves the courtroom.

- (2) **Recording of jurors:** Recording devices must be placed to avoid recording images of jurors or prospective jurors in any manner. Audio recordings of jurors' or prospective jurors' statements or conversations are also prohibited, except that the jury foreperson's announcement of the verdict or questions to the Judge may be audio recorded.
- (3) **No recording of privileged or confidential communications:** In order to preserve the attorney client privilege and client confidentiality as set forth in the Georgia Rules of Professional Conduct and statutory or decisional law, no person shall make a recording of any communication subject to the attorney-client privilege or client confidentiality.
- (4) **No recording of bench conferences:** No person other than the court reporter may record a bench conference, unless prior express permission is granted by the Judge.

(K) **Recording not official court record.** No recording of a judicial proceeding made pursuant to this rule may be used to modify or supplement the official court record of that proceeding without express permission of the Judge pursuant to OCGA § 5-6-41(f).

(L) **Disciplinary authorities.** This rule does not apply to disciplinary authorities acting in the course of their official duties.

(M) **Enforcement.** Persons who violate this rule may be removed or excluded from the courtroom. A willful violation of this rule may be punishable as contempt of court.

The location and operations of the device(s) and recording shall be in conformity with U.S.C.R. 22 and any additional guidelines ordered by the Court.

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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**JUDGE**, Superior Courts  
Southern Judicial Circuit

Copies sent to:

Requesting individual / firm Parties

to the case:

## SOUTHERN JUDICIAL CIRCUIT RECORDING OF JUDICIAL PROCEEDINGS

### EXHIBIT "A"

RE: Instructions for News Coverage for Court Proceedings. This document is an *addendum* to the "Order Regarding Request to Use a Recording Device Pursuant to Rule 22 on Recording of Judicial Proceedings".

Proceedings of the Superior Courts of the Southern Judicial Circuit held in the various Courthouses and Courtrooms within said circuit, shall not be recorded or broadcast by any television, video recording device, or audio recording device and shall not be photographed by any still and moving cameras, cell phones, or any type of recording device unless approved by the Court in accordance with the following procedures.

"Recording device" means a device capable of electronically or mechanically storing, accessing, or transmitting sounds or images. The term encompasses, among other things, a computer of any size, including a tablet, a notebook and a laptop; a smart phone, a cell phone or other wireless phone; a camera and other audio or videos or picture recording devices; a personal digital assistant (PDA); and any similar devices that can record photos, audio or video. "Recording" means electronically or mechanically storing, accessing or transmitting sounds or images. "Record" means to electronically or mechanically store, access, or transmit sound or images, including by photographing, making an audio or video recording, or broadcasting. Nothing in this rule prohibits making written notes and sketches pertaining to any judicial proceeding.

"Courtroom" means the room in which a Judge will conduct a court proceedings and the areas immediately outside the courtroom entrances or any areas providing visibility into the courtroom.

- (a) Any persons or organizations, including representatives of the news media, desiring to record a court proceeding shall make application to the Court on the approved form located on the [southernjudicialcircuit.com](http://southernjudicialcircuit.com) web page or attached to these instructions when printed. The person or organization must make a timely request to the presiding Judge or to the Clerk of Court on the written form provided. The person or organization must submit the request sufficiently in advance of the proceeding – it is suggested that it be submitted seventy-two (72) hours prior to the proceeding – but at least twenty-four (24) hours prior to the proceeding where practicable to allow the Judge to consider it in a timely fashion. A separate request must be made for each trial, case or hearing. All requests shall be evaluated pursuant to the standards set forth in O.C.G.A. 15-1-10.1 and Rule 22 of the URSC.
- b) The request should specifically describe the type of device(s) wished to be used. (Please note that the use of microphones in the courtroom that are not physically attached to the recording device must also receive approval as to use and placement ) The request should set forth the proceeding to be recorded and the date or dates that recording is requested. The request shall set for the name(s) of the personnel who will be responsible for the use of this recording device in the Courtroom. The request should address any logistical issues that are expected to arise. Access to electrical outlets, usb ports, or internet access may be limited or non-existent.
- c) Upon the filing of a request the Court will notify the parties of its receipt of the request for recording. Parties shall then notify their witnesses. The prosecutor of a criminal case shall notify the alleged victim(s). The Judge will promptly hold a hearing if the Judge intends to deny the request or a portion of the request, or if a party, witness, or alleged victim(s) objects to a request.
- d) The Judge shall preserve the integrity and dignity of the proceedings by designating the placement of equipment and personnel for recording the proceeding. All persons and affiliated individuals engaged in recording MUST avoid conduct or appearances that may disrupt or detract from the dignity of the proceeding. No person shall use a recording device in a manner that disrupts a proceeding.
- e) The positioning, movement and removal of technicians, reporters, cameras and equipment shall be done as quietly as possible before the Court is called to order or during a recess of the proceedings and, in no event, shall such be done while the Court is conducting proceedings in the Courtroom. The equipment must be in place and ready to

operate before the Court is called or order. Once said equipment is in place it cannot be moved during Court proceedings. Personnel will not be permitted to move about the Courtroom except during recess.

f) The Judge may, in his/her sole discretion, require pooling of recording devices if appropriate. The persons or organizations authorized to record have the responsibility to implement proper pooling procedures that meet the approval of the Judge. If they cannot agree on such procedures, the Court may refuse coverage of assign the Court's own procedures for the pool coverage.

g) Courtroom lighting may not be turned on and off or adjusted in any manner whatsoever except by authorized Court personnel. No other lighting, flashbulbs, flashes, or sudden light changes may be used unless the Court approves such beforehand. Any additional lighting must be approved by the Court in advance, and if approved, shall be turned on before the Court is called to order and not turned off until a recess or adjournment.

h) No adjustments to the Court's central audio system shall be made except by persons authorized by the Court. Only upon prior approval of the Court, may other microphones be added in an unobtrusive manner to the Court's public address system or placed in locations about the Courtroom.

i) All recording devices must be quiet running. If any equipment or device is determined by the Judge to be of such noise as to be distracting to the Court proceedings, then such equipment or device shall be excluded.

**j) PROHIBITED**

**1) No use of recording devices while the Judge is outside of the Courtroom:** Except as provided in paragraph E of Rule 22 (celebratory or ceremonial occasions), a person may use a recording device in a Courtroom only when the Judge is in the Courtroom, and use of a recording device must terminate when the Judge leaves the Courtroom

**2) No Recording of jurors:** Recording devices must be placed to avoid recording images or jurors or prospective jurors in any manner. Audio recordings of jurors' or prospective jurors' statements or conversations are also prohibited, except that the jury foreperson's announcement of the verdict or questions to the Judge may be audio recorded.

**3) No recording of privileged or confidential communications:** In order to preserve the attorney-client privilege and client confidentiality as set forth in the Georgia Rules of Professional Conduct and statutory or decisional law, no person shall make a recording of any communication subject to the attorney-client privilege of client confidentiality.

**4) No recording of bench conferences:** No person other than the court reporter may record a bench conference, unless prior express permission is granted by the Judge.

k) Recording not official Court record. No recording of a judicial proceeding made pursuant to this rule may be used to modify or supplement the official court record of that proceeding without express permission of the Judge pursuant to OCGA 5-6-41(f).

L) Disciplinary authorities: This rule does not apply to disciplinary authorities acting in the course of their official duties.

M) Enforcement: Persons who violate this rule may be removed or excluded from the Courtroom. A willful violation of this rule may be punishable as contempt of Court.

**I certify that I have reviewed the Court's Order permitting recording in the Courtroom and this addendum in full and I understand the terms and conditions imposed.**

SIGN & DATE:

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