

26TH JUDICIAL DISTRICT LOCAL RULES GOVERNING THE USE OF STILL PHOTOGRAPHY, AUDIO or VIDEO ELECTRONIC RECORDING EQUIPMENT IN THE COURTHOUSE FACILITY RELATED TO OFFICIAL BUSINESS DURING BUSINESS HOURS (*SUPPLEMENTING N.C. SUPREME COURT ORDER RE: ELECTRONIC MEDIA/STILL PHOTOGRAPHY COVERAGE OF PUBLIC JUDICIAL PROCEEDINGS, Rule 15 of the General Rules of Practice for Superior and District Courts, IN PERTINENT PART*)

I. General Application Process for Utilization of Electronic Equipment for Recording or Presentation Purposes

1. There is one application form that can be submitted to allow the use of electronic equipment in the courthouse:

Application to Utilize Still Photography or Electronic Equipment Within the Courthouse for Recording or Presentation Purposes

2. Application for the use of still photography, audio or video recording equipment in a trial courtroom or other area of the courthouse must be made to the Community Access and Outreach Administrator for the Trial Court Administrator's (TCA) Office. Such application must be in writing and must designate the trial/office/area in which electronic equipment will be utilized. (See Section IV for special instructions concerning the use of still photography, audio or video recording equipment within the Clerk's or Sheriff's Offices).
3. Upon approval or denial of the trial judge or TCA, the Community Access and Outreach Administrator will notify the Applicant of the decision. (See Section IV for special instructions concerning the use of electronic recording equipment within the Clerk's or Sheriff's Offices).
4. These rules apply to filming official business activities inside the courthouse during business hours. Filming non-business related activities after regular business hours and on weekends does not require any authorization.
5. The trial judge or TCA will be sole and final interpreter of these rules. His/her decision is final.

II. Policies Pertaining to Media Representatives

1. ALL MEDIA REPRESENTATIVES MUST SUBMIT A COPY OF THE FORMAL APPLICATION AND COURT ORDER (attached) AT LEAST SEVENTY-TWO (72) HOURS BEFORE THE BEGINNING OF JURY SELECTION AND/OR RECORDING/FILMING EVENT.
2. Cameras are allowed in the trial courts only. No cameras are allowed in the District Court first appearance courtrooms (currently designated 1130 and 1150) or Superior Court arraignment court (currently designated 5310).
3. Cameras will not be used in the corridors outside any courtroom or outside any jury pool area.
4. One camera (each), video or shutter, will be allowed per courtroom.
5. The location of all microphones must be approved by the trial judge or TCA in advance of trial.
6. All cameras, both video and shutter, must be in a fixed location. Silence boxes must be used. All cameras must be silent. Any camera being a distraction must be removed.
7. There will be no panning or other photographing of the jury or audience.
8. THERE WILL BE NO PHOTOGRAPHING OF ANY WITNESS UNDER THE AGE OF SIXTEEN (16) YEARS.
9. Cameras will be operated ONLY:
 - a. During opening statements of counsel; and
 - b. During testimony from witnesses; and
 - c. During closing argument of counsel; and
 - d. During jury charge and verdict.

10. Cameras will be shut off at all other times. The trial judge may modify this section, in writing, on a case-by-case basis.
11. Only the trial judge can authorize photography, filming or audio recording within a particular courtroom while court is in session.
12. In the event of multiple applications, the Community Access and Outreach Administrator will coordinate operations.

III. Policies Pertaining to Jurors, the General Public, Attorneys, and Court Employees

1. Attorneys may bring in still photography cameras, video recording gear, audio recording devices, and other electronic equipment as long as proper and sufficient identification is shown at the security station. However, counsel must expressly gain permission from the Presiding Judge at the time of the proceeding to utilize any of the above equipment.
2. Absent the completion of the formal application and approved accompanying Court order, pro se parties, jurors and members of the public are prohibited from bringing still photography, audio and/or video electronic recording devices into the courthouse.
3. Court employees may bring still photography, audio and/or video electronic recording equipment into the courthouse for personal use if an ID badge is displayed.
4. The filming of commercial advertisements for public or private organizations and/or individuals for television and/or websites is prohibited anywhere inside the courthouse.

IV. Policies Pertaining to Utilization of Photography, Audio or Video Recording Equipment *Within the Clerk's or Sheriff's Offices*

1. Application may be submitted directly to the Clerk's or Sheriff's Office in which Applicant is requesting to utilize still photography, audio or video recording equipment. An agency representative will contact Applicant with the decision.
2. Applications to cover public hearings that are scheduled in a courtroom should also be submitted to the Clerk's Office for approval.

V. Policies Pertaining to Utilization of Photography, Audio or Video Recording Equipment Within the Courthouse Complex

1. Application to utilize still photography, audio or video recording equipment in general areas of the courthouse complex and within courtrooms when court is not in session may be authorized by the Community Access and Outreach Administrator.

This ORDER and Supplemental Rules for the 26th Judicial District will be reviewed from time to time. This the _____ day of August, 2008.

Fritz Y. Mercer
Chief District Court Judge

Robert P. Johnston
Senior Resident Superior Court Judge