

Multnomah County Circuit Court Guidelines for Media Coverage

Presiding Judge: Judith Matarazzo: 971.274.0660
Trial Court Administrator: Barbara Marcille: 971.274.0504
Public Information Analyst: Rachel McCarthy: 971.274.0504
Courthouse: 1200 SW First Avenue, Portland, OR 97204
Justice Center: 1120 SW Third Avenue, Portland, Oregon 97204
Juvenile Justice Complex: 1401 NE 68th Street, Portland, OR 97213
East County Courthouse: 18480 SE Stark Street, Gresham, OR 97233

Do I need prior permission from the court for electronic recording and writing?

Electronic note-taking and recording are generally allowed, but the court needs to approve in advance. You need separate, advance permission from the court before you take any electronic notes or do other electronic writing in the courtroom, electronically record in the courtroom or other areas, or send any electronic recordings or writings from the courtroom. Permission can be obtained from the trial judge to record, write, or send in the courtroom.

Whom should I contact to be the pool broadcast reporter for a hearing or trial?

The judge presiding over the hearing is the only person who can approve media presence in a courtroom for a hearing or trial. Contact the judge's office. If you are requesting to be the pool camera for a hearing at the Justice Center, please call 971-274-0750. If you don't know who the correct judge is to contact, call the Court Administrator's Office at 971-274-0500.

Is it possible to have more than one public access device (camera) in a court proceeding?

The court, at its discretion, may permit additional public access coverage equipment provided the additional equipment does not interfere with the rights of the parties to a fair trial or affect the presentation of evidence or outcome of the trial, and, any cost or increased burden resulting from the additional public access coverage does not interfere with the efficient administration of justice.

May I take photographs or video in courthouse hallways?

Not without permission. Permission must be granted for photographs or videos in courthouse public space. For permission to use cameras on court facility premises, but not in a courtroom, you must contact the Office of the Presiding Judge. This restriction applies to all court facilities in the Fourth Judicial District – the Courthouse, the Justice Center and the East County Courthouse. Cameras are never permitted to be used in the court rooms or in any premises of the Juvenile Justice Complex.

May I take photographs or video on the courthouse steps or sidewalks?

The Court's authority under UTCR 3.180 and SLR 3.181 applies only to court controlled space within a court facility or on Multnomah County owned premises that include access points to such a facility. This may include the courthouse steps but does not include the public sidewalk.

Does Multnomah County have a rule that requires cell phones be turned off inside courtrooms?

Yes. It is SLR 3.182.

Whom should I ask if I want to tweet or live blog from inside the courtroom?

The judge presiding over the hearing can give you permission to tweet or live blog from inside the courtroom. Call the judge's office in advance of the hearing and obtain permission for this activity.

May I tweet or blog from the hallway outside the courtroom?

Tweeting and blogging from the hallway outside the courtroom is not restricted and you may do so. This permission does not extend to using photo, video or the recording feature of devices, absent first obtaining permission as provided under SLR 3.181.

If I have a question for the judge, how should I handle that?

Call the judge's office. Depending on the question, the judge may or may not be able to speak to you. Bear in mind that judges are restricted from commenting on pending matters in the court, and can be subject to discipline for doing so. The judge's staff may screen your question, and once a judge has determined that it is a matter about which the judge cannot comment, please don't push the matter with the judge. It is the judge's determination that controls on this issue.

If I do not like my camera position, how should I handle that?

You may request a new camera position if you are in a trial or hearing. It is the judge's discretion whether you will be permitted to move the camera, but it is appropriate to make the request. Wait until the next break in court proceedings to make the request. Never attempt to move your position without prior approval or while a hearing is in session. Wait for a recess, get permission, and make the move before the court session resumes.

Are there any other local rules that might affect my reporting?

The key rules are UTCR 3.180, SLR 3.181, SLR 3.182 and SLR 6.027. Other than those rules, any judge presiding over a proceeding may put into place additional orders regarding the media and the public access to the proceeding in order to maintain proper decorum and the effective administration of justice during the proceeding. In "notorious" case trials or hearings, the court may impose "special" orders to provide rules for access to the proceeding. These special orders in notorious cases may address public access coverage as well as general access by the public to the proceedings.

May I enter the waiting room for the Grand Jury and talk to Grand Jury potential witnesses?

No. The space allocated to the Grand Jury for its meetings and for its witness waiting is not public space in the Courthouse, it is private space. You may not enter these spaces absent an invitation or a summons to appear before the grand jury. You may wait in the public hallway of the courthouse outside of the Grand Jury's hearing and witness waiting room.

Can I photograph in juvenile court?

No, public access coverage is not allowed in juvenile or family court proceedings. Media may attend the proceedings in open court and report on them. Juvenile court records are confidential. The Juvenile Justice Complex is located at 1401 NE 68th Avenue, Portland, 97213.

Can I hide cameras or microphones in public places in the court facility or the courtroom to record conversations intended to be private?

No, public access coverage if granted in the courtrooms or in the public places in the courthouse must be openly done, with cameras and microphones visible to the parties to the proceeding, to the witnesses, and to the public.

Can I be held in contempt for violation of the courts rules and orders regarding public access coverage of proceedings in courtrooms or in the public spaces of a court facility.

Yes, if you violate a direct order of the court to comply with the rules and orders of the court regarding public access coverage you risk either summary or remedial contempt sanctions.

Appendix of Rules Applicable to the Circuit Court for Media Coverage

UTCR 3.180 ELECTRONIC RECORDING AND WRITING

- (1) As used in this rule:
 - (a) “Electronic Recording” includes video recording, audio recording, live streaming, and still photography by cell phone, tablet, computer, camera, tape recorder, or any other means. “Electronic recording” does not include “electronic writing.”
 - (b) “Electronic Writing” means the taking of notes or otherwise writing by electronic means and includes but is not limited to the use of word processing software and the composition of texts, emails, instant messages, and postings to social media and networking services.
- (2) Upon request made prior to the start of a proceeding, and after notice to all parties, electronic recording shall be allowed in any courtroom except as provided under this rule. The court shall permit one video camera, one still camera and one audio recorder. The court may permit additional electronic recording consistent with this rule.
- (3) A person who seeks to electronically record all or any portion of a court proceeding must obtain express permission from the court prior to any proceeding. No fee may be charged. The granting of such permission to any individual person or entity is subject to the court’s discretion, which may include considerations of the need to preserve the solemnity, decorum, or dignity of the court; the protection of the parties, witnesses, or jurors; or whether the requestor has demonstrated an understanding of all provisions of this rule.
- (4) Except as otherwise provided in this rule:
 - (a) The court shall not wholly prohibit all electronic recording of a court proceeding unless the court makes findings of fact on the record setting forth substantial reasons that establish:
 - (i) There is a reasonable likelihood that the electronic recording will interfere with the rights of the parties to a fair trial or will affect the presentation of evidence or the outcome of the trial; or
 - (ii) There is a reasonable likelihood that the costs or other burdens imposed by the electronic recording will interfere with the efficient administration of justice.
 - (b) “Wholly Prohibit All Electronic Recording” means issuing an order prohibiting all recording of a proceeding by all persons. The court’s denial of a particular request under the factors in section (3) does not constitute an order prohibiting all recording by all persons and does not require findings of fact on the record, even if the person whose request is denied is the only person who has requested permission to record a

proceeding.

- (5) Except with the express prior permission of the court, a person may not:
 - (a) Electronically record any court proceeding;
 - (b) Electronically record in any area under the control and supervision of the court;
 - (c) Engage in electronic writing;
 - (d) Even if granted permission to record, send any electronic recording from within a courtroom; or
 - (e) Even if granted permission to engage in electronic writing, send any electronic writing from within a courtroom.
- (6) The provisions of subsections 5(c) and (e) of this rule do not apply to attorneys or to agents of attorneys unless otherwise ordered by the court.
- (7) The court may limit electronic recording of particular components of the proceeding if the court finds that:
 - (a) The limitation is necessary to preserve the solemnity, decorum or dignity of the court or to protect the parties, witnesses, or jurors;
 - (b) The use of electronic recording equipment interferes with the proceedings; or
 - (c) The electronic recording of a particular witness would endanger the welfare of the witness or materially hamper the testimony of the witness.
- (8) If a person violates this rule or any other requirement imposed by the court, the court may order the person, and any organization with which the person is affiliated, to terminate electronic recording or electronic writing.
- (9) Notwithstanding any other provision of this rule, the following may not be electronically recorded by any person at any time:
 - (a) Proceedings in chambers.
 - (b) Any notes or conversations intended to be private including but not limited to counsel and judges conferring at the bench and conferences involving counsel and their clients.
 - (c) Dissolution, juvenile, paternity, adoption, custody, visitation, support, civil commitment, trade secrets, and abuse, restraining and stalking order proceedings.
 - (d) Proceedings involving a sex crime, if the victim has requested that the proceeding not

- be electronically recorded.
- (e) Voir dire.
 - (f) Any juror anywhere under the control and supervision of the court during the entire course of the trial in which the juror sits.
 - (g) Recesses or any other time the court is off the record.
- (10) The court may prescribe the location of and the manner of operating electronic equipment within a courtroom. Artificial lighting is not permitted. Any pooling arrangement made necessary by limitations on equipment or personnel imposed by the court is the sole responsibility of the persons seeking to electronically record. The court will not mediate disputes. If the persons seeking to electronically record are unable to agree on the manner in which the recording will be conducted or distributed, the court may terminate any or all such recording.
- (11) A judicial district may, by SLR:
- (a) Designate areas outside a courtroom and under the control and supervision of the court, including hallways or entrances, where electronic recording is allowed without prior permission, unless otherwise ordered in a particular instance.
 - (b) Adopt procedures to obtain permission for electronic recording or electronic writing;
 - (c) SLR 3.181 is reserved for any SLR adopted under this subsection.
- (12) For the purpose of determining whether this rule or other requirements imposed by the court have been violated, or to assure the effective administration of justice, a person engaged in electronic recording under this rule must, upon request and without expense to the court, provide to the court, for in camera review, an electronic recording in a format accessible to the court. The copy may be retained by the court and may be sealed if necessary for the further administration of justice.
- (13) This rule does not:
- (a) Limit the court's contempt powers;
 - (b) Operate to waive ORS 44.510 to 44.540 (media shield law); or
 - (c) Apply to court personnel engaged in the performance of official duties.

NOTE: UTCR 3.180 was adopted by the entire Oregon Supreme Court, and any changes to the rule will be made only with the consent of the Supreme Court.

SLR 3.181 PUBLIC ACCESS COVERAGE IN AREAS OUTSIDE OF COURTROOMS

In facilities occupied by the court, public access coverage in areas outside of courtrooms, other than the Jury Assembly Room when jurors are in attendance and the Juvenile Justice Center, is permitted only with the prior approval of the Presiding Judge. Requests to conduct public access coverage in such areas may be made to the Office of the Presiding Judge at any time during the business day. Public access coverage is not permitted in the court's Jury Assembly Room when jurors are in attendance or at any time in the Juvenile Justice Center in areas outside of the courtrooms.

SLR 3.182 USE OF CELL PHONES AND OTHER PERSONAL DATA AND COMMUNICATION DEVICES WHICH HAVE AUDIO RECORDING, PHOTOGRAPHIC OR ANY OTHER VISUAL OR IMAGE RECORDING OR REPRODUCTION CAPABILITY

(1) Cell phones and other personal data or communication devices which have text transmission, audio recording, photographic or any other visual or image recording or reproduction capability:

- (a) constitute public access coverage equipment as defined in UTCR 3.180;
- (b) such devices may be used in a facility occupied by the court only as provided by UTCR 3.180, SLR 3.181, and this rule;
- (c) must be turned off when entering any courtroom in any facility occupied by the court as provided by SLR 6.027, and must not be turned on for any use in a courtroom without complying with SLR 6.027, UTCR 3.180 and this rule.

(2) Cell phones or other personal data or communication devices may be used in areas outside of a courtroom, as defined in UTCR 3.180 and SLR 3.181, in a facility occupied by the court without violating this rule or SLR 3.181, provided that such use is restricted to the transmission of the user's oral or written communication only and does not involve any operation or use of the device's audio recording, photographic or any other visual or image recording or reproduction capability.

(3) In addition to any other consequence permitted under law or court rules, violators of this rule are subject to being ordered by the court to delete from the device any audio recording, photographic or any other visual or image recording or reproduction made in a court facility.

SLR 6.027 PERSONAL COMMUNICATION DEVICES IN JURY ROOMS DURING DELIBERATIONS AND IN COURTROOMS DURING PROCEEDINGS

(1) Unless otherwise permitted by the judge presiding over the trial, personal data or

communication devices (any electronic or other equipment capable of communicating with others outside a jury room, including, but not limited to personal computing devices, cell phones and pagers) are not allowed in a jury room during jury deliberations.

(2) After a jury has been instructed and charged to commence deliberations the courtroom clerk will collect all such devices and retain them in a secure place during deliberations.

(3) Unless otherwise permitted by the judge presiding over the proceeding, personal computing and communication devices (any electronic or other equipment capable of communicating with others outside a courtroom by transmission of sound or images, including, but not limited to cell phones and pagers) taken into a courtroom by any person shall be turned off upon entering the courtroom and shall remain off until after the person has departed from the courtroom.

(4) See SLR 3.182 regarding the operation of cell phones and other personal data and communication devices which have audio recording, photographic or any other visual or image recording or reproduction capability.