

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1942

Rescinding and readopting
Administrative Rule 50
concerning the use of cameras
and electronic devices in court
facilities.

IT IS ORDERED:

Administrative Rule 50 is rescinded and readopted to read as follows:

Rule 50. Use of Cameras and Electronic Devices in Court Facilities

(a) **General Provisions.** The following general provisions apply to use of cameras and electronic devices in court facilities.

(1) Intent. Court proceedings are presumed to be open to the public unless otherwise ordered by the court or provided by statute or court rule.

(2) Definitions. For the purpose of this rule, “cameras” and “electronic devices” are broadly defined. “Cameras” include but are not limited to film cameras, digital cameras, and video cameras. “Electronic devices” include but are not limited to cellular phones, laptop computers, and electronic tablets. The term “sketched” is broadly defined and includes drawings, portraits, and depictions whether done on paper, electronic device, or other medium. Any provision of this rule addressing photographing includes sketching.

(3) General Restrictions. The following restrictions apply to all court facilities:

(A) A victim of a sexual offense or a party in a protective order proceeding under AS 18.65.850 – 18.65.870 or under AS 18.66.100 – 18.66.990 may not be photographed, filmed, videotaped, sketched, or recorded, nor may the victim's or party's image or voice be broadcast, streamed, or posted on the internet, without the victim's or party's consent and court approval;

(B) A juror may not be photographed, filmed, videotaped, sketched, or recorded, nor may the juror's image or voice be broadcast, streamed, or posted on the internet, unless the juror is discharged from jury duty and the juror consents; and

(C) A minor may not be photographed, filmed, videotaped, sketched, or recorded, nor may the minor's image or voice be broadcast, streamed, or posted on the internet, unless the minor is being prosecuted as an adult in a criminal case.

(4) Administrative Director Authority. The administrative director may establish statewide procedures and standards by administrative bulletin.

(b) **In the Courtroom.**

(1) Prior Approval. No cameras or electronic devices may be used in the courtroom to film, photograph, record, transmit, stream, or broadcast sounds or images during court proceedings without prior approval of the judicial officer presiding over the proceedings or the clerk of the appellate courts. Permission may be requested by completing the court system's **Application for Photographing, Filming, Recording, or Streaming a Court Proceeding**. The application must be submitted sufficiently in advance for the judicial officer or the clerk of the appellate courts

to review and decide the application prior to the beginning of the proceedings and not cause delay.

(2) Restrictions on Courtroom Coverage. Any restrictions on courtroom coverage must be stated on the record or in writing, and must be reasonably related to subparagraphs (A) through (C), below, and narrowly drawn by the least restrictive means. The use of cameras and electronic devices in a courtroom is subject at all times to the authority of the judicial officer or the clerk of the appellate courts to ensure:

(A) decorum and prevent distractions;

(B) the fair administration of justice in the pending case and future proceedings;

(C) protection of the reasonable privacy interests of a minor or any other person; and

(D) the security of the court and all court users.

In addition to the restrictions in (a)(3), the judicial officer or clerk of the appellate courts may impose other restrictions, including but not limited to requiring that cellular phones and other electronic devices be turned off or placed in silent mode. The judicial officer or the clerk of the appellate courts may terminate coverage if warranted under the circumstances.

(3) Bench conferences may not be filmed, videotaped, recorded, broadcast, streamed, or posted on the internet.

(4) The confidential communications between counsel and client, between clients, or between counsel may not be filmed, videotaped, recorded, broadcast, streamed or posted on the internet; party or counsel notes may not be photographed,

filmed, videotaped, sketched, recorded, broadcast, streamed, or posted on the internet.

(c) **Outside the Courtroom.** The use of cameras and electronic devices outside the courtroom in a court facility is subject at all times to the authority of the presiding judge, area court administrator, clerk of the appellate courts, judicial officer, or clerk of court to ensure:

- (1) decorum and prevent distractions;
- (2) the fair administration of justice;
- (3) protection of the reasonable privacy interests of a minor or any other person; and
- (4) the security of the court and all court users.

(d) **Local Procedure.** Consistent with (a) and (b) above, the presiding judge for each judicial district may establish by order procedures or restrictions regarding the use of cameras and electronic devices in court facilities within the district.

(e) **Reconsideration of Trial Court Denial of Request to Use Cameras and Electronic Devices.**

(1) A person or organization whose request for camera or electronic device use has been denied or restricted may ask in writing that the trial court reconsider its ruling. The reconsideration request may be made by the person, an organization through an officer or employee of the organization notwithstanding AS 22.20.040, or the person's or organization's attorney. The reconsideration request may be made in the form of a letter to the judicial officer. It must state the reasons why use of a camera or an electronic device should be allowed, and must be served on all parties to the case under Civil Rule 5. The

parties may submit memoranda in response to the reconsideration request only if asked to do so by the judicial officer.

(2) If the reconsideration request is denied, the person or organization may petition for review under the Appellate Rules. AS 22.20.040 applies to any such petition for review.

(f) Coverage of Oral Argument in the Supreme Court and Court of Appeals.

(1) The court system may record for broadcast or posting on the internet all regularly scheduled oral arguments before the supreme court or the court of appeals.

(2) In domestic violence, child custody and visitation, paternity, or other similar family proceedings, including child in need of aid cases, in proceedings involving involuntary commitments or the involuntary administration of medications, in criminal cases involving a sexual offense, or in other cases where confidentiality is necessary,

(A) counsel or any self-represented party who is arguing the case shall use pseudonyms or initials to protect the privacy of the parties in civil cases, victims in criminal cases, and any affected minors; and

(B) any cameras and electronic devices shall be positioned to avoid capturing images of the parties in civil cases, victims in criminal cases, or minors unless the minor is being prosecuted as an adult in a criminal case.

(3) All requests to use cameras or electronic devices at supreme court or court of appeals oral arguments are subject to

the provisions of subsections (a) and (b), and any restrictions specifically imposed by the court concerned.

(4) A person or organization whose request for camera or electronic device use has been denied or restricted may ask in writing for reconsideration. The reconsideration request may be made by the person, an organization through an officer or employee of the organization notwithstanding AS 22.20.040, or the person's or organization's attorney. The reconsideration request may be made in the form of a letter to the clerk of the appellate courts. It must state the reasons why use of a camera or an electronic device should be allowed, and must be served on all parties to the case under Civil Rule 5. The parties may submit memoranda in response to the reconsideration request only if asked to do so by the appellate court.

Note: Current Presiding Judges' orders, if any, on the use of cameras or electronic devices in court facilities are available on the court's website under court rules at: <http://www.courts.alaska.gov/jord/index.htm#trial>. Copies may also be obtained from the office of the court rules attorney at 820 West 4th Avenue, Anchorage, AK, 99501, (907) 264-8231. The administrative bulletin referred to in paragraph (a)(4) is Bulletin No. 45. It begins on the following page.

DATED: February 28, 2019

EFFECTIVE DATE: April 15, 2019

/s/
Chief Justice Bolger

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Carney