

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 978

Adopting Administrative Rule 50 concerning media coverage of court proceedings, and rescinding Judicial Canon 3A(7) and the "media plan"

IT IS ORDERED:

1. Administrative Rule 50 is adopted to provide:

- (a) Media Coverage. Court proceedings may be covered by the news media under the provisions of this rule. For purposes of this rule, "media" includes the electronic media, still photographers and sketch artists. The rule applies to media coverage anywhere in a state court facility and is not limited to courtrooms. The rule does not allow media coverage of state court proceedings held in a federal court facility unless coverage is allowed by federal rule.

- (b) Application for Court Approval.

- (1) The media shall apply for approval of media coverage to the judge presiding over the proceeding to be covered. This application must be made at least 24 hours prior to the proceeding unless good cause is shown for a later application. A timely application will be deemed approved unless the court otherwise orders.

- (2) The presiding judge and the area court administrator for each judicial district

may designate for each court location a public area in which media coverage may take place without application for prior approval.

(c) Consent of Parties. All parties, including the guardian ad litem, must consent to media coverage of a divorce, dissolution of marriage, domestic violence, child custody and visitation, paternity or other family proceedings.

(d) Prohibition of Coverage. A court may prohibit or terminate media coverage only if: (1) a party does not consent to media coverage under paragraph (c); (2) prohibition of coverage is necessary to ensure the fair administration of justice in any present or future case; or (3) the media fails to comply with reasonable restrictions issued under paragraph (e).

(e) Restrictions on Coverage.

(1) A victim of a sexual offense may not be photographed, filmed, videotaped or sketched without the consent of the court and victim.

(2) Jurors may not be photographed, filmed or videotaped, except during the return of the verdict. Return of the verdict does not include polling jurors.

(3) The court may impose reasonable restrictions on the time, place or manner of media coverage in a particular case. Any restrictions must be stated on the record, and must be reasonably related and narrowly drawn by the least restrictive means to: (i) control the conduct of proceedings before the court; (ii) ensure decorum and prevent distractions; (iii) protect the reasonable privacy interests of a minor or any other person; or (iv) ensure the fair administration of justice in pending or future cases.

(4) The administrative director of the Alaska Court System may establish by administrative bulletin reasonable statewide procedures and standards for media coverage of judicial proceedings.

(f) Photographing, filming, videotaping and sketching by anyone other than news media requires a prior written determination by the presiding judge of the judicial district that the activity is not disruptive. In addition, such activity must comply with the other provisions of this rule.

(g) Challenge to Denial of Coverage.

(1) A media organization for which coverage has been denied or restricted may request in writing that the trial court reconsider its ruling. The request may be made by an officer or employee of the media

organization, AS 22.20.040 notwithstanding, may be made in the form of a letter to the judge, must state the reasons why media coverage should be allowed, and must be served on all parties to the case pursuant to Civil Rule 5. The parties may submit memoranda in response to such a request only if asked to do so by the judge.

(2) If the request is denied, the media organization may petition for review pursuant to the Appellate Rules. AS 22.20.040 applies to any such petition for review.

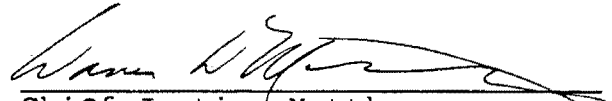
(h) Suspension of Media Privileges. If the judge presiding at a proceeding determines that an individual or organization has violated any provision of the media plan, the judge may recommend to the administrative director that the individual's or organization's media coverage privileges be suspended for a period of up to one year. The judge shall notify the individual or organization by certified mail of the recommendation and the reasons which support it. The individual or organization has five working days from receipt of the notice to respond in writing to the administrative director. The director shall send notice to the judge and the individual or organization of the director's decision within five working days.

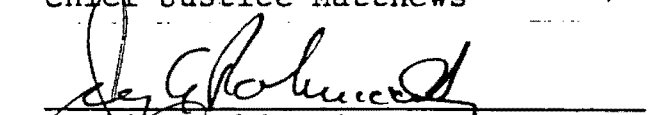
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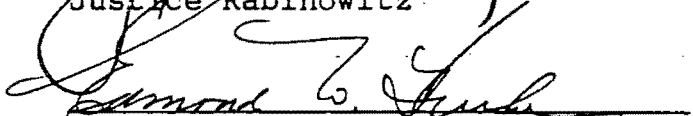
2. Judicial Canon 3(A)(7) and the "media plan" are rescinded.

DATED: June 29, 1989

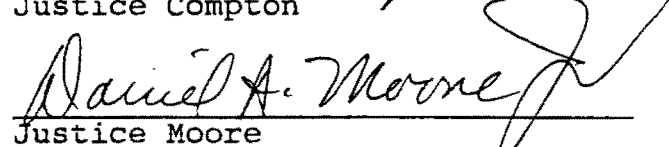
EFFECTIVE DATE: January 15, 1990

  
Chief Justice Matthews

  
Justice Rabinowitz

  
Justice Burke

  
Justice Compton

  
Justice Moore