



Media Relations and Public Access Plan
for
Special Interest / High Profile Proceedings
in the
General Division
of the
Court of Common Pleas of Lake County, Ohio

Lake County Court House
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Media Relations and Public Access Plan for Special Interest / High Profile Proceedings in the General Division of the Court of Common Pleas of Lake County, Ohio

1: Introduction

- 1.1 Lake County, situated along 31 miles of Lake Erie shoreline immediately east of Cleveland/Cuyahoga County, is the 11th most populous, but smallest in area, of Ohio's 88 counties. Its geographical location makes it a prime area of interest as well as a major news contributor. Lake County has contributed its share of high profile cases, but reporters and news gatherers traverse the halls and court chambers daily in search of the news. It is, therefore, appropriate to develop a media plan which will not only assist the court in high profile cases but also in the more pedestrian daily role. A copy of this plan has been placed on the court's website at [www2.lakecountyohio.org/courts/media-highprofile cases](http://www2.lakecountyohio.org/courts/media-highprofilecases).

2: Preamble

- 2.1 The quality of justice in Ohio is enhanced when citizens have accurate information and a reasonable understanding of the workings of their system of justice. Education about the legal process and an understanding of the manner of arriving at legal decisions engenders respect for the operation of the system and for those who practice and interpret the law.
- 2.2 Reports prepared by journalists and disseminated through the media constitute the main and most influential source of news and comment on the justice system. For most people, the only contact that they have with the daily workings of the law is through media reports.
- 2.3 The judiciary acknowledges that the justice system and the public interest are served when coverage of the justice system and the manner in which it functions contains an accurate, balanced, and complete report of the hearing and disposition of specific cases.
- 2.4 Judges and court staff have a responsibility appropriate to their roles to assist the media in the provision of such coverage.
- 2.5 Media coverage of the justice system and the presence of the media in the courtroom can have a disruptive effect upon courtroom proceedings if the media coverage and its presence are not managed properly.
- 2.6 The judiciary is responsible for ensuring the fair and equal administration of justice. The judiciary adjudicates controversies, both civil and criminal, in accordance with established legal procedures in the calmness and solemnity of the courtroom. Photographing, recording, and broadcasting of courtroom proceedings may be permitted as circumscribed in this rule if executed in a manner that ensures that the fairness and dignity of the proceedings are not adversely affected. This rule does not create a presumption for or against granting permission to photograph, record, or broadcast court proceedings.
- 2.7 Based on these assertions, the following policy and procedures are set out to provide a framework for relations between the judiciary and the media.

3: Policy

- 3.1 The policy of these rules is to provide a just, fair, equitable, and impartial adjudication of the rights of the litigants and allow an opportunity for media coverage of public civil court proceedings to facilitate the free flow of information to the public concerning the judicial system and to foster better public understanding about the administration of justice. These rules are to be construed as requiring the court to balance all interests involved to maintain the dignity, decorum, and impartiality of the court proceeding, while at the same time providing the greatest access possible.

4: Purpose of the media plan

- 4.1 The media and the public have a general right of access to all public judicial proceedings in the Lake County Court of Common Pleas. This plan contains policies and procedures that address public access and media coverage of special interest or high profile proceedings as well as non-high profile cases. Its aim is to ensure that: (1) the media and general public are accommodated to the best of the court's abilities, (2) an appropriately dignified atmosphere prevails in the courthouse so that other trials and proceedings are not adversely impacted, (3) all security measures have been taken to ensure the safety and well being of court staff, parties, attorneys, media representatives, and the public, and (4) all activities associated with these cases be in conformance with all applicable laws.

5: Definitions

- 5.1 For purposes of this rule:

- 5.1.1 "Electronic media coverage" means any photographing, recording, or broadcasting of court proceedings by the media using Internet, television, radio, photographic, or other electronic recording equipment.
- 5.1.2 "Media" or "media agency" means any person or organization actively engaging in professional news gathering or reporting and includes any newspaper, radio, or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency.
- 5.1.3 "Media" or "media agency" do not mean or include a story writer, report writer, or book writer, or a writer for educational purposes. Non-news persons shall have access to the courthouse as general public only and shall be subject to the same rules and limitations as the general public. Non-news persons who are not parties shall not be given notice of any proceedings and shall not have standing to interpose any objections to the court.
- 5.1.4 "Court" means the courtroom at issue, the courthouse, and its entrances and exits, parking lots, and grounds. Courthouse grounds shall be defined as any courthouse of the common pleas court and the entire courthouse structure, its parking facilities, and including the parking areas adjacent to the courthouses and bounded by East Jackson Street on the north and North Park Place on the south.

- 5.1.5 “Judge” means the judicial officer assigned to or presiding at the proceeding, or the arrainging judge in a criminal proceeding prior to a judge being assigned to the case.
- 5.1.6 “Special interest” or “high profile” proceedings involve one or more of the following concerns:
 - 5.1.6.1 The interests of a fair trial for the litigants is jeopardized in any way.
 - 5.1.6.2 The security and decorum of the court are in jeopardy.
 - 5.1.6.3 The news media directly or indirectly interferes with the court’s daily function and purpose.
 - 5.1.6.4 The court’s facilities are, or foreseeably will be, overburdened.
 - 5.1.6.5 The administration of the court and of justice would be best served by implementing this media plan.
 - 5.1.6.6 It appears to the public that the court is not being administered fairly and efficiently.

6: Application

- 6.1 This media plan shall be implemented as of April 1, 2005 by the judges of this court. The following factors have been taken into consideration:
 - 6.1.1 The potential levels of interest of both the media and the general public in a particular trial or proceeding.
 - 6.1.2 The potential for large numbers of media and general public attending a particular trial or proceeding.
 - 6.1.3 The potential of difficulty in maintaining a calm, decorous atmosphere in the courthouse and surrounding area.
 - 6.1.4 The needs of the media and its representatives in fulfilling its function of reporting the news.
- 6.2 This media plan recognizes:
 - 6.2.1 The right of the media to gather and disseminate news as defined by law.
 - 6.2.2 The public has a concurrent right to attend all proceedings which are required to be open by law.
 - 6.2.3 The parties and litigants have a right to a fair trial of their causes and to have that trial conducted in an atmosphere free of hysteria and prejudice.
 - 6.2.4 The participants, jurors, and witnesses are protected within the authority of the law and their right to privacy must be honored and protected.
 - 6.2.5 The court is obligated by law to balance all interests and to assure each interest is given appropriate consideration and enforcement through the court’s lawful authority.
 - 6.2.6 The providers of ancillary services to the court such as the Lake County Sheriff, Painesville City Police Department, Building & Grounds Department, and others, are affected by high profile cases, and that effect can hinder or impede the efficient function of the court.
- 6.3 High profile cases shall be designated as such by the trial judge on whose docket the case is assigned. On such designation, the trial judge shall notify the Presiding Judge, and copy the other judges, of such designation. The trial judge shall immediately journalize his or her

designation, post the designation on the court's web site, and make available copies for all media participants. The implementation of this plan shall be immediate and automatic.

7: Photographing, recording, and broadcasting

- 7.1 Except as provided in this rule, court proceedings shall not be photographed, recorded, webcast, or broadcast by the media. This rule does not prohibit courts from photographing or videotaping sessions for judicial education or publications, or to make an official record of the court proceedings, and is not intended to apply to security-related broadcasts or closed-circuit television broadcasts solely within the courthouse or between court facilities if the broadcasts are controlled by the court and court personnel.
- 7.2 Taking photographs, making films or videotapes, or audiotaping, broadcasting, webcasting, or telecasting, in a courthouse including any courtroom, office or hallway thereof, at any time or on any occasion, whether or not the court is in session, is forbidden, unless permission of the judge presiding in a case is first obtained. Such permission may be granted if:
 - 7.2.1 The judge believes there will be no detracting from the dignity or decorum of the courtroom or courthouse.
 - 7.2.2 The judge believes there will be no compromise of the safety of persons having business in the courtroom or courthouse.
 - 7.2.3 The judge believes there will be no disruption of court activities.
 - 7.2.4 The judge believes there will be no undue burden upon the resources of the courts.
 - 7.2.5 The judge believes granting of permission will be consistent with the constitutional and statutory rights of all affected persons and institutions.

8: Personal recording devices

- 8.1 The judge may permit inconspicuous personal recording devices to be used by persons in a courtroom to make sound recordings as personal notes of the proceedings. A person proposing to use a recording device shall obtain permission from the judge in advance. The recordings shall not be used for any purpose other than as personal notes.
- 8.2 No person shall record or transmit any image or any part of a courtroom proceeding by use of a cellular telephone.

9: Request for order

- 9.1 The media may request an order on a form approved by the judge. A form appears as an attachment to this plan. Unless good cause is shown, the form shall be filed at least five court days before the portion of the proceeding to be covered. The judge assigned to the proceeding shall rule upon the request. If no judge has been assigned, the request shall be submitted to the arraigning judge, and thereafter shall be ruled upon by the judge assigned to the proceeding. The clerk shall refer the media requesting an order to the assigned judge or the arraigning judge as appropriate.

10: Hearing

- 10.1 The judge may hold a hearing on the request, or rule on the request without a hearing. If a hearing is held, the media and parties may appear and be heard.

11: Factors to be considered

- 11.1 In ruling on the request, the judge shall consider the following factors:
- 11.1.1 Importance of maintaining public trust and confidence in the judicial system.
 - 11.1.2 Importance of promoting public access to the judicial system.
 - 11.1.3 Parties' support of or opposition to the request.
 - 11.1.4 Nature of the case.
 - 11.1.5 Privacy rights of all participants in the proceeding, including witnesses, jurors, and victims.
 - 11.1.6 Effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding.
 - 11.1.7 Effect on the parties' ability to select a fair and unbiased jury.
 - 11.1.8 Effect on any ongoing law enforcement activity in the case.
 - 11.1.9 Effect on any unresolved identification issues.
 - 11.1.10 Effect on any subsequent proceedings in the case.
 - 11.1.11 Effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness.
 - 11.1.12 Effect on excluded witnesses who would have access to the televised testimony of prior witnesses.
 - 11.1.13 Scope of the coverage and whether partial coverage might unfairly influence or distract the jury.
 - 11.1.14 Difficulty of jury selection, especially if a mistrial is declared.
 - 11.1.15 Security and dignity of the court.
 - 11.1.16 Undue administrative or financial burden to the court or participants.
 - 11.1.17 Interference with neighboring courtrooms.
 - 11.1.18 Maintaining orderly conduct of the proceeding.
 - 11.1.19 Any other factor the judge deems relevant.

12: Order permitting media coverage

- 12.1 The judge ruling on the request to permit media coverage is not required to make findings or a statement of decision. The order may incorporate any local rule or order regulating media activity outside of the courtroom. The judge may condition the order permitting media coverage on the media agency's agreement to pay any increased court-incurred costs resulting from the permitted media coverage (for example, for additional court security or utility service). Each media agency shall be responsible for ensuring that all its media personnel who cover the court proceeding know and follow the provisions of the court order and this rule.

13: Modified order

- 13.1 The order permitting media coverage may be modified or terminated on the judge's own motion or upon application to the judge without the necessity of a prior hearing or written findings. Notice of the application and any modification or termination ordered pursuant to the application shall be given to the parties and each media agency permitted by the previous order to cover the proceeding.

14: Prohibited coverage

- 14.1 The judge shall not permit media coverage of the following:
- 14.1.1 Proceedings held in chambers.
 - 14.1.2 Proceedings closed to the public.
 - 14.1.3 Jury deliberations.
 - 14.1.4 Jurors.
 - 14.1.5 The content or substance of communications in conferences between an attorney and a client, witness, or aide, between attorneys, or between counsel and the judge at the bench.
- 14.2 No parabolic or other highly-sensitive-long-range microphones may be used.
- 14.3 The restrictions and prohibitions in these rules may be waived by the express consent of the parties and all affected persons, with the approval of the judge.

15: Media coverage

- 15.1 Media coverage shall be permitted only on written order of the judge as provided in this rule. The judge in his or her discretion may permit, refuse, limit, or terminate media coverage. This rule does not otherwise limit or restrict the right of the media to cover and report court proceedings.
- 15.2 Objections by any person to the scope of media coverage shall be presented to the trial judge for ruling.
- 15.3 The news media and educational television stations may photograph and record public proceedings before the court in accordance with the applicable conditions and procedures set forth in this plan and with such other modifications to this plan or conditions and procedures as may be required from time to time by the judge.
- 15.4 The privilege granted by this rule to photograph and record court proceedings may be exercised only by the media and educational television stations. Film, videotape, photography, and audio reproductions shall be used for the purpose of education or news dissemination only.
- 15.5 The privilege granted by this rule does not limit or restrict the power, authority, or responsibility of the judge to control the proceedings before the judge. The authority of the judge to exclude the media or the public at a proceeding or during the testimony of a witness extends to any person engaging in the privilege authorized by this rule.
- 15.6 Audio pickup and audio recording of a conference between an attorney and client, co-counsel, opposing counsel, or attorneys and the judge are prohibited regardless of where

- conducted. Photographing of such conferences is not prohibited so long as the content or substance of the communications is not discernible.
- 15.7 Focusing on and photographing of materials on counsel tables are prohibited.
 - 15.8 Jurors shall not be photographed.
 - 15.9 As a matter of discretion, the judge may prohibit the audio recording, electronic recording, videotaping, filming, and the photographing of a participant in a court proceeding.
 - 15.10 The trial judge shall prohibit the audio recording and photographing of a participant in a court proceeding if the participant so requests and (a) the participant is a victim or witness of a crime, a police informant, an undercover agent, or a relocated witness or juvenile, or (b) the hearing is a case involving trade secrets or other confidential or sensitive information. Notwithstanding the foregoing prohibition, the media may record and photograph a juvenile who is being prosecuted as an adult in a criminal proceeding as authorized by R.C. §2152.12.
 - 15.11 No film, videotape, photograph, or audio reproduction of a court proceeding made by the media shall affect the official court record of the proceeding for purposes of appeal or otherwise, nor shall they be considered part of the official court record.
 - 15.12 Because of seating limitations during jury selection, there may be insufficient space in the courtroom for all media representatives wishing to cover the proceeding or for equipment. The court may designate a media representative for pool coverage of jury selection.
 - 15.13 At the beginning of the trial and before the prospective jurors have been seated in the courtroom, a brief video and still photograph shots may be taken inside the courtroom. This view may include the lawyers and the court room set up.
 - 15.14 The judge shall be given at least five court days' notice of the intention of the media to bring cameras or recording equipment into the courtroom. The judge may waive this requirement upon a showing of good cause, but is not obligated to do so.
 - 15.15 Members of the media shall not record interviews in the hallways immediately adjacent to the entrances to the courtroom if passageways are blocked or judicial proceedings are disturbed thereby. Photographing, videotaping, or filming through the windows or open doors of the courtroom is prohibited.
 - 15.16 The judge may ban cameras from the entire floor on which a proceeding is conducted.
 - 15.17 Requests to photograph or record court proceedings shall be directed to the judge presiding in the matter or to the arraigning judge if the criminal case has not yet been assigned to a judge . When more than one television station, still photographer, or audio recorder desires to cover a court proceeding, the judge presiding in the matter may designate a pool photographer and audio recorder. If there is a dispute as to the pool designation or the equipment to be used, the judge may deny the use of any audio or visual equipment at the proceeding. See section 17, entitled "media pooling."
 - 15.18 Unless approved by written order of the judge or the Presiding Judge or Administrative Judge, filming, videotaping, photographing, and electronic recording of any kind is not permitted in any other part of the courthouse, including but not limited to, entrances, exits, halls, stairways, and elevators. Application for permission for media coverage in these areas of the courthouse shall be directed to the judge, Presiding Judge or the Administrative Judge.
 - 15.19 Due to public access issues, life safety concerns, and space limitations, all interviews conducted outside of the courthouse on the grounds of the courthouse must be held in the designated area.

- 15.20 At the conclusion of the proceedings and after the judge leaves the courtroom, all media will be instructed to leave the courtroom and may converge in the designated areas. If the parties wish to meet with the media, the parties, family, and their attorneys will be escorted to the designated area five minutes after all media have left the courtroom.

16: Equipment and personnel

- 16.1 The trial judge shall designate the location in the courtroom for the electronic and photographic equipment and operators, and media representatives.
- 16.2 The equipment and operators shall not impede the view of persons seated in the public area of the courtroom. Operators shall occupy only the area authorized by the judge and shall not move about the courtroom for picture-taking purposes during the court proceeding.
- 16.3 Media equipment shall not be placed within or removed from the courtroom except prior to commencement or after adjournment of proceedings each day, or during a recess. Television film magazines, still camera film and lenses, and audio cassettes shall not be changed within the courtroom except during a recess. A still camera photographer may leave the courtroom with the photographer's still cameras, but may not return for additional photographs except during a recess.
- 16.4 Cameras and recording devices shall be turned off while being transported in any area of the court unless expressly permitted by court order. Filming, video taping, and photographing of the interior of any courtroom through the glass door windows or through the doors, or otherwise, is prohibited. No microphones or cameras shall be permitted in any courtroom unless the judge hearing a matter within the courtroom has expressly authorized such use in a written order.
- 16.5 The judge may require media agencies to demonstrate that proposed personnel and equipment comply with this rule. The judge shall specify the placement of media personnel and equipment to permit reasonable media coverage without disruption of the proceedings.
- 16.6 Modifications of existing sound or lighting systems shall be installed, maintained, and removed without public expense or disruption of proceedings. Microphones and wiring shall be unobtrusively located in places approved by the judge and shall be operated by one person.
- 16.7 Operators shall not move equipment or enter or leave the courtroom while the court is in session, or otherwise cause a distraction.
- 16.8 Unless the court in its discretion and for good cause orders otherwise, the following standards apply to the placement and operation of media equipment:
- 16.8.1 One television camera, operated by one person, and one still photographer, using not more than two cameras, are authorized to be present in any court proceeding. The judge may authorize additional cameras or persons at the request of the media. Automatic film advance devices for still cameras shall not be used in the courtroom. If the still camera is not manufactured for silent operation, use of a quieting device is recommended. The court has the discretion to restrict operation of still cameras which emit distracting sounds during court proceedings.
- 16.8.2 One audio system for radio broadcast purposes is authorized in any court proceeding. Audio pickup for all media purposes shall be made through an existing audio system

in the court facility. If no suitable audio system exists in the court facility, microphones and related wiring shall be unobtrusive.

- 16.8.3 Only audio or visual equipment which does not produce distracting light or sound may be used to cover a court proceeding. Artificial lighting devices shall not be used in connection with any audio or visual equipment. Modifications in the lighting of a court facility may be made only with the approval of the judge. Approval of other authorities also may be required.
- 16.8.4 Existing courtroom sound and lighting systems shall be used without modification unless the court specifically approves modification.
- 16.8.5 Media logos, insignias, or proprietary trademarks shall not be displayed on cameras, microphones, other equipment used in court, or clothing or name tags on personnel.
- 16.8.6 Signal lights or devices to show when equipment is operating shall not be visible.
- 16.8.7 During any proceeding, hearing, or trial in open court the media and public shall not be allowed to pass beyond the bar. Nor may the media or public have any contact with any physical evidence.
- 16.9 Permission may be conditioned upon compliance with any special requirements that may be necessary to ensure that the above conditions are met.

17: Media pooling

- 17.1 If more than one media agency of one type wish to cover a proceeding or session, they shall make pool arrangements and file a statement of the agreed arrangements. The Media Committee shall be responsible for any “pooling” required and shall have the authority to designate and assign any “pooling” responsibilities. If they are unable to agree, the judge may deny all electronic media coverage by that type of media agency, or may designate one agency or one representative as pool coordinator, specifying such other conditions of pool coverage as may be necessary.
- 17.2 The pool operator covering the proceedings shall retain pool material for at least one week. The pool operator shall make available a copy of pool material, including audio recordings, videotape, or photographs, at a price not exceeding actual cost to other media agencies or representatives, educational users, and to the court, at their request.

18: Courtroom and media room

- 18.1 Courtroom B, the technology courtroom, will be the designated courtroom for proceedings requiring advanced electronic technology or for proceedings in which video recording devices can have access through the media room. The function of the media room is to provide a space which will serve as a work area for the media. The media room will be equipped with additional power and telephone lines and will be wired for audio and video access to Courtroom B. The media committee will be responsible for requesting further equipment for the room. The media may not damage the media room, and are responsible for keeping it clean and organized.

- 18.2 The media room will be opened ninety minutes before the special interest/high profile proceeding and will remain open during normal business hours and for extended hours when the court is in session until the adjournment of such proceedings.
- 18.3 All cables and wires shall be placed and affixed securely to avoid creating or maintaining hazardous conditions. Only non-destructive/non-staining tape shall be used.

19: Court public information officer

- 19.1 The judge responsible for the trial of the case shall appoint a court public information officer (PIO) for the purpose of trial. The PIO may be a member of the judge's staff or another disinterested judge.
- 19.2 The PIO shall be the liaison between the court, media, and security committee and shall attend to all matters of coordinating arrangements for pretrial proceedings and trial.
- 19.3 All matters of security shall be approved by the judge and the Presiding Judge, or Judicial Security Coordinator or Administrative Judge in his or her absence.
- 19.4 The judge assigned to the trial shall keep the other judges of the court informed of the proceedings.
- 19.5 The PIO shall activate all available communications, telephones, faxes, and coordinate the court's website to provide all possible up-to-date data.
- 19.6 The PIO may call news conferences and disseminate information at the direction of the judge assigned to the case.
- 19.7 The PIO shall form and convene the Security Committee and the Media Committee at the earliest convenience. The PIO shall perform all necessary and proper acts to assure that the Security Committee and Media Committee function appropriately to implement this plan and all applicable rules. The PIO shall coordinate the activities of the Security and Media Committees and report the recommendations and activities of each committee to the judge assigned to the case.

20: Media Committee

- 20.1 There shall be a Media Committee. The PIO shall head the committee and direct its operation. Immediately after the sitting judge declares the case to be a high profile case, the PIO shall notify all area media and convene a meeting.
- 20.2 At the meeting, one representative each from television, radio, print (in state), print (out of state) and a wire service shall be selected by the media themselves as their representatives on the committee. In addition to the media representatives, the court PIO, and the judge or his or her designee will also be part of the committee.
- 20.3 The media members may decide among themselves who will represent their interest on the committee. If no decision can be reached, the PIO shall designate the members of the committee.
- 20.4 This committee will be responsible for:
 - 20.4.1 Designating pool coverage for the proceedings and pool camera locations.
 - 20.4.2 Suggesting interview and press conference areas, subject to designation by the judge.

- 20.4.3 Assisting with the application and issuance of media credentials. Credentials will be issued by the court PIO or sheriff upon application and upon presentation of photographic identification or other satisfactory proof that the applicant is a bona fide media representative.
- 20.4.4 Overseeing the distribution and dissemination of all information made available to the media.
- 20.4.5 Placement and installation of media equipment.
- 20.5 The Media Committee shall be responsible for providing to the Security Committee the appropriate credentialing of all media persons intending to enter the courthouse. No media member may be admitted to the courthouse or the courtroom without the approved credentials. Each approved person will receive a pass authorizing admittance.
- 20.6 The Media Committee shall coordinate with the Security Committee the movement of equipment into the courthouse and its installation.
- 20.7 The Media Committee shall be responsible to assure compliance of admitted media members with all court rules and orders. If a member of the Media Committee observes an infraction, the committee may discipline the infractor, including expulsion from the courthouse. The action taken by the committee must be reported to the sitting judge, and if the committee fails to act, the sitting judge may do so. Regardless of whether a member of the committee observes an infractor, the judge assigned to the case has the authority to discipline any person violating this plan or any rules of court.
- 20.8 No media trucks will be allowed on courthouse grounds except as otherwise stated in this plan. The Media Committee may obtain permits from the City of Painesville on payment of any required fees to park in the public parking garage or at the metered parking spaces in front of the courthouse. The number of vehicles permitted shall be within the discretion of the city.
- 20.9 When the technology courtroom is being used for the trial or courtroom proceeding, the court shall provide a media room which will house all electronic and broadcast equipment used by the media. Only media personnel will be admitted to the media room. The television media shall provide a television monitor of recorded courtroom proceedings for viewing by the public in the hall.
 - 20.9.1 The television media shall have access to the courtroom through two pre-positioned cameras. Each camera will have six preselected views of the technology courtroom which can be controlled by the media from the media room. Within the limits of the six views, the camera operator may switch between cameras and views and may zoom each view.
 - 20.9.2 Views of the jury will not be capable with this equipment, but if for some technical reason the “lock out” is not operating or is malfunctioning, the media is specifically required to refrain from photographing, videotaping, or filming the jury. Violation of this condition may result in fine, imprisonment, cessation of photographing, and expulsion from the courthouse.
 - 20.9.3 The judge possesses a media monitor to follow the media operations. If a violation occurs, the judge can immediately turn off the cameras.

21: Delay of proceedings

- 21.1 No proceeding or session will be delayed or continued for the sole purpose of allowing media coverage. Upon request, the court will inform media agencies of permissible views, settings, or scenes to record and will attempt to make the courtroom available in advance for the purpose of installing equipment.

22: Copies of pleadings, exhibits, orders and other court documents

- 22.1 The court public information officer (PIO) will be responsible for providing the media committee with one copy of all pleadings, exhibits, orders, and other court documents that can be copied. If the exhibit or document cannot be copied using the equipment owned or used by the court, the media will be permitted to photograph or videotape the exhibit or document. The media will be responsible for reproducing such documents or exhibits at their expense, and if needed, with the assistance of the court. In addition, the court public information officer will provide court orders and other relevant documents to the court's webmaster for posting on the Lake County Court of Common Pleas web site: www2.lakecountyohio.org/courts/media-highprofilecases.
- 22.2 The original exhibits, when admitted, will remain in the custody of the court. The originals will not be available for handling or inspection by the media. However, counsel for the parties will be permitted to show or give copies of such exhibits to the media.
- 22.3 Court staff will not assist the media in obtaining documents or pleadings.
- 22.4 If any evidence, documents, records, or pleadings are not contained in the court's file or are not filed in the case, the media must request, in writing to the sitting judge, permission to view the documents.

23: Information and updates

- 23.1 The court shall use its website as a primary means of communication. The PIO shall be responsible to place all orders, directions and schedules of hearings on the website and further update the information daily.
- 23.2 The Media and Security Committees shall be responsible to disseminate necessary orders and directions to persons under either committee's direction.
- 23.3 The court will not rely on the telephone as a primary means of communication with the media as the court does not possess sufficient staff to maintain a telephone messaging system.
- 23.3.1 In an effort to provide daily information to the media and the public and in order to divert call volume away from judicial chambers and other offices, a general information telephone number will be provided. The phone number will be answered by an automated service that will provide information on the case and give options for the caller to either leave a message or be transferred to specific departments if necessary. The options on the voice-mail will be: (1) clerk of courts – for file access; (2) court PIO – for media inquiries and credentials; (3) judge's office – for any other non-media-related matters regarding the case.

- 23.4 The court's webmaster will be responsible for ensuring that statements, orders and other pertinent information are promptly posted on this court's web site. Judges shall forward items to be posted to the court website on a disk or in any other electronic manner.
- 23.5 The court will post a "media alert" board on the court's website, which will include a list of "high profile" cases and a status of each case, as well as other media-related announcements.

24: Parking

24.1 Satellite/Microwave trucks

- 24.1.1 Satellite or Microwave trucks will park in the designated area (North Park Place) on a first-come first-served basis and upon payment of any fees which the City of Painesville requires. All cables that run across sidewalks or streets must be secured in such a way that they do not impede the flow of vehicular and pedestrian traffic or create a hazardous condition. All cabling must conform to City of Painesville ordinances.

24.2 General parking

- 24.2.1 Private vehicles may be parked in public parking lots or in metered parking spaces available in the downtown area. A list of parking facilities in the surrounding area will be made available by the judges. Vehicles will be towed if they block the driveways of the courthouse and if parked in unauthorized parking areas, i.e., reserved spaces, fire lanes, handicapped spaces, etc.

25: Activities in the courthouse

25.1 Access to the building

- 25.1.1 Court security policies require all persons and equipment entering the courthouse to pass through the magnetometer. Media should plan to allow sufficient time to get through the magnetometer and to the media room or courtroom in advance of the commencement of proceedings.

25.2 Movement in the building

- 25.2.1 Because there may be other proceedings taking place in the building at any time, as a matter of judicial decorum and due to privacy, security, public access issues, and life safety concerns, all equipment will be limited to the Media Room, the courtroom, and the designated interview and equipment storage areas. Violators will be removed from the building and media credentials will be forfeited at the discretion of the judge. Attorneys and parties who violate these procedures will be individually sanctioned by the judge.

26: Courtroom seating

- 26.1 The courtroom will be opened to the public one-half hour before the proceedings begin. All media persons and public shall be present and seated at the beginning of the proceedings. All persons in attendance shall remain in the courtroom until recesses are called by the court. No one will be allowed to enter or leave after the proceedings begin.

- 26.2 Only those pre-approved media persons who have been issued passes shall enter the courtroom.
- 26.3 The order of seating priority shall be approved media persons first, then persons with priority passes, and then any remaining seats shall be filled by the general public.
- 26.3.1 The judge will allocate the courtroom seating, balancing the needs of the litigants, attorneys, media, public, and staff. No standing room is permitted. Public seating will be allocated by ticket on a first-come first-served basis. The line to obtain the tickets will form in the courthouse lobby by the information desk. The public will not be allowed to congregate in the lobby areas of the building, either in the main lobby or on the individual floor.

27: Security

- 27.1 The Security Committee shall be composed of:
 - 27.1.1 The Judicial Security Coordinator
 - 27.1.2 The sitting judge assigned to the case
 - 27.1.3 Lake County Sheriff, or designee
 - 27.1.4 Painesville Police Department chief, or designee
 - 27.1.5 Prosecutor or Plaintiff's Attorney
 - 27.1.6 Defense Attorney
 - 27.1.7 Bar Association President, or designee
 - 27.1.8 The PIO
 - 27.1.9 The Buildings and Grounds manager
 - 27.1.10 Any other individuals designated by the judge assigned to the proceeding or by the Judicial Security Coordinator.
- 27.2 The Judicial Security Coordinator shall be in charge of and responsible for the Security Committee. If he or she is not the sitting judge assigned to the case, the chair of the Security Committee must consult with the assigned judge in all matters relating to security in the case.
- 27.3 The Security Committee shall be responsible for all matters of security involving the courthouse, which shall include but are not limited to:
 - 27.3.1 Developing a security coverage plan that will delineate officer coverage of the building and outside perimeter.
 - 27.3.2 Preparing a security plan in the event of demonstrations.
 - 27.3.3 Delineating the movement of parties and attorneys, the media and the public within the courthouse.
 - 27.3.4 Notifying the Building & Grounds Manager to allow sufficient time to schedule adequate security and maintenance.
 - 27.3.5 Working with the Building & Grounds Manager to accommodate other special needs and requests of the sheriff's office and police department.
 - 27.3.6 Submitting all proposed security plans and decisions made by the committee to the Security Coordinator. Upon approval, the judge assigned to the proceeding will be briefed on said security plans.

- 27.3.7 Conveying any criminal case defendant to and from the jail to the court for all proceedings, avoiding contact with the media. If the defendant is not in jail but out on bond, the Security Committee shall be responsible for escorting the defendant to and from the courthouse until he is free of the courthouse grounds.
- 27.3.8 Taking all steps and measures to protect the witnesses, prospective jurors and jurors while they are on courthouse grounds, including escorting the jurors to and from their automobiles whether or not they are parked on the courthouse grounds.
- 27.3.9 Inspecting media equipment for safety.
- 27.3.10 Protecting the safety of the general public while on courthouse grounds.
- 27.3.11 Protecting the safety and security of all other judges and their staffs and courthouse employees.
- 27.3.12 Coordinating with the Media Committee, to oversee and direct the credentialing of media representatives, the movement of equipment into the courthouse, and the setting up equipment and utilizing the equipment.
- 27.3.13 Screening the general public entering the courthouse and monitoring their activities. The committee shall be responsible for issuing passes to the general public for entry into the courtroom. No media person or member of the public will be admitted to the courtroom without a pass.
- 27.4 The Security Committee shall be responsible to prevent any media person from interviewing, stopping, accosting, contacting, talking to, questioning or otherwise interfering with witnesses or jurors until they are free of the courthouse grounds. Those witnesses and jurors who wish to be interviewed will be delivered to the media room or other area directed by the judge where they can make arrangements to be interviewed away from the courthouse and courthouse grounds. After these arrangements are made, the witness or juror will be escorted off the courthouse grounds or to their automobile as they choose. At the conclusion of the trial, the Security Committee shall be responsible to escort and protect witnesses and jurors until they are away from the courthouse grounds.

28: Public access to the courthouse buildings

- 28.1 All persons entering the courthouse will be required to pass through the magnetometers. Banners, signs or flags, or similar items will not be permitted inside the building.
- 28.2 Individuals attending other proceedings on the same floor will be permitted access to their proceedings.

29: Movement of parties, family, and attorneys

- 29.1 The Security Coordinator and sheriff will confer with the parties and their attorneys prior to the proceedings to discuss their movement through the building. All movement should be planned out in advance.
- 29.2 At all times possible, the parties, family, and their attorneys will be escorted together. If needed, at the discretion of the judge, the parties, family, and their attorneys may be moved by secure means.

30: Implementation of plan

- 30.1 This plan is ongoing. Once the media expresses special interest in a case or a judge requests assistance, the plan will be put into effect. The judge will be charged with implementing the plan and will immediately take the following actions:
 - 30.1.1 Immediately appoint and notify the court PIO.
 - 30.1.2 Convene both the Media and the Security Committees.
 - 30.1.3 Activate voice mail and add necessary web site postings.
 - 30.1.4 Contact the Information Technology and Telecommunications Departments to check that all equipment is functioning in the designated courtroom and that any additional telephone lines that are needed are turned on.
 - 30.1.5 Arrange for displaced judges assigned to the courtroom to have an alternate courtroom to conduct their own hearings.
 - 30.1.6 Keep the Presiding Judge, Administrative Judge, Clerk of Courts, Sheriff, and Building & Grounds Manager informed of all media and security decisions made by the judge and the committees.
 - 30.1.7 Obtain assistance with the coordination of any task related to the case.
 - 30.1.8 Keep other judges informed of any security issues present during this time.

31: Rules to be applied in non-high profile cases

- 31.1 For cases the court does not designate as special interest or high profile, the media are required to adhere to the following generally applicable rules:
 - 31.1.1 During the courtroom proceedings, space shall be allocated for five media representatives to be designated upon proper application to the court.
 - 31.1.2 *The Plain Dealer* and *The News-Herald* and one other photographer, upon proper application to this court, shall act as still photographer media representatives.
 - 31.1.3 Arrangements between or among media for “pooling” shall be the responsibility of the media seeking to cover the proceeding. These arrangements shall be made outside the courtroom and without imposing upon the court or its personnel.
 - 31.1.4 Television cameras and/or recording or broadcasting the courtroom proceedings will not be permitted during the trial except through the fixed cameras in the technology courtroom or in fixed locations designated by the judge in courtrooms other than the technology courtroom. Television cameras, recording devices, and photographing are permitted outside the courthouse and in the courthouse corridors at any time, provided however, that such activity does not disrupt the court.
 - 31.1.5 Media representatives shall enter and leave only at the beginning and end of each session.
 - 31.1.6 Media representatives shall take an assigned seat and remain seated throughout the proceedings.
 - 31.1.7 Photographs shall be taken from a sitting position in the assigned seat, unless standing will not interfere with the view of others in the courtroom and will not interfere with the proceedings or the safety and decorum of the courtroom.

- 31.1.8 Cameras which make audible noise shall not be permitted (i.e., whine of electric motor, automatic rewind, etc.).
- 31.1.9 Flash bulbs or lights shall not be permitted.
- 31.1.10 The still photographer media representatives shall be permitted the use of no more than two cameras with no more than two lenses for each camera.
- 31.1.11 The changing of film in the courtroom during court proceedings is prohibited.
- 31.1.12 Names and images of jurors, inside or outside of the courtroom, shall not be taken, broadcast, printed, or disseminated by any means.
- 31.1.13 The court will inform each witness of their right to object to being photographed, and if the witness objects, the photographer or videographer shall be instructed by the court that the taking of photographs of the objecting witness is prohibited.
- 31.1.14 News media representatives shall not be permitted to enter the court's chambers at any time without express permission of the judge.
- 31.1.15 Where the media intends to photograph or record court proceedings, they must obtain court approval by letter 24 hours prior to such proceedings or as soon as practicable after the court proceeding is set if it is set with less than 24 hours' notice. The actions of the media representative shall also be imputed to the employing publisher which shall be responsible for any acts of the media representative and shall be subject to contempt.
- 31.1.16 Failure of the media representatives to abide by these rules, as enumerated herein, shall subject the media representative as well as its publisher to expulsion from trial proceedings and a citation for contempt, punishable by a fine and/or imprisonment.
- 31.2 The court further adopts Rule 12 of the Rules of Superintendence for the Courts of Ohio and determines that this plan is consistent with Rule 12. Where this plan is silent, Rule 12 shall apply.

32: Sanctions

- 32.1 Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order imposing appropriate sanctions, including, without limitation, terminating media coverage, barring the particular person or agency from access to future electronic media coverage of proceedings in that courtroom for a defined period of time, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

33: Attachments

- 33.1 Media request and order ruling on electronic access to proceedings
- 33.2 Charges and penalties
- 33.3 Trial attorneys
- 33.4 Trial schedule
- 33.5 Judge assigned (biography)
- 33.6 Responsibility flow chart
- 33.7 Directory
- 33.8 Diagram of parking areas (public & satellite/microwave truck)
- 33.9 Courtroom B (technology court) camera diagram
- 33.10 Courtroom D seating diagram
- 33.11 Diagram of eateries in the vicinity of courthouse
- 33.12 Ohio Code of Judicial Conduct (relevant sections)
- 33.13 Ohio Code of Professional Responsibility (relevant sections)
- 33.14 Rules of Superintendence for the Courts of Ohio, Rule 12, Conditions for Broadcasting and Photographing Court Proceedings

_____)	CASE NO.	_____
)		
Plaintiff)	JUDGE	_____
)		
vs.)		
)		
_____)		
)		
Defendant)		

MEDIA REQUEST TO PERMIT ELECTRONIC OR CAMERA ACCESS TO PROCEEDINGS

_____, of _____, hereby requests permission to broadcast, record, videotape, film, photograph, or televise proceedings in the above-entitled case, commencing on the ____ day of _____, 20__.

I certify that I am familiar with the contents of the court’s rule pertaining to Media Relations and Public Access Plan for Special Interest / High Profile Proceedings, and I and my organization agree to be bound by and to obey the requirements set forth in that rule.

I also understand that this form must be submitted to the court at least five court days before the proceeding, unless good cause can be shown.

Dated _____

Media Representative/Organization
Phone: _____

ORDER GRANTING / DENYING PERMISSION

The court has determined that approval of this request ____ **would** / ____ **would not** detract from the dignity or decorum of the courtroom or courthouse; there will be no compromise of the safety of persons having business in the courtroom or courthouse; there will be no disruption of court activities; there will be no undue burden upon the resources of the courts; and granting permission will be consistent with the constitutional and statutory rights of all affected persons and institutions.

IT IS HEREBY ORDERED that permission is ____ **granted** / ____ **denied** as requested for each and every hearing in the above-entitled case unless otherwise notified. This order is comports with and is in accordance with Rule 12 of the Supreme Court’s Rules of Superintendence for the Courts of Ohio and this court’s local rule pertaining to Media Relations and Public Access Plan for Special Interest / High Profile Proceedings. It also is subject to reconsideration upon motion of any party to the action.

IT IS FURTHER ORDERED that this entry shall be made a part of the record of the proceedings in this case.

Dated _____

JUDGE

SAMPLE

CHARGES & PENALTIES

CHARGES

Count 1 *Name*
 Count 2 *Name*

PENALTIES

Count 1 *Felony Level / Penalty*
 Count 2 *Felony Level / Penalty*

SENTENCING

In the event the defendant is found guilty, the judge will refer the defendant for pre-sentence investigation and report, and will sentence the defendant four to six weeks after the trial. The minimum potential sentence could be _____, and the maximum potential sentence could be _____.

PENALTIES FOR FELONY

Aggravated Murder	Death or imprisoned for Life	max \$25,000 fine
	Life without parole	”
	30 years - Life	”
	25 years - Life	”
	20 years - Life	”
Murder	15 years - Life	max \$15,000 fine
	Life without parole (if sexually violent predator)	”
1 st degree	3-10 years	max \$20,000 fine
2 nd degree	2-8 years	max \$15,000 fine
3 rd degree	1-5 years	max \$10,000 fine
4 th degree	6-18 months	max \$5,000 fine
5 th degree	6-12 months	max \$2,500 fine

Plus the following (if while committing the felony):

Life	forcible rape of child under 13	3 years	firearm used or displayed
10 years	attempted forcible rape of child under 13	1-3 years	while participating in a criminal gang
10 years	major drug offender	2 years	wearing or carrying body armor
10 years	repeat violent offender	2 years	offense in a school safety zone
10 years	racketeering	1 year	firearm under offender's control
6 years	automatic firearm or equipped with silencer		
5 years	“drive-by shooting”		

State of Ohio v. *Defendant's Name*

33.3

Case No. 04CR123456

Judge _____

SAMPLE

TRIAL ATTORNEYS

PROSECUTION **Charles E. Coulson, Esq., Lake County Prosecuting Attorney**

Name, Esq.
Assistant Lake County Prosecuting Attorney
105 East Main Street
Painesville, Ohio 44077
(440) 350-2683

DEFENSE **R. Paul LaPlante, Esq., Lake County Public Defender**

Name, Esq.
Assistant Lake County Public Defender
125 East Erie Street
Painesville, Ohio 44077
(440) 350-3200

State of Ohio v. *Defendant's Name*

33.4

Case No. 04CR123456

Judge _____

SAMPLE

TRIAL SCHEDULE

COMMENCES

Monday, _____, 20__ at 8:30 a.m. through 4:30 p.m.

Mid-morning and mid-afternoon breaks of 15 to 20 each

Lunch for one hour at about noon

Trial is anticipated to last 4 to 5 days.

State of Ohio v. *Defendant's Name*

33.5

Case No. 04CR123456

Judge _____

SAMPLE

JUDGE'S BIOGRAPHY

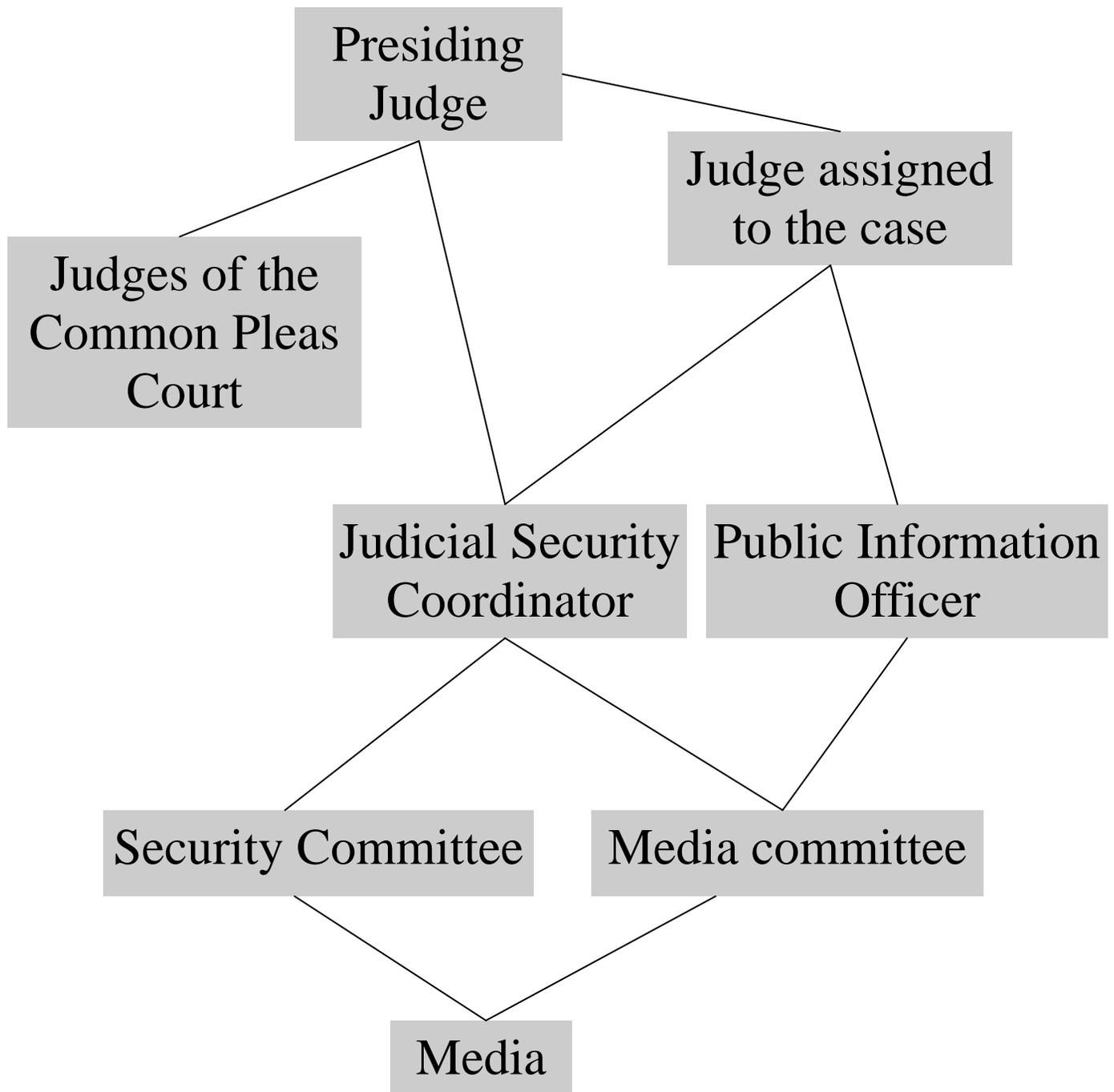
JUDGE -

Judge -

A more complete resume of this judge can be found on the court's website, www2.lakecountyohio.org/courts/judge—.htm.

Lake County Common Pleas Court Media Plan

Responsibility Flow Chart



SAMPLE

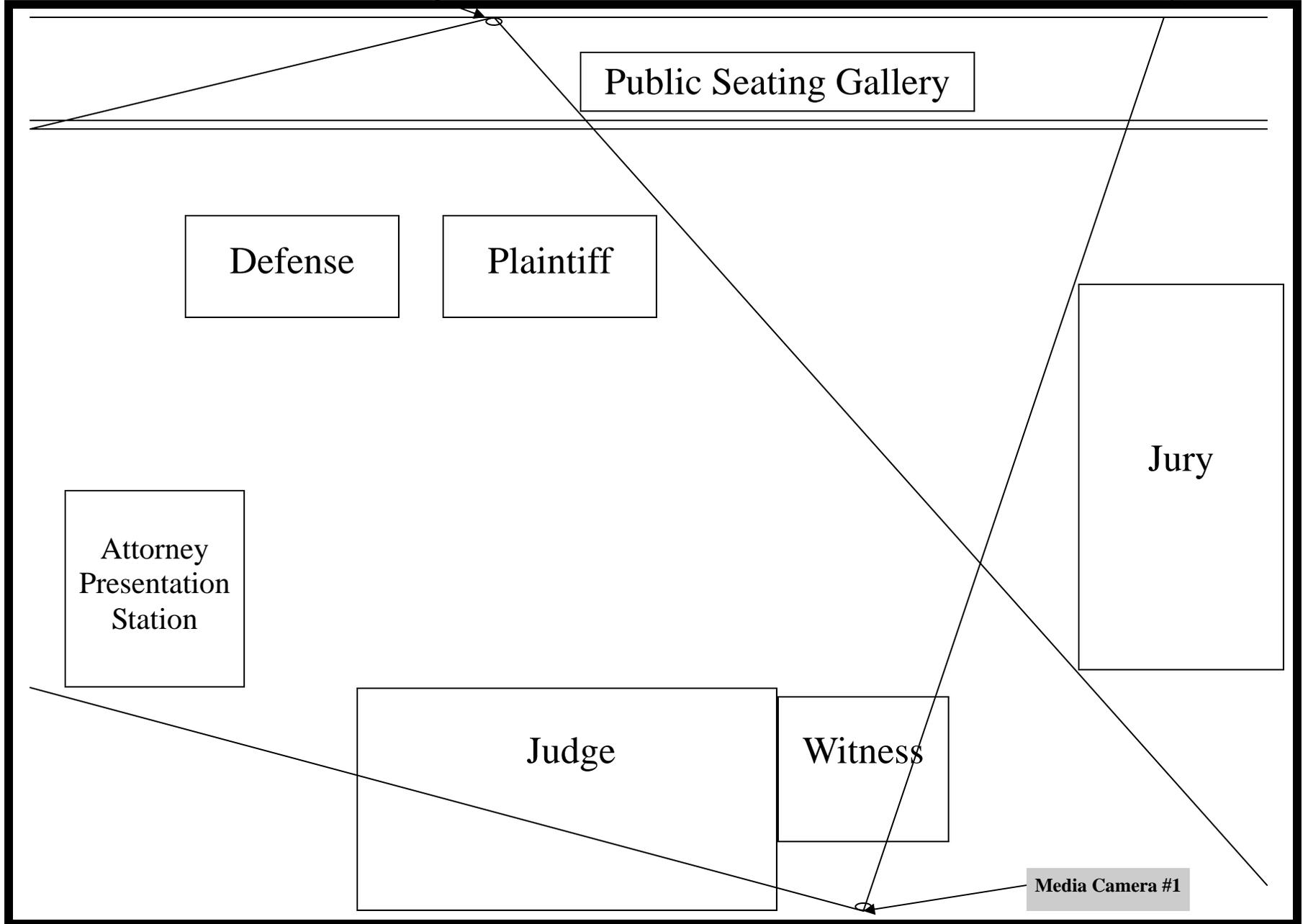
DIRECTORY

Assigned Judge to this case	Judge Vincent A. Culotta 47 N. Park Place Painesville, Ohio 44077 (440) 350-2736	Presiding Judge (2005)	Judge Paul H. Mitrovich 47 N. Park Place Painesville, Ohio 44077 (440) 350-2662
Public Information Officer for this case	Judge Richard L. Collins Jr. 47 N. Park Place Painesville, Ohio 44077 (440) 350-2720	Administrative Judge (2005)	Judge Vincent A. Culotta 47 N. Park Place Painesville, Ohio 44077 (440) 350-2736
Bailiff for the assigned judge	Charles W. Ashman 47 N. Park Place Painesville, Ohio 44077 (440) 350-2097	Information Technology Director	Eric Folkman (440) 350-2571
Media Committee Chairman for this case	Judge Richard L. Collins Jr. 47 N. Park Place Painesville, Ohio 44077 (440) 350-2720	Telecommunications Director	Paul Stefanko (440) 350-2586
Judicial Security Coordinator	Judge Eugene A. Lucci 47 N. Park Place Painesville, Ohio 44077 (440) 350-2100	Media Committee Members	
Webmaster	Judge Eugene A. Lucci 47 N. Park Place Painesville, Ohio 44077 (440) 350-2100	Monina Wagner (216) 344-3456	WKYC TV 3 - NBC 216-344-3333 main 216-344-3326 fax e-mail: news@wkyc.com
Arraigning Judge		Helen Maynard (216) 431-3664	WEWS TV 5 - ABC 216-431-5555 main 216-431-3666 fax e-mail: 5tips@newsnet5.com
Jan. - Mar.	Judge Paul H. Mitrovich	Wendy Clawson	WJW TV 8 - FOX 216-431-8888 main 216-432-4240 newsroom e-mail:
Apr. - Jun.	Judge Eugene A. Lucci	Rick Wolcott (216) 432-4240	
Jul. - Sep.	Judge Richard L. Collins Jr.	Scott Heasley (440) 954-7198	The News-Herald (440) 951-0000 (440) 975-2293 fax e-mail:
Oct. - Dec.	Judge Vincent A. Culotta	James Collins	
Lake County Sheriff	Sheriff Daniel A. Dunlap 104 E. Erie Street Painesville, Ohio 44077 (440) 350-5517	Maggie Martin (440) 602-4782	The Plain Dealer 216-515-2525 main 440-602-4770 Lake County e-mail:
Painesville City Police	Chief David R. Luhta 28 Mentor Avenue Painesville, Ohio 44077 (440) 392-5840	John Griffith	
Clerk of Courts	Clerk Lynne L. Mazeika 25 N. Park Place Painesville, Ohio 44077 (440) 350-2657		

DIAGRAM OF PARKING AREAS INTENTIONALLY OMITTED

Courtroom B & Media Camera Diagram

Media Camera #2



Media Camera #1

Courtroom D

Judge

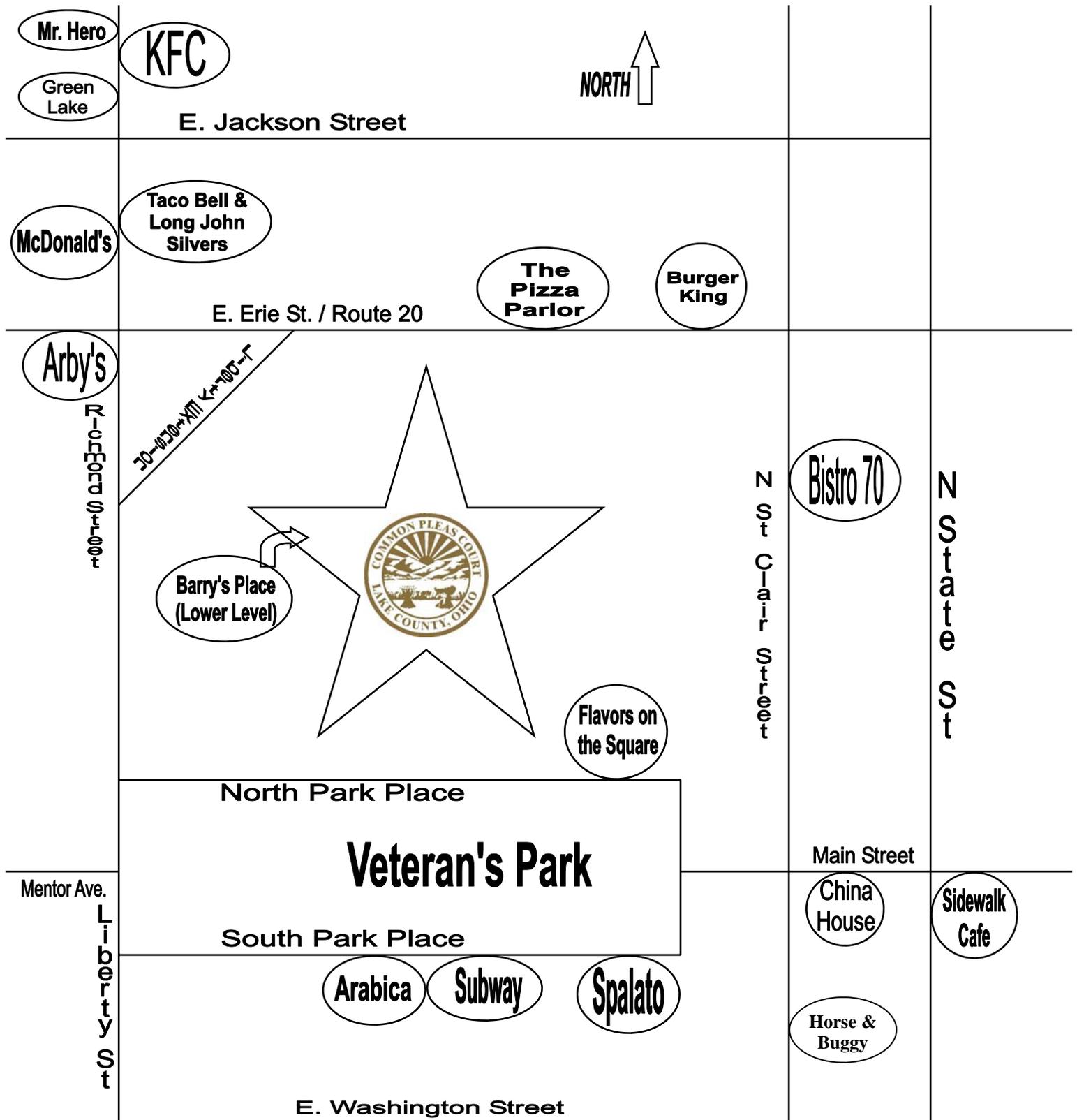
**Wit-
ness**

Prosecutor
Police
Prosecutor
Defender
Defendant
Defender

7	1
8	2
9	3
10	4
11	5
12	6
13	

Sheriff	Bailiff	Media	Media	Media	Media	Sheriff	Media	Media	Camera	Camera	Sheriff
Prose- cution	Prose- cution	Prose- cution	Prose- cution	Court Staff	Court Staff	19	20	De- fense	De- fense	De- fense	De- fense
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48

EATERIES IN THE AREA OF LAKE COUNTY COURT HOUSE



33.12 Relevant Sections of the OHIO CODE OF JUDICIAL CONDUCT

Canon 2. A JUDGE SHALL RESPECT AND COMPLY WITH THE LAW AND SHALL ACT AT ALL TIMES IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY

- (A) **Activities to Improve the Law.** A judge may engage in activities to improve the law, the legal system, and the administration of justice, provided those activities do not cast doubt on the judge's capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial duties.
- (1) A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.
 - (2) Subject to the restrictions of Canon 4(C)(1), a judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and otherwise may consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

Canon 3. A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

- (A) **Judicial Duties in General.** The judicial duties of a judge take precedence over all of the judge's other activities. The judge's judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply.
- (B) **Adjudicative Responsibilities.**
- (1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.
 - (2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.
 - (3) A judge shall require order and decorum in proceedings before the judge.
 - (4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.
 - (5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, and shall not permit staff, court officials, and others subject to the judge's direction and control to do so.
 - (6) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, against parties, witnesses, counsel or others. Division (B)(6) of this canon does not preclude legitimate advocacy when race, gender, religion, national origin, disability,

age, sexual orientation, or socioeconomic status, or other similar factors, are issues in the proceeding.

- (7) A judge shall not initiate, receive, permit, or consider communications made to the judge outside the presence of the parties or their representatives concerning a pending or impending proceeding except:
 - (a) Where circumstances require, ex parte communications for scheduling, administrative purposes, or emergencies that do not address substantive matters or issues on the merits are permitted if the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication.
 - (b) A judge may obtain the advice of a disinterested expert on the law applicable to the proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice and affords the parties reasonable opportunity to respond.
 - (c) A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.
 - (d) As authorized by law.
- (8) A judge shall dispose of all judicial matters promptly, efficiently, and fairly and comply with guidelines set forth in the Rules of Superintendence for the Courts of Ohio.
- (9) While a proceeding is pending or impending in any court, a judge shall not make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of court personnel subject to the judge's direction and control. Division (B)(9) of this canon does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. Division (B)(9) of this canon does not apply to proceedings in which the judge is a litigant in a personal capacity.
- (10) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding.
- (11) (a) A judge shall not knowingly disclose or cause to be disclosed, without appropriate authorization, information regarding the probable or actual decision in a case or legal proceeding pending before a court, including the vote of a justice, judge, or court in a case pending before the Supreme Court, a court of appeals, or a panel of judges of a trial court, prior to the announcement of the decision by the court or journalization of an opinion, entry, or other document reflecting that decision under either of the following circumstances:
 - (i) The probable or actual decision is confidential because of statutory or rule provisions;
 - (ii) The probable or actual decision clearly has been designated to the judge as confidential when confidentiality is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving confidentiality is necessary to the proper conduct of court business.

- (b) Nothing in division (B)(11)(a) of this canon shall prohibit the disclosure of any of the following:
 - (i) A decision that has been announced on the record or in open court, but that has not been journalized in a written opinion, entry, or other document;
 - (ii) Information regarding the probable or actual decision in a pending case or legal proceeding to a judge or employee of the court in which the matter is pending;
 - (iii) Other information that is a matter of public record or that may be disclosed pursuant to law.
 - (c) The imposition of discipline upon a judge for violation of division (B)(11)(a) of this canon shall not preclude prosecution for a violation of any applicable provision of the Revised Code, including, but not limited to, division (B) of section 102.03 of the Revised Code.
- (C) Administrative Responsibilities.
 - (1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.
 - (2) A judge shall require staff, court officials, and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.
 - (3) A judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to assure the prompt disposition of matters before all judges and the proper performance of their other judicial responsibilities.
 - (4) A judge shall not make unnecessary appointments. A judge shall exercise the power of appointment impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees beyond the fair value of services rendered.
- (D) Disciplinary Responsibilities.
 - (1) A judge who has knowledge that another judge has committed a violation of this Code shall report the violation to a tribunal or other authority empowered to investigate or act upon the violation.
 - (2) A judge who has knowledge that a lawyer has committed a violation of the Code of Professional Responsibility shall report the violation to a tribunal or other authority empowered to investigate or act upon the violation.
 - (3) A judge having knowledge of a violation by another judge or a lawyer shall, upon request, fully reveal the violation to a tribunal or other authority empowered to investigate or act upon the violation.
- (E) Disqualification.
 - (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

- (a) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;
- (b) The judge served as a lawyer in the matter in controversy, a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning the matter;
- (c) The judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other more than de minimis interest that could be substantially affected by the proceeding;
- (d) The judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
 - (i) Is a party to the proceeding, or an officer, director, or trustee of a party;
 - (ii) Is acting as a lawyer in the proceeding;
 - (iii) Has acted as a judge in the proceeding;
 - (iv) Is known by the judge to have an economic interest that could be substantially affected by the proceeding;
 - (v) Is to the judge's knowledge likely to be a material witness in the proceeding.
- (2) A judge shall keep informed about the judge's personal fiduciary and economic interests and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse and minor children residing in the judge's household.
- (F) Remittal of Disqualification. If, following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers, without participation by the judge, jointly request that the judge should remit his or her disqualification, the judge may approve and participate in the proceeding. The request and approval shall be incorporated in the record of the proceeding.

Canon 4. A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES

- (A) Positions of Influence. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others and shall not convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.
- (B) Memberships in Organizations that Practice Invidious Discrimination. A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, gender, religion, or national origin.
- (C) Appearances and Appointments.
 - (1) A judge shall not appear at a public hearing before or otherwise consult with an executive or legislative body or official except on matters concerning the law, the

legal system, or the administration of justice or except when acting pro se in a matter involving the judge or the judge's interests.

- (2) A judge shall not accept appointment to a governmental committee or commission or other governmental position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system or the administration of justice. A judge may represent a country, state, or locality on ceremonial occasions or in connection with historical, educational or cultural activities.

Canon 7. JUDGES AND JUDICIAL CANDIDATES SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO JUDICIAL OFFICE

(A) Definitions. As used in this canon:

- (1) "Judicial candidate" means a person who has made a public announcement of candidacy for judicial office, declared or filed as a candidate for judicial office with the election authority, or authorized the solicitation or receipt of contributions or support for judicial office, whichever occurred first.
- (2) "Judge" means a holder of judicial office who is not a judicial candidate.

(B) Political and Campaign Conduct in General.

- (1) A judge or judicial candidate shall maintain the dignity appropriate to judicial office.
- (2) A judge or judicial candidate shall not do any of the following:
 - (a) Act as a leader or hold any office in a political organization;
 - (b) Make speeches on behalf of a political organization or another candidate at a political meeting or publicly endorse or oppose a candidate for another public office;
 - (c) Make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;
 - (d) Make statements that commit or appear to commit the judge or judicial candidate with respect to cases or controversies that are likely to come before the court;
 - (e) Comment on any substantive matter relating to a specific pending case on the docket of a judge;
 - (f) Knowingly misrepresent his or her identity, qualifications, present position, or other fact or the identity, qualifications, present position, or other fact of an opponent;
 - (g) Jointly raise funds with a candidate for nonjudicial office. Judicial candidates may appear together in joint campaign advertisements and may conduct joint fund raising activities with other judicial candidates. A judicial candidate may participate with judicial and nonjudicial candidates in fund raising activities organized or sponsored by a political party and may appear with other candidates for public office on slate cards, sample ballots, and other publications of a political party that identify all candidates endorsed by the party in an election.

33.13 Relevant Sections of the OHIO CODE OF PROFESSIONAL RESPONSIBILITY

DR 1-102. MISCONDUCT

- (A) A lawyer shall not:
 - (1) Violate a Disciplinary Rule or, as a judicial candidate as defined in Canon 7 of the Code of Judicial Conduct, the provisions of the Code of Judicial Conduct applicable to judicial candidates.
 - (2) Circumvent a Disciplinary Rule through actions of another.
 - (3) Engage in illegal conduct involving moral turpitude.
 - (4) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
 - (5) Engage in conduct that is prejudicial to the administration of justice.
 - (6) Engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.
- (B) A lawyer shall not engage, in a professional capacity, in conduct involving discrimination prohibited by law because of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability. This prohibition does not apply to a lawyer's confidential communication to a client or preclude legitimate advocacy where race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability is relevant to the proceeding where the advocacy is made.

DR 1-103. DISCLOSURE OF INFORMATION TO AUTHORITIES

- (A) A lawyer possessing unprivileged knowledge of a violation of DR 1-102 shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation.
- (B) A lawyer possessing unprivileged knowledge or evidence concerning another lawyer or a judge shall reveal fully such knowledge or evidence upon proper request of a tribunal or other authority empowered to investigate or act upon the conduct of lawyers or judges.
- (C) Any knowledge obtained by a member of a committee or subcommittee of a bar association, or by a member, employee, or agent of a nonprofit corporation established by a bar association, designed to assist lawyers with substance abuse or mental health problems shall be privileged for all purposes under DR 1-103, provided the knowledge was obtained while the member, employee, or agent was performing duties as a member, employee, or agent of the committee, subcommittee, or nonprofit corporation.

DR 4-101. PRESERVATION OF CONFIDENCES AND SECRETS OF A CLIENT

- (A) "Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.
- (B) Except when permitted under DR 4-101©, a lawyer shall not knowingly:
 - (1) Reveal a confidence or secret of his client.
 - (2) Use a confidence or secret of his client to the disadvantage of the client.

- (3) Use a confidence or secret of his client for the advantage of himself or of a third person, unless the client consents after full disclosure.
- (C) A lawyer may reveal:
 - (1) Confidences or secrets with the consent of the client or clients affected, but only after a full disclosure to them.
 - (2) Confidences or secrets when permitted under Disciplinary Rule or required by law or court order.
 - (3) The intention of his client to commit a crime and the information necessary to prevent the crime.
 - (4) Confidences or secrets necessary to establish or collect his fee or to defend himself or his employees or associates against an accusation of wrongful conduct.
- (D) A lawyer shall exercise reasonable care to prevent his employees, associates, and others whose services are utilized by him from disclosing or using confidences or secrets of a client, except that a lawyer may reveal the information allowed by DR 4-101© through an employee.

DR 5-102. WITHDRAWAL AS COUNSEL WHEN THE LAWYER BECOMES A WITNESS

- (A) If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that he or a lawyer in his firm ought to be called as a witness on behalf of his client, he shall withdraw from the conduct of the trial and his firm, if any, shall not continue representation in the trial, except that he may continue the representation and he or a lawyer in his firm may testify in the circumstances enumerated in DR 5-101(B)(1) through (4).
- (B) If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that he or a lawyer in his firm may be called as a witness other than on behalf of his client, he may continue the representation until it is apparent that his testimony is or may be prejudicial to his client.

DR 7-101. REPRESENTING A CLIENT ZEALOUSLY

- (A) A lawyer shall not intentionally:
 - (1) Fail to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules, except as provided by DR 7-101(B). A lawyer does not violate this Disciplinary Rule, however, by acceding to reasonable requests of opposing counsel which do not prejudice the rights of his client, by being punctual in fulfilling all professional commitments, by avoiding offensive tactics, or by treating with courtesy and consideration all persons involved in the legal process.
 - (2) Fail to carry out a contract of employment entered into with a client for professional services, but he may withdraw as permitted under DR 2-110, DR 5-102, and DR 5-105.
 - (3) Prejudice or damage his client during the course of the professional relationship, except as required under DR 7-102(B).

- (B) In his representation of a client, a lawyer may:
 - (1) Where permissible, exercise his professional judgment to waive or fail to assert a right or position of his client.
 - (2) Refuse to aid or participate in conduct that he believes to be unlawful, even though there is some support for an argument that the conduct is legal.

DR 7-102. REPRESENTING A CLIENT WITHIN THE BOUNDS OF THE LAW

- (A) In his representation of a client, a lawyer shall not:
 - (1) File a suit, assert a position, conduct a defense, delay a trial, or take other action on behalf of his client when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another.
 - (2) Knowingly advance a claim or defense that is unwarranted under existing law, except that he may advance such claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law.
 - (3) Conceal or knowingly fail to disclose that which he is required by law to reveal.
 - (4) Knowingly use perjured testimony or false evidence.
 - (5) Knowingly make a false statement of law or fact.
 - (6) Participate in the creation or preservation of evidence when he knows or it is obvious that the evidence is false.
 - (7) Counsel or assist his client in conduct that the lawyer knows to be illegal or fraudulent.
 - (8) Knowingly engage in other illegal conduct or conduct contrary to a Disciplinary Rule.
- (B) A lawyer who receives information clearly establishing that:
 - (1) His client has, in the course of the representation, perpetrated a fraud upon a person or tribunal shall promptly call upon his client to rectify the same, and if his client refuses or is unable to do so, he shall reveal the fraud to the affected person or tribunal.
 - (2) A person other than his client has perpetrated a fraud upon a tribunal shall promptly reveal the fraud to the tribunal.

DR 7-103. PERFORMING THE DUTY OF PUBLIC PROSECUTOR OR OTHER GOVERNMENT LAWYER

- (A) A public prosecutor or other government lawyer shall not institute or cause to be instituted criminal charges when he knows or it is obvious that the charges are not supported by probable cause.
- (B) A public prosecutor or other government lawyer in criminal litigation shall make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence, known to the prosecutor or other government lawyer, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment.

DR 7-104. COMMUNICATING WITH ONE OF ADVERSE INTEREST

- (A) During the course of his representation of a client a lawyer shall not:

- (1) Communicate or cause another to communicate on the subject of the representation with a party he knows to be represented by a lawyer in that matter unless he has the prior consent of the lawyer representing such other party or is authorized by law to do so.
- (2) Give advice to a person who is not represented by a lawyer, other than the advice to secure counsel, if the interests of such person are or have a reasonable possibility of being in conflict with the interests of his client.

DR 7-105. THREATENING CRIMINAL PROSECUTION

- (A) A lawyer shall not present, participate in presenting, or threaten to present criminal charges solely to obtain an advantage in a civil matter.

DR 7-106. TRIAL CONDUCT

- (A) A lawyer shall not disregard or advise his client to disregard a standing rule of a tribunal or a ruling of a tribunal made in the course of a proceeding, but he may take appropriate steps in good faith to test the validity of such rule or ruling.
- (B) In presenting a matter to a tribunal, a lawyer shall disclose:
 - (1) Legal authority in the controlling jurisdiction known to him to be directly adverse to the position of his client and which is not disclosed by opposing counsel.
 - (2) Unless privileged or irrelevant, the identities of the clients he represents and of the persons who employed him.
- (C) In appearing in his professional capacity before a tribunal, a lawyer shall not:
 - (1) State or allude to any matter that he has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence.
 - (2) Ask any question that he has no reasonable basis to believe is relevant to the case and that is intended to degrade a witness or other person.
 - (3) Assert his personal knowledge of the facts in issue, except when testifying as a witness.
 - (4) Assert his personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused; but he may argue, on his analysis of the evidence, for any position or conclusion with respect to the matters stated herein.
 - (5) Fail to comply with known local customs of courtesy or practice of the bar or a particular tribunal without giving to opposing counsel timely notice of his intent not to comply.
 - (6) Engage in undignified or discourteous conduct which is degrading to a tribunal.
 - (7) Intentionally or habitually violate any established rule of procedure or of evidence.

DR 7-107. TRIAL PUBLICITY

- (A) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should

know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

- (B) Notwithstanding division (A) of this rule, a lawyer may state any of the following:
 - (1) The claim, offense, or defense involved and, except when prohibited by law, the identity of the persons involved;
 - (2) Information contained in a public record;
 - (3) That an investigation of a matter is in progress;
 - (4) The scheduling or result of any step in litigation;
 - (5) A request for assistance in obtaining evidence and information necessary to obtain evidence;
 - (6) A warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest;
 - (7) In a criminal case, in addition to divisions (B)(1) to (6) of this rule, any of the following:
 - (a) The identity, residence, occupation, and family status of the accused;
 - (b) If the accused has not been apprehended, information necessary to aid in apprehension of that person;
 - (c) The fact, time, and place of arrest;
 - (d) The identity of investigating and arresting officers or agencies and the length of the investigation.
- (C) Notwithstanding division (A) of this rule, a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this division shall be limited to the information necessary to mitigate the recent adverse publicity.
- (D) No lawyer associated in a firm or government agency with a lawyer subject to division (A) of this rule shall make a statement prohibited by division (A) of this rule.

DR 8-101. ACTION AS A PUBLIC OFFICIAL

- (A) A lawyer who holds public office shall not:
 - (1) Use his public position to obtain, or attempt to obtain, a special advantage in legislative matters for himself or for a client under circumstances where he knows or it is obvious that such action is not in the public interest.
 - (2) Use his public position to influence, or attempt to influence, a tribunal to act in favor of himself or of a client.
 - (3) Accept any thing of value from any person when the lawyer knows or it is obvious that the offer is for the purpose of influencing his action as a public official.

DR 8-102. STATEMENTS CONCERNING JUDGES AND OTHER ADJUDICATORY OFFICERS

- (A) A lawyer shall not knowingly make false statements of fact concerning the qualifications of a candidate for election or appointment to a judicial office.

- (B) A lawyer shall not knowingly make false accusations against a judge or other adjudicatory officer.

DR 9-101. AVOIDING EVEN THE APPEARANCE OF IMPROPRIETY

- (A) A lawyer shall not accept private employment in a matter upon the merits of which he has acted in a judicial capacity.
- (B) A lawyer shall not accept private employment in a matter in which he had substantial responsibility while he was a public employee.
- (C) A lawyer shall not state or imply that he is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official.

33.14 RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

Rule 12. CONDITIONS FOR BROADCASTING AND PHOTOGRAPHING COURT PROCEEDINGS

- (A) Presiding judge. The judge assigned to the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings that are open to the public as provided by Ohio law. After consultation with the media, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for the broadcasting, televising, recording, or taking of photographs in the courtroom shall be in writing and the written order of the judge shall be made a part of the record of the proceedings.
- (B) Permissible equipment and operators.
 - (1) Use of more than one portable television, videotape, or movie camera with one operator shall be allowed only with the permission of the judge.
 - (2) Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the judge. Still photographers shall be limited to two cameras with two lenses for each camera.
 - (3) For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. If existing audio pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.
 - (4) Visible audio recording equipment may be used by news media reporters with the prior permission of the judge.
 - (5) Arrangements between or among media for “pooling” of equipment shall be the responsibility of the media representative authorized to cover the proceeding. “Pooling” arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. If disputes arise over arrangements between or among media representatives, the judge may exclude all contesting representatives from the proceedings.
 - (6) The judge shall prohibit the use of electronic or photographic equipment that produces distracting sound or light. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.
 - (7) Still photographers and television and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the judge, except to leave or enter the courtroom.
- (C) Limitations.
 - (1) There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the judge.
 - (2) The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.

- (3) This rule shall not be construed to grant media representatives any greater rights than permitted by law.
- (4) Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.
- (D) Revocation of permission. Upon the failure of any media representative to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to broadcast or photograph the trial or hearing.