



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
47 North Park Place
Painesville, Ohio 44077
www.LakeCountyOhio.gov/cpcgd

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**Media Relations and Public Access Plan for
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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 under Media Rules.

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” or “sitting judge” means the judicial officer assigned to or presiding at the proceeding, or the arraigning 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, and periodically reviewed and revised, 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’s Office, 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, and may waive the five-day requirement. 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, videotaping, 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. The sitting judge is not required to use Courtroom B if that judge so chooses.

- 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 lots 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 (Courtroom B) 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 Courtroom B 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.
- 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 by email, on a portable drive, 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 security, including a magnetometer and/or x-ray machine. Media should plan to allow sufficient time to get through security 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, except on a break in the proceedings.
- 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 security desk on the first floor hallway (south end). 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 and 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 vehicles 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 security. 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 Courts 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 (Courtroom

- B). 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 Rules of Professional Conduct (relevant sections)
- 33.14 Rules of Superintendence for the Courts of Ohio, Rule 12, Conditions for Broadcasting and Photographing Court Proceedings

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	3-11 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	1-3 years	while participating in a criminal
10 years	attempted forcible rape of child under 13		
10 years	major drug offender		
10 years	repeat violent offender		
10 years	racketeering	2 years	wearing or carrying body armor
6 years	automatic firearm or equipped with silencer	2 years	offense in a school safety zone
		1 year	firearm under offender's control
5 years	shooting from a vehicle	(increased for prior conviction of a similar Specification)	
3 years	firearm used or displayed		

State of Ohio v. *Defendant's Name*
Case No. 19CR123456
Judge _____

33.3

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 **Vanessa Clapp, 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*
Case No. 19CR123456
Judge _____

33.4

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*
Case No. 19CR123456
Judge _____

33.5

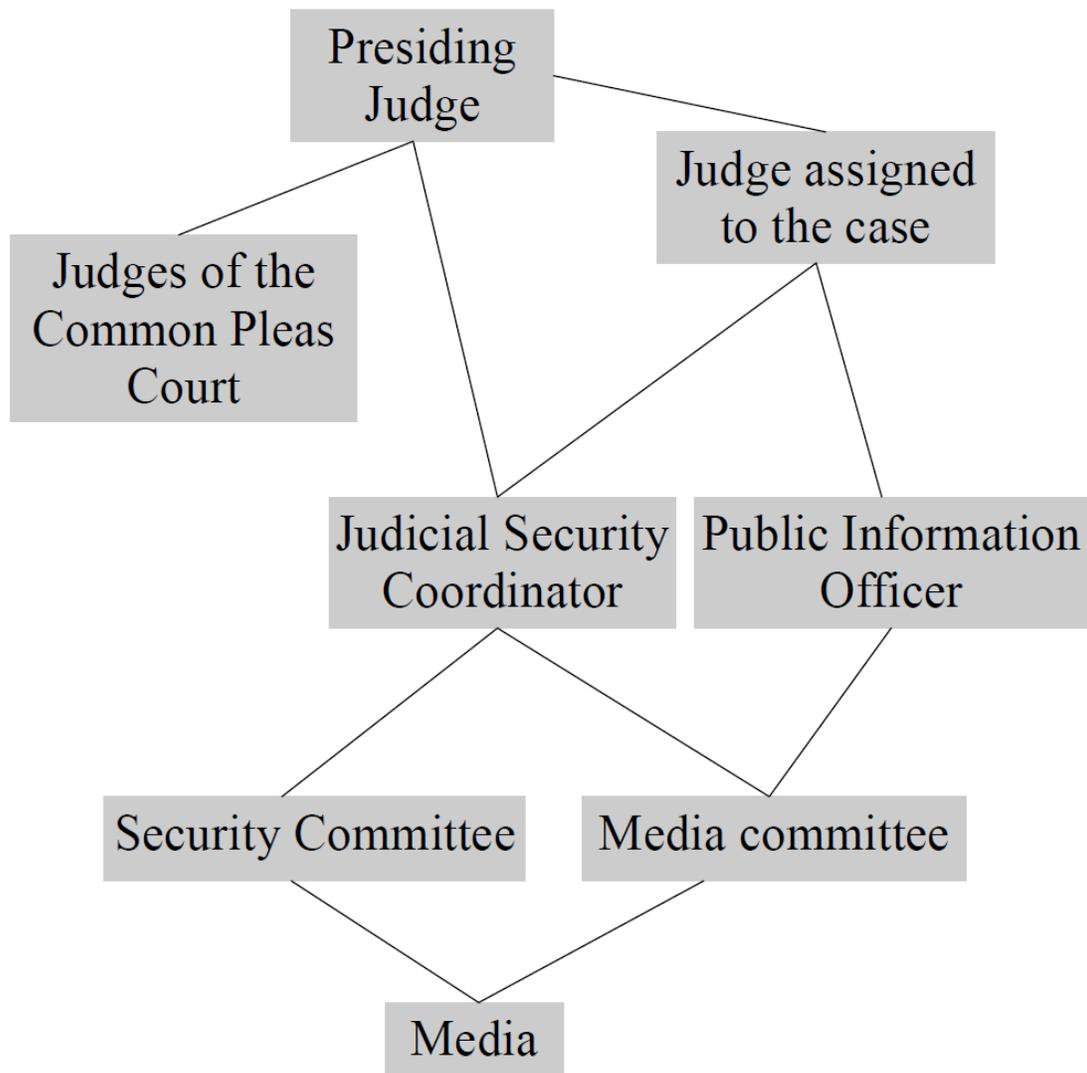
SAMPLE JUDGE'S BIOGRAPHY

JUDGE -

Judge -

A more complete resume of this judge can be found on the court's website.

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

Public Information Officer for this case Judge Patrick J. Condon
47 N. Park Place
Painesville, Ohio 44077
(440) 350-2720

Bailiff for the assigned judge Anthony J. Iliano
47 N. Park Place
Painesville, Ohio 44077
(440) 350-2097

Media Committee Chairman for this case Judge John P. O'Donnell
47 N. Park Place
Painesville, Ohio 44077
(440) 350-2662

Judicial Security Coordinator Judge Eugene A. Lucci
47 N. Park Place
Painesville, Ohio 44077
(440) 350-2100

Webmaster Judge Eugene A. Lucci
47 N. Park Place
Painesville, Ohio 44077
(440) 350-2100

Arraigning Judge
Jan. - Mar. Judge Eugene A. Lucci
Apr. - Jun. Judge Patrick J. Condon
Jul. - Sep. Judge Vincent A. Culotta
Oct. - Dec. Judge John P. O'Donnell

Lake County Sheriff Sheriff Daniel A. Dunlap
104 E. Erie Street
Painesville, Ohio 44077
(440) 350-5517

Painesville City Police Chief Dan Waterman
28 Mentor Avenue
Painesville, Ohio 44077
(440) 392-5840

Clerk of Courts Clerk Maureen G. Kelly
25 N. Park Place
Painesville, Ohio 44077
(440) 350-2657

Presiding Judge (2019) Judge Mark J. Bartolotta
25 N. Park Place
Painesville, Ohio 44077
(440) 350-2708

Administrative Judge (2019) Judge John P. O'Donnell
47 N. Park Place
Painesville, Ohio 44077
(440) 350-2720

Information Technology Director Jim Walsh
(440) 350-2571

Telecommunications Director Paul Stefanko
(440) 350-2586

Media Committee Members

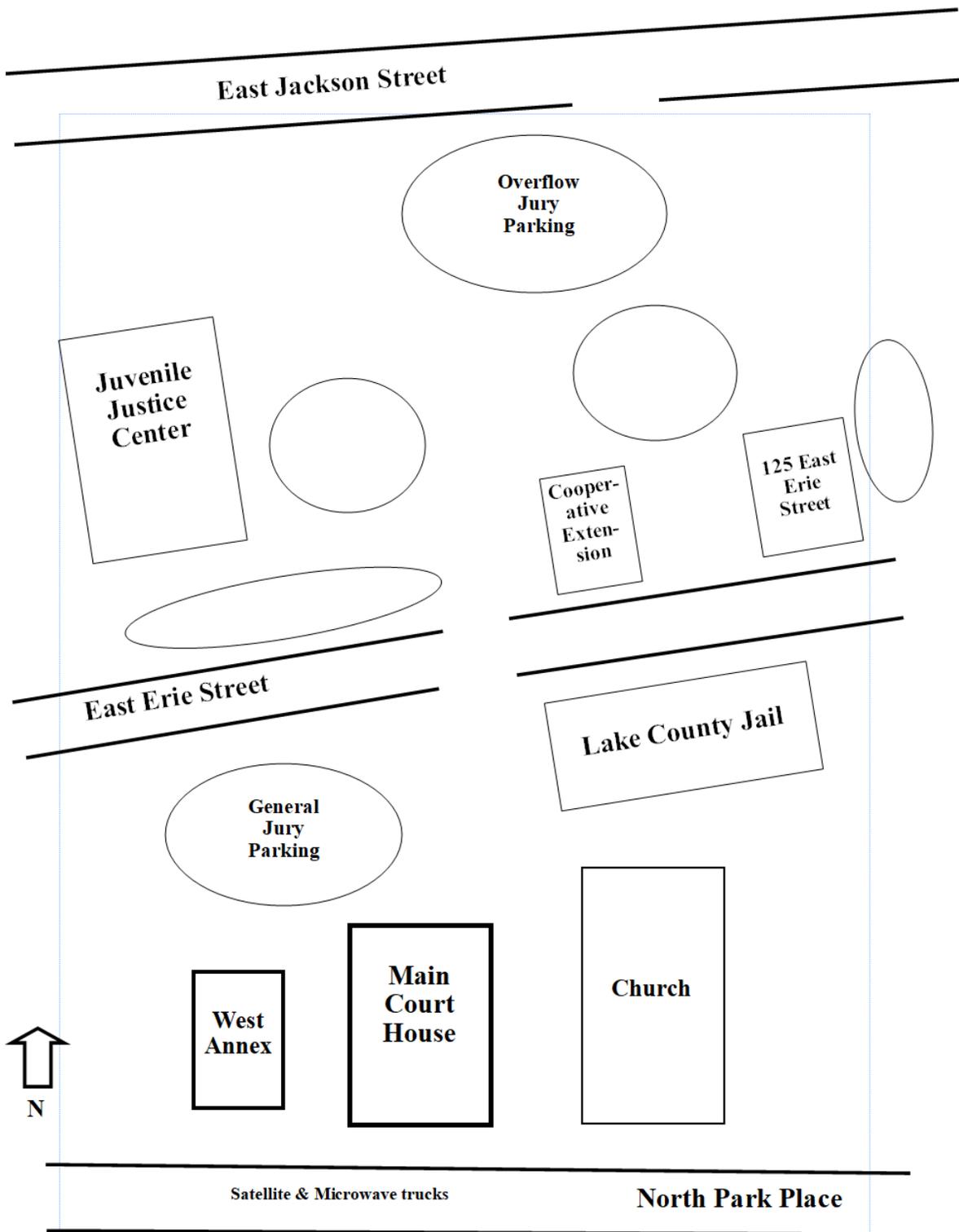
(216) 344-3456 WKYC TV 3 - NBC
216-344-3333 main
216-344-3326 fax
e-mail: news@wkyc.com

(216) 431-3664 WEWS TV 5 - ABC
216-431-5555 main
216-431-3666 fax
e-mail: 5tips@newsnet5.com

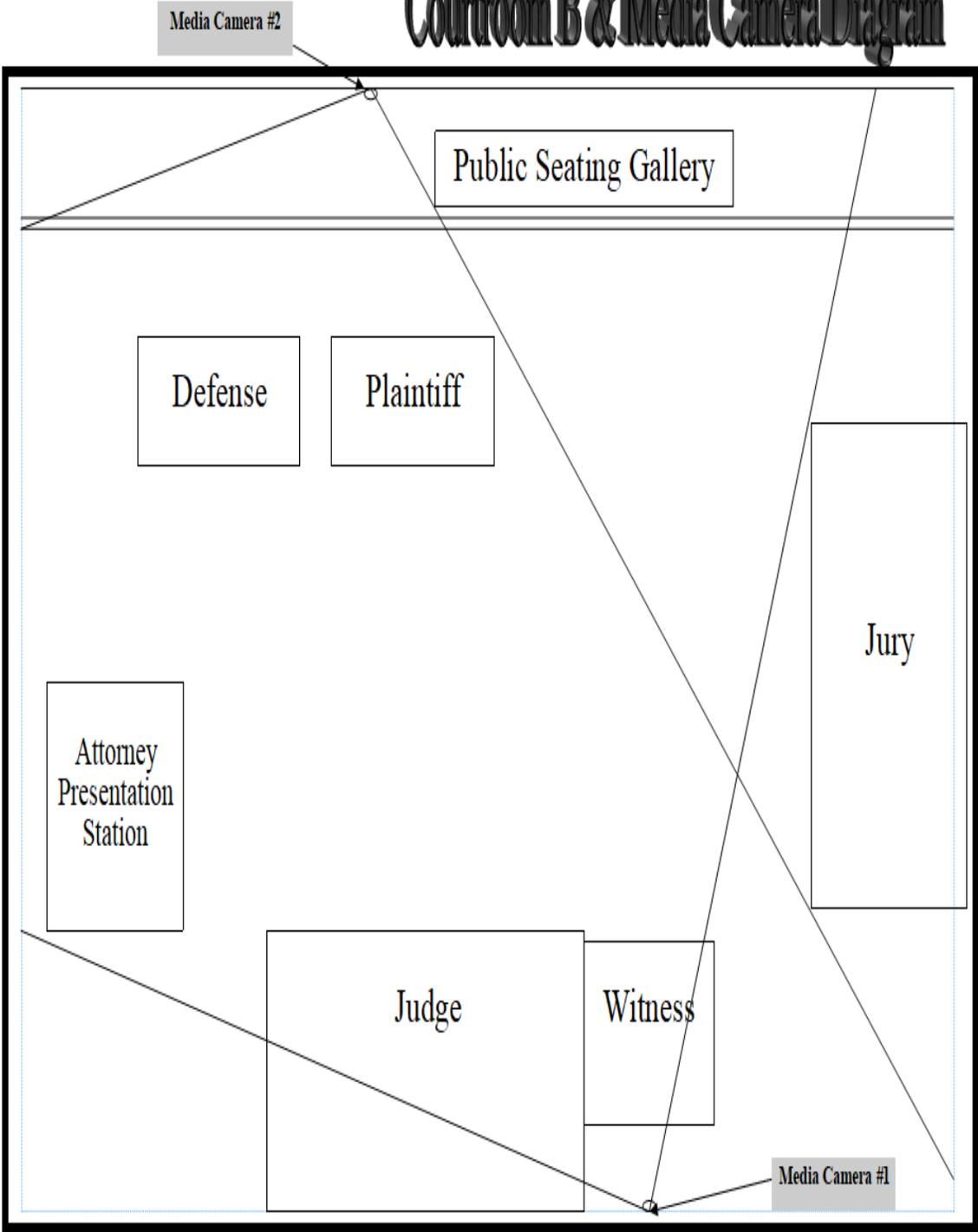
(216) 432-4240 WJW TV 8 - FOX
216-431-8888 main
216-432-4240 newsroom
e-mail:

(440) 954-7198 The News-Herald
(440) 951-0000
(440) 975-2293 fax
e-mail:

(440) 602-4782 The Plain Dealer
216-515-2525 main
440-602-4770 Lake County
e-mail:



Courtroom B & Media Camera Diagram



Courtroom D

Judge

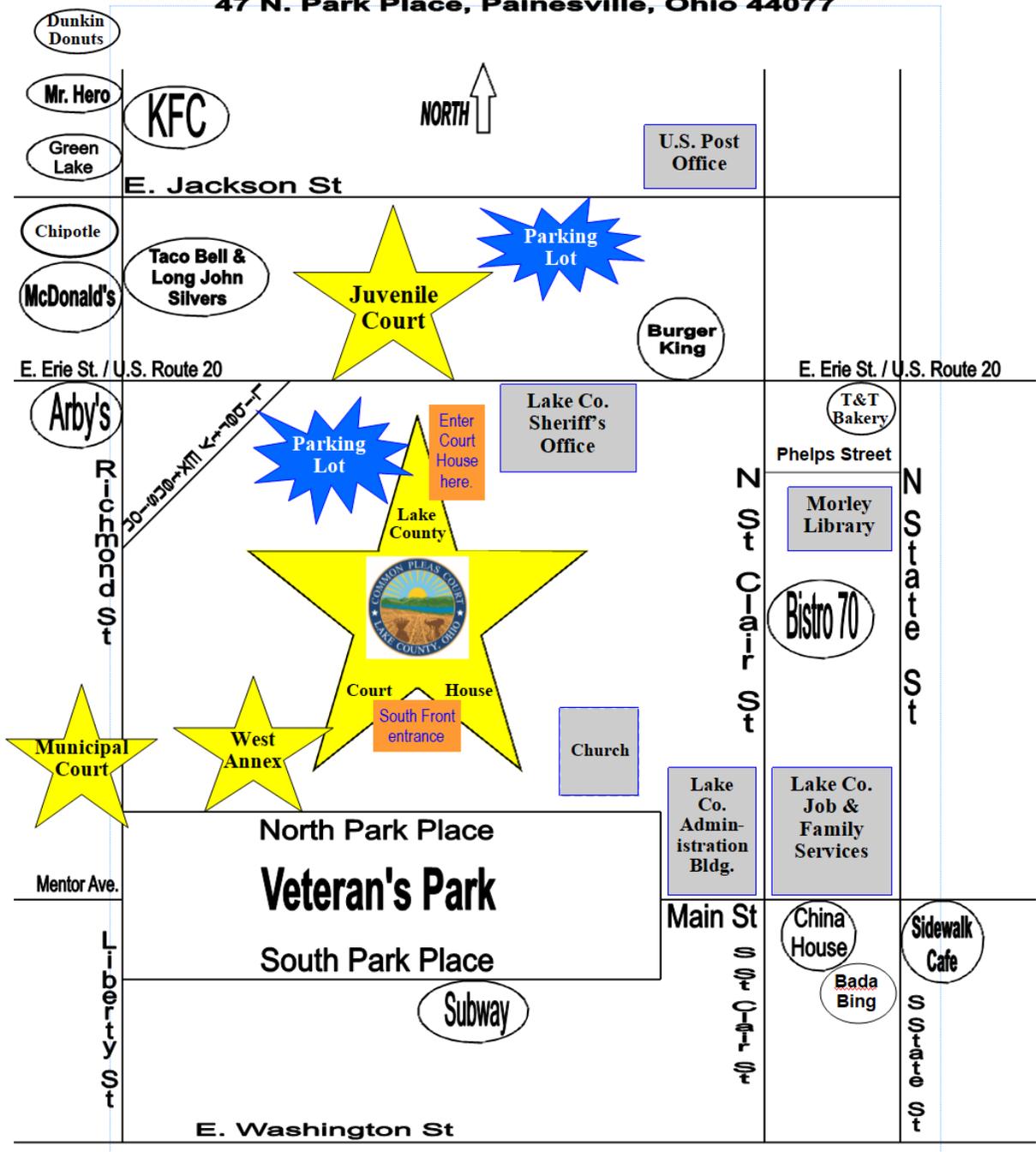
Wit-
ness

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

MAP OF THE AREA OF LAKE COUNTY COURT HOUSE 47 N. Park Place, Painesville, Ohio 44077



- Legend**
- Courthouses
 - Buildings
 - Eateries
 - Parking

33.12 Relevant Sections of the OHIO CODE OF JUDICIAL CONDUCT

Rule 1.1 Compliance with the Law

A judge shall comply with the law.

Rule 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

Rule 2.1 Giving Precedence to the Duties of Judicial Office

The duties of judicial office, as prescribed by law, shall take precedence over all of a judge's other activities.

Rule 2.2 Impartiality and Fairness

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Rule 2.3 Bias, Prejudice, and Harrassment

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

(C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

(D) The restrictions of divisions (B) and (C) of this rule do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

Rule 2.4 External Influences on Judicial Conduct

(A) A judge shall not be swayed by public clamor or fear of criticism.

(B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

(C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

Rule 2.5 Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently and diligently and shall comply with guidelines set forth in the Rules of Superintendence for the Courts of Ohio.

(B) A judge shall cooperate with other judges and court officials in the administration of court business.

Rule 2.6 Ensuring the Right to be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

(B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

Rule 2.7 Responsibility to Decide

A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.

Rule 2.8 Decorum, Demeanor, and Communication with Jurors

(A) A judge shall require order and decorum in proceedings before the court.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

(C) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding.

Rule 2.9 Ex Parte Contacts and Communications with Others

(A) A judge shall not initiate, receive, permit, or consider ex parte communications, except as follows:

(1) When circumstances require it, an ex parte communication for scheduling, administrative, or emergency purposes, that does not address substantive matters or issues on the merits, is permitted, provided the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication;

(2) A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge gives notice to the parties of the person consulted and the subject-matter of the advice solicited, and affords the parties a reasonable opportunity to object or respond to the advice received;

(3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record and does not abrogate the responsibility personally to decide the matter;

(4) A judge, with the consent of the parties, may confer separately with the parties and their lawyers in an effort to settle matters pending before the judge;

(5) A judge may initiate, receive, permit, or consider an ex parte communication when expressly authorized by law to do so;

(6) A judge may initiate, receive, permit, or consider an ex parte communication when administering a specialized docket, provided the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage while in the specialized docket program as a result of the ex parte communication.

(B) If a judge receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

(C) A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

(D) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

Rule 2.10 Judicial Statements on Pending and Impending Cases

(A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

(B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

(C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by divisions (A) and (B) of this rule.

(D) Notwithstanding the restrictions in division (A) of this rule, a judge may make public statements in the course of official duties, may explain court procedures, and may comment on any proceeding in which the judge is a litigant in a personal, nonjudicial capacity.

(E) Subject to the requirements of division (A) of this rule, a judge may respond directly or through a third-party to allegations in the media or elsewhere concerning the judge's conduct in a matter.

Rule 2.11 Disqualification

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

(2) The judge knows that the judge, the judge's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is any of the following:

(a) A party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

(b) Acting as a lawyer in the proceeding;

(c) Has more than a de minimis interest that could be substantially affected by the proceeding;

(d) Likely to be a material witness in the proceeding.

(3) The judge knows that he or she, individually or as a fiduciary, or the judge's spouse, domestic partner, parent, or child, 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.

(4) [RESERVED]

(5) The judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.

(6) The judge knows that the judge's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person has acted as a judge in the proceeding.

(7) The judge meets any of the following criteria:

(a) The judge served as a lawyer in the matter in controversy or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

(b) The judge served in governmental employment, and in such capacity participated personally and substantially as a lawyer or public official concerning the particular matter, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy;

(c) The judge was a material witness concerning the matter;

(d) The judge previously presided as a judge over the matter in another court.

(B) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse or domestic partner and minor children residing in the judge's household.

(C) A judge subject to disqualification under this rule, other than for personal bias or prejudice under division (A)(1) of this rule, may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

Rule 2.12 Supervisory Duties

(A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this code.

(B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

Rule 2.14 Disability and Impairment

(A) A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program.

(B) Any information obtained by a member or agent of a committee or subcommittee of a bar or judicial association or by a member, employee, or agent of a nonprofit corporation established by a bar association, designed to assist lawyers and judges with substance abuse or mental health problems, shall be privileged for all purposes under this rule, provided the information was obtained while the member, employee, or agent was performing duties as a member, employee, or agent of the committee, subcommittee, or nonprofit corporation.

Rule 2.15 Responding to Judicial and Lawyer Misconduct

(A) A judge having knowledge that another judge has committed a violation of this Code that raises a question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.

(B) A judge having knowledge that a lawyer has committed a violation of the Ohio Rules of Professional Conduct that raises a question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.

(C) [RESERVED]

(D) [RESERVED]

33.13 Relevant Sections of the OHIO RULES OF PROFESSIONAL CONDUCT

Rule 1.2: SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(a) Subject to divisions (c), (d), and (e) of this rule, a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer does not violate this rule by acceding to requests of opposing counsel that do not prejudice the rights of the client, being punctual in fulfilling all professional commitments, avoiding offensive tactics, and treating with courtesy and consideration all persons involved in the legal process. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision as to a plea to be entered, whether to waive a jury trial, and whether the client will testify.

(b) [Reserved]

(c) A lawyer may limit the scope of a new or existing representation if the limitation is reasonable under the circumstances and communicated to the client, preferably in writing.

(d) (1) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is illegal or fraudulent. A lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client in making a good faith effort to determine the validity, scope, meaning, or application of the law.

(2) A lawyer may counsel or assist a client regarding conduct expressly permitted under Sub. H.B. 523 of the 131st General Assembly authorizing the use of marijuana for medical purposes and any state statutes, rules, orders, or other provisions implementing the act. In these circumstances, the lawyer shall advise the client regarding related federal law.

(e) Unless otherwise required by law, a lawyer shall not present, participate in presenting, or threaten to present criminal charges or professional misconduct allegations solely to obtain an advantage in a civil matter.

Rule 1.3: DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.6: CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal information relating to the representation of a client, including information protected by the attorney-client privilege under applicable

law, unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by division (b) or required by division (d) of this rule.

(b) A lawyer may reveal information relating to the representation of a client, including information protected by the attorney-client privilege under applicable law, to the extent the lawyer reasonably believes necessary for any of the following purposes:

(1) to prevent reasonably certain death or substantial bodily harm;

(2) to prevent the commission of a crime by the client or other person;

(3) to mitigate substantial injury to the financial interests or property of another that has resulted from the client's commission of an illegal or fraudulent act, in furtherance of which the client has used the lawyer's services;

(4) to secure legal advice about the lawyer's compliance with these rules;

(5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding, including any disciplinary matter, concerning the lawyer's representation of the client;

(6) to comply with other law or a court order;

(7) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.

(c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of or unauthorized access to information related to the representation of a client.

(d) A lawyer shall reveal information relating to the representation of a client, including information protected by the attorney-client privilege under applicable law, to the extent the lawyer reasonably believes necessary to comply with Rule 3.3 or 4.1.

Rule 1.11: SPECIAL CONFLICTS OF INTEREST FOR FORMER AND CURRENT GOVERNMENT OFFICERS AND EMPLOYEES

(a) A lawyer who has formerly served as a public officer or employee of the government shall comply with both of the following:

(1) all applicable laws and Rule 1.9(c) regarding conflicts of interest;

(2) not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When a lawyer is disqualified from representation under division (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless both of the following apply:

(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom;

(2) written notice is given as soon as practicable to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.

(c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this rule, the term "confidential government information" means information that has been obtained under governmental authority and that, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and that is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.

(d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee shall comply with both of the following:

(1) Rules 1.7 and 1.9;

(2) shall not do either of the following:

(i) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing;

(ii) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer or

arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).

(e) As used in this rule, the term "matter" includes both of the following:

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties;

(2) any other matter covered by the conflict of interest rules of the appropriate government agency.

Rule 1.12: FORMER JUDGE, ARBITRATOR, MEDIATOR, OR OTHER THIRD-PARTY NEUTRAL

(a) Except as stated in division (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator, or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.

(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator, or other third-party neutral. A lawyer serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge or other adjudicative officer.

(c) If a lawyer is disqualified by division (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless both of the following apply:

(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom;

(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

Rule 3.1: MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue in a proceeding, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Rule 3.3: CANDOR TOWARD THE TRIBUNAL

(a) A lawyer shall not knowingly do any of the following:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel;

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable measures to remedy the situation, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person, including the client, intends to engage, is engaging, or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable measures to remedy the situation, including, if necessary, disclosure to the tribunal.

(c) The duties stated in divisions (a) and (b) of this rule continue until the issue to which the duty relates is determined by the highest tribunal that may consider the issue, or the time has expired for such determination, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Rule 3.4: FAIRNESS TO OPPOSING PARTY AND COUNSEL

A lawyer shall not do any of the following:

- (a) unlawfully obstruct another party's access to evidence; unlawfully alter, destroy, or conceal a document or other material having potential evidentiary value; or counsel or assist another person to do any such act;
- (b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;
- (c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on a good faith assertion that no valid obligation exists;
- (d) in pretrial procedure, intentionally or habitually make a frivolous motion or discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;
- (e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence or by a good-faith belief that such evidence may exist, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused;
- (f) [RESERVED]
- (g) advise or cause a person to hide or to leave the jurisdiction of a tribunal for the purpose of becoming unavailable as a witness.

Rule 3.5: IMPARTIALITY AND DECORUM OF THE TRIBUNAL

- (a) A lawyer shall not do any of the following:
 - (1) seek to influence a judicial officer, juror, prospective juror, or other official by means prohibited by law;
 - (2) lend anything of value or give anything of more than de minimis value to a judicial officer, official, or employee of a tribunal;
 - (3) communicate ex parte with either of the following:
 - (i) a judicial officer or other official as to the merits of the case during the proceeding unless authorized to do so by law or court order;
 - (ii) a juror or prospective juror during the proceeding unless otherwise authorized to do so by law or court order.
 - (4) communicate with a juror or prospective juror after discharge of the jury if any of the following applies:

- (i) the communication is prohibited by law or court order;
- (ii) the juror has made known to the lawyer a desire not to communicate;
- (iii) the communication involves misrepresentation, coercion, duress, or harassment;

(5) engage in conduct intended to disrupt a tribunal;

(6) engage in undignified or discourteous conduct that is degrading to a tribunal.

(b) A lawyer shall reveal promptly to the tribunal improper conduct by a juror or prospective juror, or by another toward a juror, prospective juror, or family member of a juror or prospective juror, of which the lawyer has knowledge.

Rule 3.6: 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 the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(b) Notwithstanding division (a) of this rule and if permitted by Rule 1.6, 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 thereto;
- (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:

(i) the identity, residence, occupation, and family status of the accused;

(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;

(iii) the fact, time, and place of arrest;

(iv) 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 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.

Rule 3.7: LAWYER AS WITNESS

(a) A lawyer shall not act as an advocate at a trial in which the lawyer is likely to be a necessary witness unless one or more of the following applies:

(1) the testimony relates to an uncontested issue;

(2) the testimony relates to the nature and value of legal services rendered in the case;

(3) the disqualification of the lawyer would work substantial hardship on the client.

(b) A lawyer may act as an advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or 1.9.

(c) A government lawyer participating in a case shall not testify or offer the testimony of another lawyer in the same government agency, except where division (a) applies or where permitted by law.

Rule 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall not do any of the following:

(a) pursue or prosecute a charge that the prosecutor knows is not supported by probable cause;

(b) [RESERVED]

(c) [RESERVED]

(d) fail to make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, fail to disclose to the defense all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by an order of the tribunal;

(e) subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes all of the following apply:

(1) the information sought is not protected from disclosure by any applicable privilege;

(2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution;

(3) there is no other feasible alternative to obtain the information.

(f) [RESERVED]

Rule 4.1: TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client a lawyer shall not knowingly do either of the following:

(a) make a false statement of material fact or law to a third person;

(b) fail to disclose a material fact when disclosure is necessary to avoid assisting an illegal or fraudulent act by a client.

Rule 4.2: COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

Rule 4.3: DEALING WITH UNREPRESENTED PERSON

In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to

an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

Rule 4.4: RESPECT FOR RIGHTS OF THIRD PERSONS

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, harass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

Rule 8.2: JUDICIAL OFFICIALS

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judicial officer, or candidate for election or appointment to judicial office.

(b) A lawyer who is a candidate for judicial office shall not violate the provisions of the Ohio Code of Judicial Conduct applicable to judicial candidates.

(c) A lawyer who is a retired or former judge or magistrate may use a title such as "justice," "judge," "magistrate," "Honorable" or "Hon. " when the title is preceded or followed by the word "retired," if the lawyer retired in good standing with the Supreme Court, or "former," if the lawyer, due to the loss of an election, left judicial office in good standing with the Supreme Court.

(d) A lawyer who is a retired or former judge shall not state or imply that the lawyer's former service as a judge enables the lawyer to improperly influence any person or entity, including a government agency or official, or to achieve results by means that violate the Ohio Rules of Professional Conduct or other law.

Rule 8.3: REPORTING PROFESSIONAL MISCONDUCT

(a) A lawyer who possesses unprivileged knowledge of a violation of the Ohio Rules of Professional Conduct that raises a question as to any lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, shall inform a disciplinary authority empowered to investigate or act upon such a violation.

(b) A lawyer who possesses unprivileged knowledge that a judge has committed a violation of the Ohio Rules of Professional Conduct or applicable rules of judicial conduct shall inform the appropriate authority.

(c) Any information 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, provided the information was obtained while the member, employee, or agent was performing duties as a member, employee, or agent of the committee, subcommittee, or nonprofit corporation, shall be privileged for all purposes under this rule.

Rule 8.4: MISCONDUCT

It is professional misconduct for a lawyer to do any of the following:

- (a) violate or attempt to violate the Ohio Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit an illegal act that reflects adversely on the lawyer's honesty or trustworthiness;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Ohio Rules of Professional Conduct or other law;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of the Ohio Rules of Professional Conduct, the applicable rules of judicial conduct, or other law;
- (g) 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;
- (h) engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

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.