



**JUDICIAL COUNCIL OF THE NINTH CIRCUIT
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**



James R. Browning United States Courthouse
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Cathy A. Catterson
Circuit & Court of Appeals Executive

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May 7, 2009

Honorable John R. Tunheim
Chair
U.S. Judicial Conference Committee on
Court Administration & Case Management
13E United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: *Cameras in the Courtroom*

Dear Judge Tunheim:

I write on behalf of the Judicial Council of the Ninth Circuit to ask that the Committee on Court Administration and Case Management consider the resolution approved at the July 2007 Ninth Circuit Judicial Conference recommending that the Judicial Conference of the United States (JCUS) change its policy "to permit photographing, recording and broadcasting non-jury, civil cases before the district courts." The Ninth Circuit Judicial Council considered the resolution at a number of meetings following the 2007 Conference but deferred action to await possible developments at the national level. The Council recently concluded that it is appropriate to forward the resolution now and ask that it be considered by your Committee at its June meeting.

Enclosed please find the materials that were considered by the Judicial Council. Please let me know if you have any questions or wish to receive any additional materials. Thank you.

Sincerely,


Cathy A. Catterson

c: Ninth Circuit Judicial Council

2007 Ninth Circuit Judicial Conference

RESOLUTION

Recommending a change to the Judicial Conference of the United States' policy to permit photographing, recording and broadcasting non-jury, civil cases before the district courts.

Should the Ninth Circuit encourage the Judicial Conference of the United States to reconsider its position and permit circuits to adopt a rule allowing photographing, recording, and broadcasting non-jury, civil proceedings before the District Courts?

Judges			Lawyers			Overall		
<i>Yes</i>	<i>No</i>	<i>No Vote</i>	<i>Yes</i>	<i>No</i>	<i>No Vote</i>	<i>Yes</i>	<i>No</i>	<i>No Vote</i>
90	63	0	81	33	0	171	96	0

RESOLUTION 1

INSTITUTING A CIRCUIT RULE PERMITTING PHOTOGRAPHING, RECORDING AND BROADCASTING IN NON-JURY, CIVIL CASES BEFORE THE DISTRICT COURTS

WHEREAS, a study conducted by the Federal Judicial Center from July 1, 1991, to June 30, 1993, using the guidelines approved by the Judicial Conference of the United States, resulted in a recommendation that district judges be allowed to permit photographing, recording, and broadcasting of civil proceedings consistent with those guidelines; and

WHEREAS, the Judicial Conference of the United States has authorized each court of appeal to decide for itself whether to permit the taking of photographs and radio and television coverage of appellate arguments since 1996, but specifically urged each circuit judicial council to adopt an order to prohibit such electronic coverage in the United States District Courts; and

WHEREAS, the Judicial Council of the Ninth Circuit voted to adopt the policy of the Judicial Conference of the United States regarding the use of cameras in courtrooms on May 24, 1996; and

WHEREAS, the Chief Judge of the Ninth Circuit issued an Order in June 1996 to allow photographing, recording and broadcasting in its appellate courtrooms, subject to the discretion of the presiding judges, and under guidelines approved by the Judicial Conference of the United States, but specifically prohibited similar electronic coverage in the United States District Courts; and

WHEREAS, Ninth Circuit panels have permitted electronic coverage more than 130 times between 1991 and 2005 in appellate proceedings; and

WHEREAS, an overwhelming majority of the Ninth Circuit judges who have allowed photographing, recording and broadcasting of their proceedings have had a positive experience with such coverage; and

WHEREAS, significant technological advances have been made to allow electronic coverage of courtroom proceedings with minimally invasive equipment since the Ninth Circuit last considered whether to permit electronic coverage in the United States District Courts; and

WHEREAS, it is recognized that providing the public with greater access to the working of the courts through electronic coverage of civil court proceedings would promote greater public understanding of the role and function of the federal judiciary; and

WHEREAS, the Lawyer Representatives Coordinating Committee ("LRCC") supports a rule that would permit the photographing, recording and broadcasting of non-jury, civil proceedings before the District Courts of the Ninth Circuit, subject to the discretion of the presiding judge and under guidelines similar to those approved by the Judicial Conference.

Now, therefore, be it **RESOLVED**:

- 1) The Ninth Circuit should encourage the Judicial Conference of the United States to reconsider its prior position concerning the photographing, recording, and broadcasting of non-jury, civil proceedings before District Courts, and to the extent permitted by Judicial Conference procedures, this Circuit should adopt a Rule that would allow the photographing, recording, and broadcasting of non-jury, civil proceedings before the District Courts in the Ninth Circuit.
- 2) The proposed Rule would apply guidelines consistent with those already in place and used by the Ninth Circuit in its appellate proceedings.
- 3) Before the next Circuit Conference, a committee should be appointed by the Chief Judge of the Ninth Circuit to prepare a presentation to the Judicial Conference of the United States setting forth this position and recommendation for change.