

Rule 2. The Judiciary

2.01 Duty Session. At all times during the regular court day, the judge assigned to the duty session shall be available for (1) contact with the public, (2) motions for judgment and any other motion or matter ordered by the administrative judge to be handled through the duty session (3) review of decisions by magistrates, (4) applications for warrants to search, (5) requests for continuance in particular sessions, (6) clerk's applications to strike out of rule or incomplete filings, (7) motions to dismiss filed by the prosecutor pursuant to Crim.R. 48 prior to the issuance of summons, and (8) orientation of jurors. Marriage ceremonies may be performed by the duty judge at such times as the duty judge may designate.

However, pursuant to Jud.Cond.R 2, the duty judge may refer any motion or matter for assignment by lot if the duty judge believes that the motion or matter addresses substantive issues or that a party may gain a procedural or tactical advantage through the duty session.

2.02 Administrative Judge. The administrative judge shall decide questions pertaining to cases assigned to a judge in the absence of that judge. In the absence of the administrative judge the duty judge shall perform the duties of the administrative judge.

2.03 Applications for cognovit judgment. Applications for cognovit judgment shall be made to the duty judge and shall be accompanied by the original promissory note.

2.04 [Reserved]

2.05 Public Use of Courtrooms

(A) Questions regarding the admission of persons to a courtroom shall be the province of the judge to whom that courtroom is assigned, within the guidelines of public access to all court proceedings, consistent with the order and dignity of the court

(B) Public statements by the court, counsel, court personnel, and witnesses shall be regulated by the judge to whom the case is assigned within the guidelines of public access to court proceedings and the right of the parties to be free of improper publicity within areas protected by fundamental rights.

(C) No recording shall be made of any court proceeding without approval of the judge conducting the proceeding and consistent with the Rules of Superintendence.

(D) Cell Phones, Cameras, Pagers, Laptop Computers, and Other Electronic Devices

(1) Unless otherwise permitted in accordance with subsection (E) of this rule, the operation of any cellular or portable telephone, camera (still or video), pager, beeper, computer, radio, or other sound or image recording or transmission device is prohibited in any courtroom or hearing room, jury room, judge's chambers, or ancillary area (to be determined in the sole discretion of the Court) without the express permission of the Court. All such devices must be turned off in the above-listed areas at all times.

(2) Duly licensed attorneys and their paralegals/assistants appearing in court, courthouse employees, public safety officers, authorized contractors and vendors, court staff, and any others authorized by the Court are exempt from the prohibition above unless otherwise ordered by the Court.

(3) Any person or persons violating this Rule are subject to sanctions for contempt and/or criminal prosecution, and may be ejected from any restricted area described above or from the courthouse, and any item or device operated in violation of this Rule may be confiscated by court staff or courthouse security personnel and held until the offending person(s) leave(s) the courthouse. In no event shall the Court or any court or security personnel be liable for damage to any device confiscated and/or held in accordance with this Rule.

(E) Broadcasting, recording, photographing, and televising by news media during courtroom sessions, including recesses between sessions, shall be permitted under the following conditions:

(1) Administration

(a) Requests for permission to broadcast, record, photograph, or televise in the courtroom shall be in writing to the Court Administrator of the Franklin County Municipal Court as far in advance as reasonably practical, but in no event later than one (1) hour prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the trial judge. Request forms may be obtained from the Court Administrator's Office.

(b) The Court Administrator shall immediately inform the trial judge of the request, who shall notify the parties, and may grant the request in writing. Written permission shall be made a part of the record of the proceeding.

(2) Pooling

(a) Arrangements shall be made between or among media for "pooling" equipment and personnel authorized by this rule to cover the court sessions. Such arrangements are to be made outside the courtroom and without imposing on the trial judge or court personnel to mediate any dispute as to the appropriate media "pool" representative or equipment authorized to cover a particular session.

(3) Equipment and Personnel

(a) Not more than one portable camera (television, videotape or movie), operated by not more than one in-court camera person, shall be permitted without permission of the trial judge.

(b) Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without permission of the trial judge.

(c) Not more than one audio system for radio broadcast purposes shall be permitted without permission of the trial judge.

(d) If audio arrangements cannot be reasonably made in advance, the trial judge may permit one audio portable tape recorder at the bench which will be activated prior to commencement of the courtroom session.

(e) Visible audio portable recorders may not be used by the news media without prior permission of the trial judge.

(4) Light and Sound Criteria

(a) Only professional quality telephonic, photographic and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom sessions. No motor driven still cameras shall be permitted.

(b) No artificial lighting device 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 trial judge may permit modification.

(c) Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located only at the trial judge's bench, witness stand and jury rail. Microphones shall be visible, secured, but unobtrusive. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in places designated in advance of any session by this rule or the trial judge.

(5) Location of Equipment and Personnel

(a) One television camera shall be positioned on a tripod at a position designated by the trial judge and remain fixed in that position. This designated area shall provide reasonable access to coverage. Videotape recording equipment or other technical equipment which is not a component part of an in-court television or broadcasting unit shall be located in a room adjacent to or outside of the courtroom.

(b) The television, broadcast, and still camera operators shall position themselves in a location in the courtroom either standing or sitting and shall assume a fixed position within that area. Having established themselves on a

shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts or zooms by television or still camera operators are prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcasts of courtroom sessions, except to leave or enter the courtroom.

(c) Television cameras, microphones, and taping equipment shall not be placed in, moved during, or removed from the courtroom except prior to commencement or after adjournment of the session (the trial judge has not gavelled the proceeding to order or adjournment) or during a recess. Neither television film magazines, rolls or lenses, still camera film, nor audio portable tape cassettes shall be changed within a courtroom except during a recess.

6. Miscellaneous

(a) Proper courtroom decorum shall be maintained by all media pool participants.

(b) All media representatives shall be properly attired, in a manner that reflects positively upon the journalistic profession.

7. Limitations

(a) There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, or the trial judge and counsel.

(b) The trial judge shall prohibit broadcasting, recording, photographing, or televising by any means victims of sexual assaults, informants, and undercover police officers. The trial judge shall retain discretion to limit or prohibit broadcasting, recording, photographing or televising upon objections of any juror, victim, witness or object.

8. Revocation or Permission

(a) Upon the failure of any media representatives to comply with the conditions prescribed by the trial judge, the Rules of Superintendence of the Supreme Court, or this rule, the trial judge may revoke the permission to broadcast, record, photograph or televise the trial or hearing.

2.06 Public comment by the judiciary. Judges holding special judicial title obtained by election or appointment shall identify themselves by such title only when making statements within such capacity, unless such other statement has been approved by a majority of the judges.

2.07 [Reserved]

2.08 Coverage for Environmental Cases

- (A) Except as provided below, no judge of the general division may hear or determine any matter within the jurisdiction of the environmental division.
- (B) If the judge of the environmental division is on vacation, sick, absent, or otherwise not in attendance:
 - (1) any case assigned to the environmental arraignment session may be determined by the judge assigned to courtroom 4C or by a magistrate of this Court.
 - (2) approval of any search warrant shall be considered in the same manner as set forth in Loc.R. 4.12.
 - (3) the set-aside of an arrest warrant issued in an environmental case may be made by the duty judge, or in the absence of the duty judge, the administrative judge.
 - (4) and the defendant in an environmental case is incarcerated in lieu of bond for failure to make a court appearance, the case shall be referred back to the environmental judge for disposition, unless the judge assigned to courtroom 4D disposes of the case upon motion of the prosecuting attorney.
- (C) No provision of this rule shall limit the authority of the Presiding and Administrative Judge to request a visiting judge or assign a judge of the general division to the environmental division as the result of the recusal or prolonged absence of the environmental judge.