

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. However, pursuant to Canon 3, 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 (3) review of magistrate's decisions (4) applications for warrants to search (5) requests for continuance in particular sessions, (6) clerk's application 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 (8) performance of civil ceremonies, and (9) orientation of jurors. Marriage ceremonies will be performed by appointment only and at such times and after such notice as the court may designate.
- 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 judgment. (1) Applications for default judgment shall be made to the duty judge and shall be called, when required, on the second Monday after the date of filing. No application will be allowed without presentation of proof of damages. (2) Applications for cognovit judgment shall be made to the duty judge and shall be accompanied by the original promissory note.
- 2.04 Reports to the administrative judge. The bailiff assigned to the duty session courtroom and the bailiffs serving their judges in particular session shall make monthly reports on forms approved by the administrative judge. A draft of each report shall be received by the administrative judge by the tenth day of each month in which a report must be transmitted to the Supreme Court.
- 2.05 Public use of courtrooms. (1) Questions of 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. (2) 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. (3) No recording shall be made of any court proceeding without approval of the judge conducting the proceeding and within the Rules of Superintendence.

Effective June 1, 1979, broadcasting, recording, photographing and televising by news media during courtroom sessions, including recesses between sessions, shall be permitted under the following conditions:

Administration

1. 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.

2. The Court Administrator shall immediately inform the trial judge of the request, who shall notify the parties, and may grant the request in writing consistent with Canon 3(A)(C), Code of Judicial Conduct, Superintendence Rule 11, and this local rule. Written permission shall be made a part of the record of the proceeding.

Pooling

1. 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.

Equipment and Personnel

1. 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.

2. 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.

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

4. 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.

5. 'Visible' audio portable recorders may not be used by the news media without prior permission of the trial judge.

Light and Sound Criteria

1. 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.
2. 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.
3. 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.

Location of Equipment and Personnel

1. 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.
2. 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.
3. 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 gaveled 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.

Miscellaneous

1. Proper courtroom decorum shall be maintained by all media pool participants.
2. All media representatives shall be properly attired, in a manner that reflects positively upon the journalistic profession.

Limitations

1. 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.

2. The trial judge shall prohibit broadcasting, recording, photographing or television 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.

Revocation or Permission

1. 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 Early release program. An inmate within the Franklin County Corrections System under a suspendable sentence may receive a diminution of sentence, at the discretion of the sentencing judge provided herein, for every day actually served beyond the tenth day of the sentence. The following conditions must apply

1. Unless the sentencing judge directs otherwise, a defendant sentenced to a term in the Franklin County Corrections System will be eligible for the early release program. If the sentencing judge does not want a defendant to be eligible for the early release program, the judge shall write "NO EARLY RELEASE PROGRAM" on the judgment entry and sentencing sheet.
2. The Sheriff's Department will monitor the conduct of the inmates participating in the early release program. Inmates abusing the program or causing disciplinary problems will be removed from the program.
3. Upon completing one-half of the inmate sentence (beyond the first ten days of the sentence) the conduct of the inmate will be reviewed by the Sheriff's Department. If the inmate has exhibited proper conduct while incarcerated, the department will prepare a motion and entry for the sentencing judge requesting that the balance of the inmate's sentence be suspended.
4. No prisoner shall be released from the custody of the Sheriff prior to the expiration of his or her sentence, absent an order from the sentencing judge, reducing or suspending a portion of the sentence.