

## **KENTUCKY BAR ASSOCIATION MEDIA POLICY FOR PUBLIC ORAL ARGUMENTS**

**In the event an oral argument is public under SCR 3.150 (hereinafter referred to as “oral argument”), the following policy shall apply to any media coverage or requests by members of the public:**

### **1. Equipment and personnel**

- (a) Not more than one television camera operated by not more than one camera person shall be permitted in any KBA public oral arguments.
- (b) Not more than one still photographer shall be permitted in any oral argument proceeding and no flash photography will be allowed.
- (c) Not more than one audio recording system for radio broadcast purposes shall be permitted in any oral argument proceeding. Any related equipment essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding. No handheld recording devices will be allowed by individual reporters.
- (d) Any “pooling” arrangements among the media required by these limitations on equipment and personnel for oral argument proceedings shall be the sole responsibility of the media.

### **2. Requests for coverage**

Requests for coverage by any media for an oral argument proceeding shall be made to the KBA Executive Director three business days in advance by e-mail. All questions regarding the coverage of oral arguments should be directed to John Meyers, Kentucky Bar Association Executive Director, at [jmeyers@kybar.org](mailto:jmeyers@kybar.org).

### **3. Sound and light criteria**

- (a) Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover oral argument proceedings.
- (b) It shall be the affirmative duty of media personnel to demonstrate to the KBA Executive Director adequately in advance of any oral argument proceeding that the equipment sought to be utilized meets the sound and light criteria enunciated herein. A failure to obtain advance KBA approval for equipment shall preclude its use in any oral argument proceeding.

### **4. Location of equipment personnel**

- (a) Television camera equipment for any oral argument proceeding shall be positioned in such location in the hearing room as shall be designated by the presiding official. The area designated shall provide reasonable access to coverage.
- (b) A still camera photographer shall position himself/herself in such location in the hearing room for the oral argument proceeding as shall be designated by the presiding official. The area designated shall provide reasonable access to coverage of the oral

argument proceeding. Still camera photographers shall assume a fixed position within the designated area and, once a photographer has established himself in a shooting position, he/she shall act so as not to call attention to himself/herself through further movement. Still camera photographers shall not be permitted to move about in order to obtain photographs of the oral argument proceeding.

(c) Broadcast media representatives shall not move about the hearing room while oral argument proceedings are in session, and microphones or taping equipment once positioned as required by 1.(c) shall not be moved during the oral argument proceeding.

## **5. Movement during proceedings**

News media photographic or audio equipment shall not be placed in or removed from the hearing room except prior to commencement or after adjournment of oral argument proceedings each day, or during a recess.

## **6. Conferences of counsel**

To protect the attorney-client privilege and the right to counsel, there shall be no audio pickup or broadcast of conferences which occur in the hearing room between attorneys and their clients or between co-counsel of a client in oral argument proceedings.

## **7. Impermissible use of media material**

(a) None of the video tape, still photographs, audio reproductions or streaming media of any type developed during or by virtue of coverage of an oral argument proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any retrial or appeal of such proceedings.

(b) None of the film, video tape, still photographs, audio reproductions or streaming media of any type developed by virtue of coverage of an oral argument shall be considered an official record of the proceeding out of which it arose.