

**United States District Courts**  
**Digital Video Recording (“Cameras”) Pilot Project**

**Implementation Guidance**  
**Court Administration and Case Management Committee**  
**July 26, 2011**

# **Digital Video Recording (“Cameras”) Pilot Project**

## **Implementation Guidance**

Pilot districts that have started to develop procedures for video recording of courtroom proceedings have raised some questions about procedural matters in discussions with Federal Judicial Center (FJC) research staff. Having been alerted to the questions, most of which relate to selecting proceedings to record and to receiving necessary consents, the Court Administration and Case Management Committee (Committee) has prepared this document to provide the courts with implementation guidance that offers specific, concrete suggestions about procedures the districts might adopt to identify proceedings and obtain consents. Of course, under the Guidelines, decisions about whether and what to record are always at the discretion of the presiding judge.

Our guidance is presented in four parts.

### **Part 1: Implementation Questions and Answers.**

Part 1 of this document presents a set of questions the pilot districts have asked about how to implement the pilot project. The document offers some possible answers to the questions, which the pilot districts and judge may use or adapt as it suits their circumstances and preferences. Because courts and judges vary in their practices, we expect that the answers to these questions will vary as well when ultimately adopted by each district.

### **Part 2: Example General Orders.**

The implementation questions and answers are intended to help courts work through key procedural questions, but pilot courts have also asked their FJC liaisons for practical assistance with the request and consent process. The second part of this document responds by providing Example General Orders that show in concrete terms how the pilot project might be implemented in a district court. The orders are examples only, provided solely to help pilot courts envision how procedures might work.

The first example of a general order gives the district judge primary responsibility for notifying parties of the opportunity to record and for handling the consent process. The second example locates these responsibilities in the clerk's office. In both approaches, others (e.g., a party, the media) may also indicate their interest in having a particular proceeding recorded.

### **Part 3: Data Collection Forms.**

At the request of the Judicial Conference, the FJC will collect data and report to this Committee on the courts' experience with the pilot project. The third part of this document shows the forms the FJC will use to track request and consent activity. The Committee asks the courts to use these forms, which the FJC will provide in a fillable format:

- REASONS FOR JUDGE'S SELECTION OF CASE OR PROCEEDING FOR VIDEO RECORDING (Form A);
- REQUEST FOR VIDEO RECORDING (Form B);
- REASONS FOR JUDGE'S DECISION NOT TO PERMIT VIDEO RECORDING OF PROCEEDING THAT WOULD OTHERWISE BE ELIGIBLE OR FOR WHICH A REQUEST FOR RECORDING WAS MADE (Form C);
- NOTIFICATION OF REQUEST FOR VIDEO RECORDING (Form D);
- PARTY RESPONSE TO REQUEST FOR VIDEO RECORDING (Form E);
- REQUEST TO EXEMPT WITNESS FROM VIDEO RECORDING (Form F); and
- REASONS FOR JUDGE'S DECISION NOT TO MAKE PUBLICLY AVAILABLE ALL OR PORTIONS OF A VIDEO RECORDING THAT WAS MADE (Form G).

We reference the various data collection forms where they are relevant in the discussion of implementation matters at Part 1.

### **Part 4: Draft Language for Circumstances Arising From Being a Pilot Court.**

The final part of this document provides material that courts may find useful in responding to circumstances that arise from being involved in the pilot project. The media have contacted several pilot districts asking for information, and Part 4 provides tools for making such information available on-line. Included in Part 4 are a "Notice to the Public" and some suggested language that may serve as a model for posting "Frequently Asked Questions" on your court's website. Listed also is a link to a Cameras in Courts landing page that the Office of Public Affairs of the Administrative Office is drafting for the [uscourts.gov](http://uscourts.gov) web site. In

addition to information explaining the pilot project, Part 4 provides draft jury instructions for use in jury trials that are recorded and draft instructions to make those who are present during a recorded proceeding aware of certain matters.

We ask the pilot districts to keep in mind several key features of earlier guidance provided by the Committee (Guidelines for the Cameras Pilot Project in the District Courts, sent May 9, 2011; hereafter Program Guidelines): recordings may be made in civil cases only and only when the parties consent; proceedings may not be recorded without approval of the presiding judge; the cameras must be operated by the court, not the media; a local rule must be adopted to authorize recording in the courtrooms<sup>1</sup>; and only active district judges may participate in the pilot project. Further, only courtroom proceedings may be recorded, not proceedings held in chambers or other locations.

In addition to this document, the Office of Public Affairs at the AO will shortly be sending a memo to IT staff in the pilot courts regarding the technical and web site aspects of the pilot project.

If at any time a pilot district has questions about the Committee's Program Guidelines or Implementation Guidance, please do not hesitate to call the chair of the Committee, Judge Julie Robinson; the Court Administration Policy Staff at the Administrative Office; or the district's FJC liaison for the pilot project. Throughout the pilot project both the FJC and AO will routinely be in contact with the pilot districts, the FJC through the designated liaisons and the AO through Cary Casola and the Office of Public Affairs.

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<sup>1</sup> The Committee's Program Guidelines require that each pilot district authorize the pilot project through a local rule amendment (see the guidelines sent May 9, 2011). Some pilot courts are authorizing the pilot project by general order while amendment of the local rule is in process, which permits participation in the pilot project from the July 18, 2011 start date. If you wish to proceed initially under a general order, you may. Note, too, that 28 U.S.C. Sec. 2071(e) provides courts some discretion in adopting rules on an emergency basis without need for prior public notice and comment, as long as the rules process (which may take some time) is begun "promptly" after.