

LOCAL RULES
OF THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS



Including Amendments Through
September 7, 2011

(and November 1, 2011 Fee Schedule)

**RULE 83.3.1 RULE GOVERNING THE PILOT PROGRAM ON PHOTOGRAPHING,
RECORDING AND BROADCASTING CIVIL PROCEEDINGS IN THE COURTROOM
[EXPIRED JUNE 30, 1994]**

(A) General Provisions.

(1) This rule applies to all civil proceedings in any session of the United States District Court and the Bankruptcy Court of the District of Massachusetts. The term "presiding judicial officer" applies to the judicial officer presiding in any such session.

(2) Reasonable advance notice is required from the media of a request to be present to broadcast, televise, record electronically, or take photographs at a particular session. Where possible, such notice should be given prior to the end of the preceding business day, but in no event later than one hour prior to the commencement of the proceedings. In the absence of such notice, the presiding judicial officer may refuse to permit media coverage. The presiding judicial officer may also waive such notice requirement.

(3) A presiding judicial officer may refuse, limit, or terminate media coverage of an entire case, portions thereof, or testimony of particular witnesses, in the interests of justice to protect the rights of the parties, witnesses, and the dignity of the court; to assure the orderly conduct of the proceedings; or for any other reason considered necessary or appropriate by the presiding judicial officer.

(4) No direct public expense is to be incurred for equipment, wiring, or personnel needed to provide media coverage.

(5) Nothing in this rule shall prevent the court from placing additional restrictions, or prohibiting altogether, photographing, recording, or broadcasting in designated areas of the courthouse. The provisions of this experimental rule pertain only to photographing, recording, and broadcasting in the courtroom. In all other areas of the courthouse, the provisions of Local Rule 83.3 remain in full force and effect.

(6) This rule takes effect July 1, 1991, and expires June 30, 1994.

(B) Limitations.

(1) Coverage of criminal proceedings is prohibited.

(2) There shall be no audio pickup or broadcast of conferences which occur in a court facility between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding judicial officer, at the bench or in chambers.

(3) No coverage of the jury, or of any juror or alternate juror, while in the jury box, in the courtroom, in the jury deliberation room, or during recess, or while going to or from the deliberation room at any time, shall be permitted. Coverage of the prospective jury during voir dire is also prohibited.

(C) Equipment and Personnel.

(1) Not more than one television camera, operated by not more than one camera person and related equipment at any one time, shall be permitted in any court proceeding.

(2) Not more than one still photographer, utilizing not more than one camera and related equipment at any one time, shall be permitted in any court proceeding. More than one camera may be brought into the courtroom, provided that only one camera may be used at any one time.

(3) If two or more media representatives apply to cover a proceeding, no such coverage may begin until all such representatives have agreed upon a pooling arrangement for their respective news media. Such pooling arrangements shall include the designation of pool operators, procedures for cost sharing, access to and dissemination of material and selection of a pool representative if appropriate. The presiding judicial officer may not be called upon to mediate or resolve any dispute as to such arrangements.

(4) Equipment or clothing shall not bear the insignia or marking of a media agency. Camera operators shall wear appropriate business attire.

(D) Sound and Light Criteria.

(1) Equipment shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible. Motorized drives, moving lights, flash attachments, or sudden light changes shall not be used. All equipment shall use existing light only.

(2) Except as otherwise approved by the presiding judicial officer, existing courtroom sound and light systems shall be used without modification. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility, or from a television camera's built-in microphone. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the presiding judicial officer.

(E) Location of Equipment and Personnel.

(1) The presiding judicial officer shall designate the location in the courtroom for the camera equipment and operators. Such location may be designated in advance of any request, and where possible, should be outside of the direct line of sight between the jury box and the witness stand.

(2) During the proceedings, operating personnel shall not move about nor shall there be placement, movement, or removal of equipment. All such activities shall take place each day before the proceeding begins, after it ends, or during a recess.

(F) Compliance.

Any media representative who fails to comply with the rule shall be subject to appropriate sanction, as determined by the presiding judicial officer.

(G) Review.

This rule shall not be construed to create any litigable rights or right to appellate review. Accordingly, a grant or denial of media coverage shall not be litigable or appealable, except as otherwise provided by law.

(H) Compliance with Rule 83.3.

Except as specifically provided in this rule, the prohibitions contained in LR 83.3 shall remain in full force and effect.

Adopted September 1, 1990; expired December 1994.

RULE 83.3.2 PARTICIPATION IN PILOT PROGRAM

Notwithstanding the general prohibition on photographing, recording, and broadcasting of district court proceedings set forth in Local Rule 83.3, the District Court may participate in the three year pilot program established by the Judicial Conference of the United States in September 2010 (JCUS-SEP 10, pp. 3-4) to study the use of cameras in district courtrooms for civil case proceedings.

Any recording and broadcasting conducted pursuant to the pilot program must comply with the program guidelines issued by the Judicial Conference Committee on Court Administration and Case Management, pursuant to the pilot program (available at www.uscourts.gov).

Adopted September 6, 2011