PUBLIC ACCESS TO INFORMATION AND RECORDS

Rule 3. Recording and Media Coverage of Court Proceedings

~~**(a) Expanded Media Coverage.** A judge may authorize expanded media coverage of court proceedings, subject to the guidelines set forth below.~~

~~(1~~**(a) Definitions.** As used in this section, unless the context otherwise requires:

~~(A) "Proceeding" means any trial, hearing, or any other matter held in open court which the public is entitled to attend.~~

(1) "Expanded media coverage" means any

~~(B) "Photograph" and "~~photography~~" means all recording or broadcasting of visual images, by means of still photographs, videotape, television broadcasts, motion pictures, or otherwise.~~

~~(C) "Expanded media coverage" means any photography~~ or video or audio recording of ~~proceedings~~a proceeding by the media.

~~(D~~

(2) "Judge" means the justice, judge, magistrate, or other judicial officer presiding over a proceeding.

(3) "Livestream" means the Judicial Branch's publicly identified online platform providing live audiovisual transmission of proceedings for the ~~proceedings. In proceedings with more than one judge presiding, any decision required shall be made by a majority of the judges.~~purpose of public viewing.

~~(E~~

(4) "Media" means any news gathering or reporting ~~agency and the individual persons involved, and includes newspapers, radio, television, radio and television networks, news services, magazines, trade papers, in-house publications, professional journals, or any other news~~ entity that has as its principal business the regular gathering and reporting ~~or news gathering agency whose function it is to inform~~of original news or journalistic content in any medium (print, digital, or otherwise) aimed at informing the public or some segment thereof. Media includes the authorized representatives and employees of such a news outlet, as well as any individual whose professional activities satisfy this definition.

There is a presumption that the "media," as defined by this rule, includes any authorized representative or employee of a news organization or any individual who has received a media credential from the Judicial Branch.

(5) "Media credential" means a credential issued by the Judicial Branch to members of the media pursuant to a policy developed by the State Court Administrator's Office.

(6) "Photography" means the process of producing or capturing still images by analog or digital means and includes live photography and screen capture of online images.

(7) "Portable electronic devices" are mobile devices capable of electronically storing, accessing, or transmitting information, such as personal computers, tablet computers, mobile telephones (including cellphones and any form of telephone with cameras and audio and video recording and transmission capabilities),wearable technologies (including smartwatches, fitness trackers, and AI-enabled eyewear

or glasses equipped with cameras, microphones, or other sensors), and any similar device capable of capturing, recording, or transmitting audio, visual, or other data.

(8) "Proceeding" means any matter held in open court that the public is entitled to attend, either in person or remotely.

(9) "Recording" means the process of capturing or broadcasting a sequence of sounds or visual images stored in or played from a reproducible form.

(A) "Audio recording" means the capture or broadcast of sound, whether by analog, digital, or other means, and includes the storage of sound for later playback and transmission in live or recorded settings.

(B) "Video recording" means the capture or broadcast of moving visual images, usually with accompanying sound, and includes videotape, live broadcast, motion picture, screen capture or recording of online moving images, and online sharing or broadcast of online moving images *(e.g.*, simulcast).

(10) "Remote" or "virtual" proceeding means a proceeding in which at least one participant (*i.e.*, a judicial officer, party, party's attorney, or witness) appears through a phone or videoconferencing system instead of in person in the courtroom.

(b) Media Coverage of Court Proceedings.

(1) *General Media Coverage.* Media credentials are not required for in-person observation of court proceedings or remote observation of court proceedings via livestream. Consistent with the strong constitutional presumption of open court proceedings, a judge may close a proceeding to public observation only as authorized by Colorado law and the Colorado and United States Constitutions. Media credentials are encouraged, but not required, to apply for authorization to remotely observe non-livestreamed proceedings or conduct expanded media coverage.

(2) *Credentialed Media Coverage.* Media credentials are required to access certain privileges specifically reserved for members of the media, including:

(A) Participation in a media pool;

(B) Use of portable electronic devices in the courtroom, which shall only occur with express advance approval of the presiding judge;

(C) Access other, further, privileges reserved for credentialed media by a court order.

Nothing in this rule is intended to supersede or limit a judge's inherent authority to issue decorum orders governing the conduct of media or others in the judge's courtroom.

(3) *Process for media access to non-public remote observation of proceedings.*

(A) For proceedings that are not livestreamed, media may request permission from the court to remotely observe the proceeding through the court's non-public videoconferencing system. Any such request must be submitted to the court at least 48 hours before the proceeding, *except* that the judge may permit a request upon shorter notice, through a standard form promulgated by the State Court Administrator's Office. The request must specifically identify the individual requesting attendance and indicate whether that individual has a media credential from the Judicial Branch.

(B) If the court grants a request for non-public remote observation of a proceeding, only the person specifically identified on the form will be granted access to remotely observe the proceeding. The observer agrees to abide by all Judicial Branch policies, Colorado Court Rules, Chief Justice Directives, and court orders governing the conduct of media covering Colorado state court proceedings. Media outlets should anticipate that, unless the judicial officer approves otherwise, only one individual from each media outlet will be granted access to remotely observe a single day's proceedings.

(C) Permission to remotely observe a non-livestreamed proceeding does not include permission to record the proceeding, *unless* the court has separately granted a request to do so in an order authorizing expanded media coverage.

(c) Recording of Court Proceedings.

(1) *General Prohibition on Recording of Court Proceedings.* Any photography or audio or video recording of a proceeding is strictly prohibited without prior express authorization of the judge. This prohibition explicitly includes photography or audio or video recording of virtual proceedings and livestreamed proceedings.

(2) *Authorized Recording of Court Proceedings.* Photography or audio or video recording of court proceedings is authorized for the following purposes:

(A) For the perpetuation of a record, pursuant to Chief Justice Directive 05-03.

(B) For purposes of judicial administration and at the presiding judge's direction.

(C) For ceremonial reasons, such as during judicial investitive ceremonies, upon express authorization from the presiding judge or a designated Judicial Branch employee.

(D) For expanded media coverage, upon express authorization from the presiding judge.

(d) Expanded Media Coverage of Court Proceedings.

(1) *Standards for Authorizing ~~Coverage.~~ Expanded Media Coverage.* Expanded media coverage of a proceeding is only available to organizations or individuals who qualify as media as defined by this rule and upon express authorization by the presiding judge. In a proceeding with more than one judge

participating, any decision regarding expanded media coverage shall be made by the judge presiding over the proceeding, after consultation with the other judge participants.

In determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

(A) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial or proceeding;

(B) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court; and

(C) Whether expanded media coverage would create adverse effects which would be greater than those caused by traditional media coverage.

(~~3~~2) *Limitations on Expanded Media Coverage.* Notwithstanding an authorization to conduct expanded media coverage of a proceeding, there shall be no:

(A) Expanded media coverage of pretrial hearings in criminal cases, ~~except~~unless the judge presiding over the particular pre-trial proceeding so authorizes it; advisements and arraignments shall be subject to expanded media coverage upon approval by the presiding judge;

(B) Expanded media coverage of jury voir dire or jurors;

(C) Audio recording or ~~"zoom"~~ close-up photography or video recording of bench conferences;

(D) Audio recording or close-up photography or video recording of communications between counsel and client or between co-counsel;

(E) Expanded media coverage of in camera hearings~~;~~.

~~(F) Close-up photography of members of the jury.~~

(~~4~~(3) *Authority to Impose Restrictions on Expanded Media Coverage.* A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, ~~or~~ jurors, or court staff. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this ~~Rule~~rule or additional rules imposed or orders issued by the judge have been violated; ~~or~~ (2) substantial rights of individual participants or rights to a fair trial will be prejudiced by such coverage if it is allowed to continue; or (3) the termination or modification of an expanded media coverage authorization is reasonably necessary

to protect the safety of any individual involved with or affected by the proceeding, including witnesses, jurors, judicial officers and court staff.

(~~5~~4) *Conditions for Coverage.* Expanded media coverage shall be conducted only under the following conditions:

(A) Equipment Limitations.

(i) Video. Only one person at a time shall be permitted to operate a videotape, television, or motion picture camera. There shall be only one such camera at a time in the courtroom, except that, at the discretion of the judge, the camera operator may have a second camera. The camera operator may use a tripod, but shall not change location while court is in session.

(ii) Audio. The court's audio system shall be used if technically suitable and, in that event, there must be no interference with the court's use of its system. If the court's system is not technically suitable, then the person conducting expanded media coverage may install an audio recording system at his or her own expense upon first obtaining approval of the judge. All microphones and related wiring shall be unobtrusive and shall not interfere with the movement of those in the courtroom.

(iii) Still Cameras. Only one person at a time shall be permitted to operate still cameras, which shall make as little noise as possible. The still photographer may use a tripod, but shall not change location while court is in session.

(iv) Lighting. No movie lights, flash attachments, or sudden lighting changes shall be permitted during a proceeding. No modification or addition of lighting equipment shall be permitted without the permission of the judge.

(v) Operating Signals. No visible or audible light or signal (tally light) shall be used on any equipment.

(vi) Online recording. Media may record the virtual or livestreamed proceeding upon authorization from the court and in accordance with any conditions imposed by the court. In no event may media alter or manipulate the recording in a way that inaccurately represents the court proceedings. Such conduct may result in a loss of media credentials or other sanctions from the court.

(vii) Portable electronic devices. Media may use portable electronic devices, or computer-enabled recording of transmitted signals, to conduct expanded media coverage of virtual or livestreamed proceedings as authorized by the court.

(viii) Each of these conditions may be amended or adjusted on case-by-case basis upon approval of the judge presiding over the proceeding.

(B) Pooling Arrangements. The media shall be solely responsible for designating one media representative to conduct each of the categories of expanded media coverage listed in subsection (~~I~~d)(4)(A) of this section that have been approved by the judge, and for arranging an open and

impartial distribution scheme with a distribution point located outside of the courtroom. If no agreement can be reached on either of these matters, then there shall be no expanded media coverage of the type for which no pooling agreement has been made. Neither judges nor other court personnel shall be called upon to resolve any disputes concerning such pooling arrangements.

(C) Conduct of Media Representatives. Persons conducting expanded media coverage shall conduct themselves in a manner consistent with the decorum and dignity of the courtroom. The following practices shall apply:

(i) Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction~~;~~.

(ii) Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment. Persons operating such equipment shall not wear clothing bearing any such identifying information~~;~~.

(iii) Equipment used to provide expanded media coverage shall not be placed in, or removed from, the courtroom while court is in session. No film, videotape, or lens shall be changed within a courtroom while court is in session.

~~(6~~(iv) Each of these conditions may be amended or adjusted on case-by-case basis upon approval of the judge presiding over the proceeding

(5) *Procedures.* The following procedures shall be followed in obtaining authorization for expanded media coverage:

(A) ~~(A) Request~~Standard form. All requests for ~~Expanded Media Coverage. A written request~~ expanded media coverage shall be submitted by completing a standard online form promulgated by the State Court Administrator's Office.

(B) Deadline for submittal. A request must be submitted at least seven days before the date of the proceeding sought to be covered, *except* that the judge ~~at least one day before expanded media coverage is requested to begin, unless a longer or~~ may permit a request upon shorter ~~time is required or permitted by the judge. Copies of the~~ notice when a proceeding is not scheduled at least seven days in advance (for example, an initial appearance in a criminal case).

~~(A)~~(C) Notice to the parties. Once received by the court, the request shall be ~~given to counsel for each party participating in the proceeding. The request shall include the following:~~uploaded and sent to the parties, either electronically through the court's case management system or by mail, for non-e-filers. In addition to the case filing, the Court may also utilize informal means such as e-mail (copying all parties) to notify parties of a request.

~~(i) The name, number, date and time of the proceeding;~~

~~(ii) The type (audio, video or still photography) of expanded media coverage requested and a description of the pooling arrangements required by section (e)(II), if any, including the identity of the designated representatives.~~

~~(B)~~

~~(B)~~ Objections. ~~Any party or witness may lodge with the judge a written objection~~Parties may object to expanded media coverage of all or a portion of a proceeding. Any party that objects to expanded media coverage shall file a written objection, stating the basis for the objection, within 3 days of receiving notice of the request. The court may require a shorter time for objections or allow oral objections, if needed.

~~(C)~~(D) Judicial Authorization. The judge shall rule on a request ~~or~~after the time period for objection has expired and within a reasonable time prior to the proceeding or promptly after the request ~~or~~and any objection(s) if the proceeding has begun. The ruling ~~shall~~may be made in writing or orally on the record ~~and the reasons therefore set forth briefly~~, shall include a brief basis for any denial, and shall specify the type of expanded media coverage authorized if granted. If the request is granted, only the person specifically identified on the request shall have authority to conduct expanded media coverage.

~~(D)~~(E) The media or any witness may not appeal, or seek review by original proceeding, the granting or denial of expanded media coverage. A party to the case may seek review of a ruling by original proceeding, if otherwise appropriate, or by post-trial appeal.

~~**(b) Other Use of Media.**~~

~~(1) A judge may authorize the use of electronic or photographic means for the perpetuation of a record, or for purposes of judicial administration.~~

~~(2) A judge may authorize the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings.~~

Rule 3. Recording and Media Coverage of Court Proceedings

(a) Definitions. As used in this section, unless the context otherwise requires:

(1) "Expanded media coverage" means any photography or video or audio recording of a proceeding by the media.

(2) "Judge" means the justice, judge, magistrate, or other judicial officer presiding over a proceeding.

(3) "Livestream" means the Judicial Branch's publicly identified online platform providing live audiovisual transmission of proceedings for the purpose of public viewing.

(4) "Media" means any news gathering or reporting entity that has as its principal business the regular gathering and reporting of original news or journalistic content in any medium (print, digital, or otherwise) aimed at informing the public or some segment thereof. Media includes the authorized representatives and employees of such a news outlet, as well as any individual whose professional activities satisfy this definition.

There is a presumption that the "media," as defined by this rule, includes any authorized representative or employee of a news organization or any individual who has received a media credential from the Judicial Branch.

(5) "Media credential" means a credential issued by the Judicial Branch to members of the media pursuant to a policy developed by the State Court Administrator's Office.

(6) "Photography" means the process of producing or capturing still images by analog or digital means and includes live photography and screen capture of online images.

(7) "Portable electronic devices" are mobile devices capable of electronically storing, accessing, or transmitting information, such as personal computers, tablet computers, mobile telephones (including cellphones and any form of telephone with cameras and audio and video recording and transmission capabilities),wearable technologies (including smartwatches, fitness trackers, and AI-enabled eyewear or glasses equipped with cameras, microphones, or other sensors), and any similar device capable of capturing, recording, or transmitting audio, visual, or other data.

(8) "Proceeding" means any matter held in open court that the public is entitled to attend, either in person or remotely.

(9) "Recording" means the process of capturing or broadcasting a sequence of sounds or visual images stored in or played from a reproducible form.

(A) "Audio recording" means the capture or broadcast of sound, whether by analog, digital, or other means, and includes the storage of sound for later playback and transmission in live or recorded settings.

(B) "Video recording" means the capture or broadcast of moving visual images, usually with accompanying sound, and includes videotape, live broadcast, motion picture, screen capture or recording of online moving images, and online sharing or broadcast of online moving images *(e.g.*, simulcast).

(10) "Remote" or "virtual" proceeding means a proceeding in which at least one participant (*i.e.*, a judicial officer, party, party's attorney, or witness) appears through a phone or videoconferencing system instead of in person in the courtroom.

(b) Media Coverage of Court Proceedings.

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(2) *Credentialed Media Coverage.* Media credentials are required to access certain privileges specifically reserved for members of the media, including:

(A) Participation in a media pool;

(B) Use of portable electronic devices in the courtroom, which shall only occur with express advance approval of the presiding judge;

(C) Access other, further, privileges reserved for credentialed media by a court order.

Nothing in this rule is intended to supersede or limit a judge's inherent authority to issue decorum orders governing the conduct of media or others in the judge's courtroom.

(3) *Process for media access to non-public remote observation of proceedings.*

(A) For proceedings that are not livestreamed, media may request permission from the court to remotely observe the proceeding through the court's non-public videoconferencing system. Any such request must be submitted to the court at least 48 hours before the proceeding, *except* that the judge may permit a request upon shorter notice, through a standard form promulgated by the State Court Administrator's Office. The request must specifically identify the individual requesting attendance and indicate whether that individual has a media credential from the Judicial Branch.

(B) If the court grants a request for non-public remote observation of a proceeding, only the person specifically identified on the form will be granted access to remotely observe the proceeding. The observer agrees to abide by all Judicial Branch policies, Colorado Court Rules, Chief Justice Directives, and court orders governing the conduct of media covering Colorado state court proceedings. Media outlets should anticipate that, unless the judicial officer approves otherwise, only one individual from each media outlet will be granted access to remotely observe a single day's proceedings.

(C) Permission to remotely observe a non-livestreamed proceeding does not include permission to record the proceeding, *unless* the court has separately granted a request to do so in an order authorizing expanded media coverage.

(c) Recording of Court Proceedings.

(1) *General Prohibition on Recording of Court Proceedings.* Any photography or audio or video recording of a proceeding is strictly prohibited without prior express authorization of the judge. This prohibition explicitly includes photography or audio or video recording of virtual proceedings and livestreamed proceedings.

(2) *Authorized Recording of Court Proceedings.* Photography or audio or video recording of court proceedings is authorized for the following purposes:

(A) For the perpetuation of a record, pursuant to Chief Justice Directive 05-03.

(B) For purposes of judicial administration and at the presiding judge's direction.

(C) For ceremonial reasons, such as during judicial investitive ceremonies, upon express authorization from the presiding judge or a designated Judicial Branch employee.

(D) For expanded media coverage, upon express authorization from the presiding judge.

(d) Expanded Media Coverage of Court Proceedings.

(1) *Standards for Authorizing Expanded Media Coverage.* Expanded media coverage of a proceeding is only available to organizations or individuals who qualify as media as defined by this rule and upon express authorization by the presiding judge. In a proceeding with more than one judge participating, any decision regarding expanded media coverage shall be made by the judge presiding over the proceeding, after consultation with the other judge participants.

In determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

(A) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial or proceeding;

(B) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court; and

(C) Whether expanded media coverage would create adverse effects which would be greater than those caused by traditional media coverage.

(2) *Limitations on Expanded Media Coverage.* Notwithstanding an authorization to conduct expanded media coverage of a proceeding, there shall be no:

(A) Expanded media coverage of pretrial hearings in criminal cases, unless the judge presiding over the particular pre-trial proceeding so authorizes it; advisements and arraignments shall be subject to expanded media coverage upon approval by the presiding judge;

(B) Expanded media coverage of jury voir dire or jurors;

(C) Audio recording or close-up photography or video recording of bench conferences;

(D) Audio recording or close-up photography or video recording of communications between counsel and client or between co-counsel;

(E) Expanded media coverage of in camera hearings.

(3) *Authority to Impose Restrictions on Expanded Media Coverage.* A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, jurors, or court staff. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this rule or additional rules imposed or orders issued by the judge have been violated; (2) substantial rights of individual participants or rights to a fair trial will be prejudiced by such coverage if it is allowed to continue; or (3) the termination or modification of an expanded media coverage authorization is reasonably necessary to protect the safety of any individual involved with or affected by the proceeding, including witnesses, jurors, judicial officers and court staff.

(4) *Conditions for Coverage.* Expanded media coverage shall be conducted only under the following conditions:

(A) Equipment Limitations.

(i) Video. Only one person at a time shall be permitted to operate a videotape, television, or motion picture camera. There shall be only one such camera at a time in the courtroom, except that, at the discretion of the judge, the camera operator may have a second camera. The camera operator may use a tripod, but shall not change location while court is in session.

(ii) Audio. The court's audio system shall be used if technically suitable and, in that event, there must be no interference with the court's use of its system. If the court's system is not technically suitable, then the person conducting expanded media coverage may install an audio recording system at his or her own expense upon first obtaining approval of the judge. All microphones and related wiring shall be unobtrusive and shall not interfere with the movement of those in the courtroom.

(iii) Still Cameras. Only one person at a time shall be permitted to operate still cameras, which shall make as little noise as possible. The still photographer may use a tripod, but shall not change location while court is in session.

(iv) Lighting. No movie lights, flash attachments, or sudden lighting changes shall be permitted during a proceeding. No modification or addition of lighting equipment shall be permitted without the permission of the judge.

(v) Operating Signals. No visible or audible light or signal (tally light) shall be used on any equipment.

(vi) Online recording. Media may record the virtual or livestreamed proceeding upon authorization from the court and in accordance with any conditions imposed by the court. In no event may media alter or manipulate the recording in a way that inaccurately represents the court proceedings. Such conduct may result in a loss of media credentials or other sanctions from the court.

(vii) Portable electronic devices. Media may use portable electronic devices, or computer-enabled recording of transmitted signals, to conduct expanded media coverage of virtual or livestreamed proceedings as authorized by the court.

(viii) Each of these conditions may be amended or adjusted on case-by-case basis upon approval of the judge presiding over the proceeding.

(B) Pooling Arrangements. The media shall be solely responsible for designating one media representative to conduct each of the categories of expanded media coverage listed in subsection (d)(4)(A) of this section that have been approved by the judge, and for arranging an open and impartial distribution scheme with a distribution point located outside of the courtroom. If no agreement can be reached on either of these matters, then there shall be no expanded media coverage of the type for which no pooling agreement has been made. Neither judges nor other court personnel shall be called upon to resolve any disputes concerning such pooling arrangements.

(C) Conduct of Media Representatives. Persons conducting expanded media coverage shall conduct themselves in a manner consistent with the decorum and dignity of the courtroom. The following practices shall apply:

(i) Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction.

(ii) Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment. Persons operating such equipment shall not wear clothing bearing any such identifying information.

(iii) Equipment used to provide expanded media coverage shall not be placed in, or removed from, the courtroom while court is in session. No film, videotape, or lens shall be changed within a courtroom while court is in session.(iv) Each of these conditions may be amended or adjusted on case-by-case basis upon approval of the judge presiding over the proceeding

(5) *Procedures.* The following procedures shall be followed in obtaining authorization for expanded media coverage:

(A) Standard form. All requests for expanded media coverage shall be submitted by completing a standard online form promulgated by the State Court Administrator's Office.

(B) Deadline for submittal. A request must be submitted at least seven days before the date of the proceeding sought to be covered, *except* that the judge may permit a request upon shorter notice when a proceeding is not scheduled at least seven days in advance (for example, an initial appearance in a criminal case).

(C) Notice to the parties. Once received by the court, the request shall be uploaded and sent to the parties, either electronically through the court's case management system or by mail, for non-e-filers. In addition to the case filing, the Court may also utilize informal means such as e-mail (copying all parties) to notify parties of a request.

Objections. Parties may object to expanded media coverage of all or a portion of a proceeding. Any party that objects to expanded media coverage shall file a written objection, stating the basis for the objection, within 3 days of receiving notice of the request. The court may require a shorter time for objections or allow oral objections, if needed.

(D) Judicial Authorization. The judge shall rule on a request after the time period for objection has expired and within a reasonable time prior to the proceeding or promptly after the request and any objection(s) if the proceeding has begun. The ruling may be made in writing or orally on the record, shall include a brief basis for any denial, and shall specify the type of expanded media coverage authorized if granted. If the request is granted, only the person specifically identified on the request shall have authority to conduct expanded media coverage.

(E) The media or any witness may not appeal, or seek review by original proceeding, the granting or denial of expanded media coverage. A party to the case may seek review of a ruling by original proceeding, if otherwise appropriate, or by post-trial appeal.

Colorado Judicial Branch | Media Credential Policy

Media coverage of Colorado state court proceedings is governed by Rule 3, Chapter 38 of the Colorado Supreme Court Rules ("Rule 3"), which is hereby incorporated by reference. This policy addresses the issuance of media credentials by the Colorado Judicial Branch pursuant to Rule 3. Nothing in this policy is intended to supersede or limit a judge's inherent authority to issue decorum orders governing the conduct of media in the judge's courtroom.

I. When are credentials required?

Media credentials are not required to attend court, observe public proceedings in person or via livestream, take notes, or write stories. **Credentials are required** to take part in a media pool; use portable electronic devices in court, which may occur only with express permission of the presiding judicial officer; and access other privileges reserved for credentialed media by a court order. **Credentials are encouraged but not required** to apply for other privileges reserved for the media, including remote observation of non-livestreamed proceedings and expanded media coverage.

II. Qualifications

To receive a Judicial Branch media credential, an organization or individual must qualify as a member of the "media" under Rule 3. Rule 3 defines media as follows:

> "Media" means any news gathering or reporting entity that has as its principal business the regular gathering and reporting of original news or journalistic content in any medium (print, digital, or otherwise) aimed at informing the public or some segment thereof. Media includes the authorized representatives and employees of such a news outlet, as well as any individual whose professional activities satisfy this definition.

III. Credential types

The Judicial Branch issues two types of media credentials: (1) media outlet credentials; and (2) individual credentials.

A. Media outlet credentials

The Judicial Branch shall maintain a list of credentialed media outlets. The privileges afforded to a credentialed media outlet shall extend to any authorized representative or employee of the credentialed outlet. To take advantage of those privileges, an authorized representative or employee should be prepared to provide a presiding judge or other court personnel proof of association or employment with a

credentialed media outlet.

Individuals who are unsure whether they qualify for media credentials by virtue of their employment should contact their employer for clarification.

Individuals with media credentials by virtue of their employment with a credentialed media outlet may not use those credentials to cover court proceedings for any purpose other than that employment.

B. Individual credentials

Individuals who do not qualify for a credential by virtue of their association or employment with a credentialed media outlet must apply for an individual media credential from the Judicial Branch. This includes freelance journalists working on assignment and independent journalists who self-publish through their own brand or media outlet, as well as journalists working on longer term projects like books or documentaries. Individual media credentials are valid for two years from the date of issuance.

i. Application form

Individuals seeking Judicial Branch media credentials must complete the standard application form available under the Media tab on coloradojudicial.gov/media. Incomplete applications will not be processed. The Judicial Branch reserves the right to request additional information necessary to process an application.

Completed applications must be emailed to Suzanne Karrer, Chief Communications Officer, at suzanne.karrer@judicial.state.co.us, with the subject line: Judicial Branch Media Credential Application for [INSERT APPLICANT'S NAME].

ii. Application deadline

The Judicial Branch must receive a media credential application a minimum of seven days before the proceeding for which the applicant is requesting a credential, unless there is no such applicable timeframe. The Judicial Branch reserves the right to reject any applications received after the deadline.

iii. Availability

Applicants are not guaranteed media credentials. The Judicial Branch and its judicial officers reserve the right to restrict the number of media credentials issued if physical space is limited at a particular proceeding or event for which credentials are requested, and there is no reasonable basis to accommodate "overflow" viewing.

iv. Decision

All media credentials will be issued by the Chief Communications Officer or their designee, based on the criteria listed in this policy. Credentialing decisions shall not be based on agreement or disagreement with the applicant's reporting, opinions, or viewpoints.

v. Appeals

Applicants whose media credential application is denied may appeal that decision. Appeals must include a request for a written explanation of the denial. Appeals must be sent by email to Suzanne Karrer, at suzanne.karrer@judicial.state.co.us. Appeals will be reviewed by the State Court Administrator.

IV. Conditions

Credentialed media agree to abide by all Judicial Branch policies, Colorado Court Rules, Chief Justice Directives, and court orders governing the conduct of media covering Colorado state court proceedings.

V. Revocation

The Judicial Branch reserves the right to revoke a media credential issued by the Judicial Branch, including for violations of the above conditions.