

Use of Electronic/Recording Devices in the Courtroom - Uniform Superior Court Rule 22
 [Violators may be removed or excluded from courtroom; willful violation punishable as contempt of court.]

	General Use (non-recording)	Audio Recording	Video/Image Recording
Attorneys and their Employees	<ul style="list-style-type: none"> ✓ Silent use allowed ? Audible use may be allowed ● Discretion to stop if “disruptive or distracting or is otherwise contrary to the administration of justice” 	<ul style="list-style-type: none"> ✓ Attorneys representing parties in a proceeding-- After announcing to the court and all parties ● Discretion to stop if “disruptive or distracting or is otherwise contrary to the administration of justice” 	<ul style="list-style-type: none"> ? No specific provision (except Rule 22(E) ceremonies), but not prohibited from submitting a Rule 22(F) request to record [see reverse side for procedure]
Self-represented Parties	<ul style="list-style-type: none"> ✓ Silent use allowed “only in direct relation to their proceedings” ? Audible use may be allowed ● Discretion to stop if “disruptive or distracting or is otherwise contrary to the administration of justice” 	<ul style="list-style-type: none"> ✓ After announcing to the court and all parties ● Discretion to stop if “disruptive or distracting or is otherwise contrary to the administration of justice” 	<ul style="list-style-type: none"> ? No specific provision (except Rule 22(E) ceremonies), but not prohibited from submitting a Rule 22(F) request to record [see reverse side for procedure]
Parties, Spectators, and NEWS MEDIA	<ul style="list-style-type: none"> ? May use devices for non-recording purposes with express permission ● Discretion to stop if “disruptive or distracting [or is] otherwise contrary to the administration of justice” ✗ “shall” turn off power in courtroom 	<ul style="list-style-type: none"> ? “only as specifically authorized by the court” [see reverse side for procedure] 	<ul style="list-style-type: none"> ? “only as specifically authorized by the court” [see reverse side for procedure]
Jurors	<ul style="list-style-type: none"> ? “may use their devices during breaks as authorized by the judge” ● Discretion to stop “to ensure decorum and avoid distraction” ✗ “shall” turn off power in courtroom and jury room 	<ul style="list-style-type: none"> ✗ “shall not record proceedings” 	<ul style="list-style-type: none"> ✗ “shall not record proceedings”
Witnesses	<ul style="list-style-type: none"> ? May use while testifying only with permission ● Discretion to stop “to ensure decorum and avoid distraction” ✗ “shall” turn off power in courtroom 	<ul style="list-style-type: none"> ✗ “shall not record proceedings” 	<ul style="list-style-type: none"> ✗ “shall not record proceedings”

- ✓ ALLOWED unless disruptive, distracting or otherwise contrary to administration of justice
- ? MAY ALLOW, requires permission
- DISCRETION to limit, deny, or terminate use
- ✗ PROHIBITIONS (unless court has discretion and expressly authorizes)
- ☐ NO RULE 22 PROVISION TO RECORD (gray shaded boxes)

Procedure for Request to Record in the Courtroom Pursuant to Rule 22

[Violators may be removed or excluded from courtroom; willful violation punishable as contempt of court.]

Applicants: <i>(i.e. persons, organizations, news media representatives desiring to record)</i>	<ul style="list-style-type: none"> ➤ “shall make application to the judge on the form in Exhibit A” to Rule 22; ➤ “should address any logistical issues that are expected to arise”; and ➤ “must submit the request sufficiently in advance of the proceeding...to allow the judge to consider it in a timely manner” (“at least 24 hours where practicable under the circumstances”)
Required notice and hearing:	<ul style="list-style-type: none"> ➤ Court will notify parties of request to record ➤ Parties shall notify their witnesses ➤ Prosecutor shall notify alleged victims ➤ Hearing on the record required if (1) the judge intends to deny the request or any portion thereof, or (2) a party, witness, or alleged victim objects
Objections waived if:	<ul style="list-style-type: none"> ➤ a “properly notified party, witness, or alleged victim...does not object...in writing or on the record before or at the start of the proceeding.”
Findings on the record required to DENY or LIMIT recording:	<ul style="list-style-type: none"> ● “substantial likelihood of harm arising from one or more of the [Rule 22(G)(1)] factors”¹; ● “harm outweighs the benefit of recording to the public”; and ● “judge has considered more narrow restrictions on recording than a complete denial of the request”
Limits: <i>(after specific findings based on Rule 22(G)(1) factors, “a judge may...impose the least restrictive possible limitations”)</i>	<ul style="list-style-type: none"> ● “judge should preserve the dignity of the proceeding by designating” manner of recording to avoid disruption ● “judge may require pooling of recording devices if appropriate” ● “judge may...order that [1] no recording may be made of a particular criminal defendant, civil party, witness, alleged victim, law enforcement officer, or other person, or [2] that such person’s identity must be effectively obscured in any image or video recording, or [3] that only an audio recording may be made of such person”
Prohibited to record:	<ul style="list-style-type: none"> ✗ While judge is outside the courtroom (except ceremonial proceedings per Rule 22(E)) ✗ Jurors or prospective jurors (except the foreperson’s announcement of the verdict or questions to the judge may be audio recorded) ✗ Privileged or confidential attorney/client communication ✗ Bench conferences (except by the court reporter or with prior permission)

- **PROCEDURE** to request permission to record in courtroom
- **DISCRETION** to limit, deny, or terminate recording in courtroom
- ✗ **PROHIBITIONS** (exceptions noted in parentheses)

¹ **Rule 22 (G)(1) factors:** [substantially tracks the language of O.C.G.A. § 15-1-10.1 (b)(1)-(9)]

- (a) The nature of the particular proceeding at issue;
- (b) The consent or objection of the parties, witnesses, or alleged victims whose testimony will be presented in the proceedings;
- (c) Whether the proposed recording will promote increased public access to the courts and openness of judicial proceedings;
- (d) The impact upon the integrity and dignity of the court;
- (e) The impact upon the administration of the court;
- (f) The impact upon due process and the truth finding function of the judicial proceeding;
- (g) Whether the proposed recording would contribute to the enhancement of or detract from the ends of justice;
- (h) Any special circumstances of the parties, witnesses, alleged victims, or other participants such as the need to protect children or factors involving the safety of participants in the judicial proceeding; and
- (i) Any other factors affecting the administration of justice or which the court may determine to be important under the circumstances of the case.