

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

- ✓ ALLOWED unless disruptive, distracting or otherwise contrary to administration of justice
- ? MAY ALLOW, requires permission
- DISCRETION to limit, deny, or terminate use
- X 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.e. persons, organizations, news media representatives desiring to record)	<ul style="list-style-type: none"> <li>➤ “shall make application to the judge on the form in Exhibit A” to Rule 22;</li> <li>➤ “should address any logistical issues that are expected to arise”; and</li> <li>➤ “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”)</li> </ul>
Required notice and hearing:	<ul style="list-style-type: none"> <li>➤ <b>Court will notify parties of request to record</b></li> <li>➤ Parties shall notify their witnesses</li> <li>➤ Prosecutor shall notify alleged victims</li> <li>➤ <b>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</b></li> </ul>
Objections waived if:	<ul style="list-style-type: none"> <li>➤ 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.”</li> </ul>
Findings on the record required to DENY or LIMIT recording:	<ul style="list-style-type: none"> <li>● “substantial likelihood of harm arising from one or more of the [Rule 22(G)(1)] factors”<sup>1</sup>;</li> <li>● “harm outweighs the benefit of recording to the public”; <b>and</b></li> <li>● “judge has considered more narrow restrictions on recording than a complete denial of the request”</li> </ul>
Limits: (after specific findings based on Rule 22(G)(1) factors, “a judge may...impose the least restrictive possible limitations”)	<ul style="list-style-type: none"> <li>● “judge should preserve the dignity of the proceeding by designating” manner of recording to avoid disruption</li> <li>● “judge may require pooling of recording devices if appropriate”</li> <li>● “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”</li> </ul>
Prohibited to record:	<ul style="list-style-type: none"> <li>✗ While judge is outside the courtroom (except ceremonial proceedings per Rule 22(E))</li> <li>✗ Jurors or prospective jurors (except the foreperson’s announcement of the verdict or questions to the judge may be audio recorded)</li> <li>✗ Privileged or confidential attorney/client communication</li> <li>✗ Bench conferences (except by the court reporter or with prior permission)</li> </ul>

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

<sup>1</sup> **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.