

COURT ATTENDEES' GUIDE TO UNIFORM SUPERIOR COURT RULE 22

Use of Electronic/Recording Devices in the Courtroom

[Violators may be removed or excluded from the courtroom, or found in contempt of court.]

	✓ AUTOMATICALLY ALLOWED under Rule 22 (however, use may be stopped if it becomes disruptive, distracting, or contrary to the administration of justice)	? PERMISSION REQUIRED (however, use may be stopped if it becomes disruptive, distracting, or contrary to the administration of justice)	✗ PROHIBITED TO RECORD in the courtroom (including areas immediately outside courtroom entrances with visibility into the courtroom)
JURORS	Not applicable to jurors	? May use devices for non-recording purposes during breaks as authorized by the judge	✗ SHALL NOT RECORD court proceedings
WITNESSES	Not applicable to witnesses	? May use devices for non-recording purposes while testifying only with judge's permission (Example, as evidence)	✗ SHALL NOT RECORD court proceedings
ATTENDEES in the courtroom (i.e. parties, spectators, news media)	Not applicable to court attendees	? May use devices for non-recording purposes only with judge's specific permission ? Audio recording (see below for procedure* to request permission) ? Video recording or photography (see below for procedure* to request permission)	✗ When judge is outside the courtroom (except ceremonies or celebratory proceedings) ✗ Jurors or prospective jurors (except foreperson's announcement of verdict or questions may be audio recorded as authorized by Rule 22) ✗ Attorney-client privileged or confidential communication ✗ Bench conferences (except with prior permission)
SELF-REPRESENTED PARTIES	✓ Silent, non-recording use of devices (examples: text messages or emails), but only if directly related to their court proceeding ✓ Audio recording, AFTER announcing to the court and all parties (use of these recordings is limited to the permitted uses listed in Uniform Superior Court Rule 22 (D)(1))	? May use devices for audible, non-recording purposes with permission (examples: making or receiving phone calls) ? Video recording or photography (see below for procedure* to request permission)	✗ When judge is outside the courtroom (except ceremonies or celebratory proceedings) ✗ Jurors or prospective jurors (except foreperson's announcement of verdict or questions may be audio recorded as authorized by Rule 22) ✗ Attorney-client privileged or confidential communication ✗ Bench conferences (except with prior permission)
ATTORNEYS and their employees	✓ Silent, non-recording use of devices (examples: text messages or emails) ✓ Audio recording by attorneys representing parties in a proceeding, AFTER announcing to the court and all parties (use of these recordings is limited to the permitted uses listed in Uniform Superior Court Rule 22 (D)(1))	? May use devices for audible non-recording purposes with permission (examples: making or receiving phone calls) ? Video recording or photography (see below for procedure* to request permission)	✗ When judge is outside the courtroom (except ceremonies or celebratory proceedings) ✗ Jurors or prospective jurors (except foreperson's announcement of verdict or questions may be audio recorded as authorized by Rule 22) ✗ Attorney-client privileged or confidential communication ✗ Bench conferences (except with prior permission)

*RULE 22 PROCEDURE TO REQUEST PERMISSION TO RECORD IN THE COURTROOM:

- Submit a Request to Use a Recording Device Pursuant to Rule 22 on Recording of Judicial Proceedings ("Rule 22 request"), **form available in the office of the Clerk of Court and on the Court's website.**
- List any expected logistical issues along with proposed solutions on the Rule 22 request form.
- Submit a Rule 22 request far enough in advance of the proceeding that you wish to record to allow the judge time to consider the request—at least 24 hours in advance when possible.
- Parties, witnesses, and alleged victims are notified of Rule 22 requests, and the court may conduct a hearing under certain circumstances.
- Objections are waived if not made in writing or on the record by a properly notified party, witness, or alleged victim before or at the start of the court proceeding to be recorded.
- Before denying or limiting a request to record, a judge considers the following factors:
 - Nature of the court proceeding;
 - Whether the parties, witnesses, or alleged victims consent or object to the proposed recording;
 - Whether the proposed recording will promote public access to the courts and openness of judicial proceedings;
 - The impact on the integrity and dignity of the court;
 - The impact on the administration of the court;
 - The impact on due process and the truth finding function of the judicial proceeding;
 - Whether the proposed recording would contribute to or detract from the ends of justice;
 - Special circumstances such as the need to protect children or the safety of participants in the proceeding; and
 - Any other factors affecting the administration of justice or which the court may determine to be important under the circumstances of the case.