

CHECKLIST FOR A HIGH PROFILE CASE

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1. Selection of judge (by senior resident superior court judge)
 - a. Consider the value of having an experienced judge.
 - b. Does the judge have other matters pending which would be unduly delayed by assignment to this case?
 - c. Relieve the judge from other duties.
 - d. If a civil case, request the chief justice to designate the case as a Rule 2.1 case.
 - e. If the case is anticipated to be extraordinarily lengthy, consider who else might be available to step in if the assigned judge becomes ill or otherwise unable to continue.
2. Addressing pretrial publicity
 - a. Should the venue be changed?
 - b. Should jurors be brought from a different county? If so, how will that affect the daily schedule and the length of the trial?
 - c. Would postponement of the trial diminish the effect of the publicity or simply generate a new round of publicity?
 - d. Is there need for an extended juror questionnaire to explore the effects of publicity?
 - e. Will the lawyers need additional voir dire to explore the effects of publicity?
 - f. What size jury pool will be needed in anticipation of more disqualifications than usual?
 - g. Should restrictions be put on what lawyers, parties, law enforcement and court personnel may say publicly about the case? Is there a compelling reason for doing so and is there any less restrictive alternative that would suffice?
3. Security
 - a. Who will coordinate with the sheriff, clerk, county manager, and any governmental bodies that have authority over or use space in and around courthouse?
 - b. Is there a need for enhanced security for the courtroom?
 - c. How will enhanced security for this trial affect other courts and offices operating at the same time?
 - d. If additional security measures are to be imposed will there be a means for expedited security clearance for lawyers, parties and other individuals essential to the trial?

- e. Do certain groups (e.g., gang members) or individuals pose a sufficient threat that they should be denied access to the courtroom? Is there sufficient legal basis for doing so?

4. Suitability of space

- a. The courtroom needs to be sufficiently large to accommodate the anticipated number of spectators and media and the cameras and other equipment of the media.
- b. The trial should be in a courtroom which is located so that spectators and media can get to and from it without difficulty and without undue disruption of other courts and offices.
- c. The courtroom should be adequately wired and arranged for the technology that will be needed.
- d. Is there a need to reserve spaces in the courtroom for additional lawyers, family and others involved in the trial?
- e. Do spaces need to be allocated and reserved for the media? If so, how will they be allocated?
- f. If there is not sufficient space to seat all interested members of the public, how will space be allocated?
- g. Do the lawyers have trial consultants who will need to be accommodated?
- h. There should be a suitable waiting area for witnesses outside the courtroom.
- i. If there is substantial media interest, there should be separate room in the courthouse, not far from the courtroom, for the media to watch the trial on television. This will allow reporters to spend most of their time in the media room, being able to relax and do other work at the same time, with access to the courtroom as necessary.
- j. There should be sufficient parking for lawyers, parties, witnesses and other individuals essential to the trial. If spaces need to be reserved, who is responsible for that?
- k. Will television stations have large trucks coming to the courthouse and, if so, where will they park?

5. Maintaining order

- a. Are demonstrations expected near the courthouse and who will decide their location and timing to reduce interference with the trial and the effect on jurors?
- b. Should there be a decorum order for the news media?
- c. Will there be so many spectators and news media that traffic in and out of the courtroom needs to be restricted to avoid distraction and disruption?
- d. Consider whether there should be any limitations on courtroom attire and, if so, specify what they will be. Consider, for example, whether to instruct spectators not to wear buttons or badges or shirts or anything else that expresses a view about the case.

- e. If extra law enforcement officers will be needed in the courtroom, discuss their placement with their supervisor. Attempt to balance the need for safety with the need to avoid signaling to the jury that the defendant is guilty. Consider, for example, whether some officers should be in plain clothes.
- f. Specify whether there will be any restrictions on the use of laptops, smart phones, i-pads, other electronic devices in the courtroom by lawyers, news media or spectators.

6. Media coverage

- a. Consider designating a single person as the courthouse liaison/coordinator for news media. And notify other court personnel to forward all inquiries to that person.
- b. Decide whether cameras will be allowed in the courtroom, how many and where. If there is to be a single camera, select an operator who is familiar with the rules on camera coverage in North Carolina.
- c. Decide whether and how many still photographers will be allowed in the courtroom and where they will be located.
- d. Decide whether and how many recorders may be placed in the courtroom and where, and specify when they may be placed and removed.
- e. Decide whether it is necessary to reserve spaces in the courtroom for media.
- f. If there will be a limited number of spaces in the courtroom for news media, or there will be a separate media room, consider and be prepared to decide who qualifies as news media.
- g. Consider whether a decorum order is needed for the media.
- h. If there is substantial media interest, there should be separate room in the courthouse, not far from the courtroom for the media to watch the trial on television. This will allow reporters to spend most of their time in the media room, being able to relax and do other work at the same time, with access to the courtroom as necessary.
- i. Will news media interviews be allowed in the courthouse and, if so, when and where?
- j. Consider whether it is necessary to specify where interviews may take place on the courthouse grounds outside the courtroom or where cameras may be located, to avoid disruption to other courthouse activities.
- k. Will television stations be bringing large news trucks and, if so, where will they park?
- l. Review the Code of Judicial Conduct provisions on commenting on the case. Recognize that some reporters may be unfamiliar with North Carolina court procedures and local rules and consider establishing a procedure for them to ask questions about court procedures, schedules and similar matters.
- m. Be aware that explaining a ruling from the bench at the time it is made may reduce the number of reporters' questions and improve their reporting.

- n. Decide when and how trial exhibits and other documents will be made available to the media. Be aware of reporters' need to see documents as they are being referred to in court if the reporters are to understand what is being discussed.
- o. Be aware of the appearance of sidebars and conferences in chambers and keep them to a minimum. Also consider explaining to the courtroom the general nature of the sidebar or conference.
- p. Be aware of and attempt to accommodate the privacy concerns of jurors and witnesses. Remind the news media of the rules against photographing jurors.
- q. Consider whether the use of electronic devices such as laptops and smart phones by the news media in the courtroom will be disruptive or distracting. If so, consider restrictions on where and when they may be used in the courtroom.

7. Jurors

- a. Consider whether to use a juror questionnaire. A questionnaire would be a public record. It may be sealed for a compelling reason and if there is no less restrictive alternative to protect that interest, but the problems with sealing might be avoided by not having a questionnaire.
- b. Be prepared to respond to a request for the jury list as a public record.
- c. In an extreme situation consider whether an anonymous jury — jurors' names are not revealed, even to the lawyers — might be appropriate and whether it might be permissible.
- d. Remind the news media on the General Rules of Practice limitations on coverage of jurors
- e. Be prepared to decide whether jurors should be sequestered and, if so, the arrangements for doing so.
- f. Even if jurors are not sequestered, consider whether arrangements need to be made for their transportation to and from the courthouse.
- g. If the trial is expected to be lengthy, consider whether there should be a reminders to jurors' employers about the prohibition against firing someone for jury service.
- h. Consider additional instructions to jurors about use of electronic devices, reading about the case, communicating with others.
- i. Consider using a juror "contract" which specifies the responsibilities of jurors and the limits on their behavior, to be signed by both the juror and judge.
- j. Prepare to explain to jurors the presence of cameras in the courtroom and the limitations on coverage of jurors.
- k. Prepare to address issues of juror privacy and security following the verdict. This may include arrangements for transportation of jurors to their homes or other locations and may include an order specifying that they remain on duty and thus are not subject to contact by the media until they have reached their final destination.

- l. Consider whether jurors might need post-trial counseling
 - m. Be prepared for jurors to be interested in selling their story, and jurors asking questions related to that possibility.
8. Lawyers
- a. Decide whether to remind lawyers of the Code of Professional Responsibility provisions on public comments.
 - b. Consider what instructions are needed for out-of-state lawyers as to North Carolina rules and practice.
 - c. Consider whether there is any reason to put restrictions on public statements by the lawyers and whether there is sufficient legal basis for doing so.
 - d. Review the law of contempt and be prepared to address grandstanding.
9. Documents
- a. Inquire whether there are any documents that one party or the other might want sealed and be prepared to consider such requests.
 - b. Inquire whether there are exhibits to be introduced that should not be shown in the televised coverage and, if so, be prepared to instruct the camera operator.
 - c. Decide when and how trial exhibits and other documents will be made available to the media. Be aware of reporters' need to see documents as they are being referred to in court if the reporters are to understand what is being discussed.
10. Court personnel
- a. Remind court personnel of the limitations on public comment and instruct them on how to handle inquiries.
 - b. If a long trial is anticipated, consider whether the court personnel having direct contacts with jurors should be rotated from time to time.
 - c. Relieve essential court personnel from other duties.
 - d. Prepare a contingency plan for the back-up or replacement of key court personnel if someone becomes ill or otherwise has to be relieved.
 - e. Designate one person to whom all calls, e-mails and other communications about the trial should be directed, and notify all other court personnel of that designation.

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