



The 26th Judicial District of North Carolina

Basic Operations Manual and Guide for Interactions between the Court and the Media

Introduction

The purpose of this protocol is to facilitate the way in which the Mecklenburg County Courts communicate with the news and trade media. The protocol is intended for Trial Court Administrator staff and judges. The purpose of this protocol is to ensure that the Court speaks with one voice, that all information provided to the media is consistent and that it supports overarching goals and core messages of the Mecklenburg Courts. Section I of this document has been compiled to provide a convenient and single reference source for how basic daily interactions and communications will be handled between the Court and Media. The goal is to ensure that the media and general public are accommodated to the best of the Court's abilities, while ensuring the right of litigant(s) to a fair and orderly trial. Section II seeks to address the underlying inherent tension between the free speech elements of the First Amendment and the aspects regarding the right to a fair trial under the Sixth Amendment. Three particular areas will be examined. First, consideration will be given to building a common understanding and set of expectations through educational programs and improved communications. Second, recommendations will be advanced on how judges and court officials should field press inquiries of an investigative nature. Lastly, a protocol will be advanced for responding to inaccurate and/or misleading stories.

Section I: Basic Operations

A. Media Requests for Information

The Trial Court Administrator's Office has established a Community Access and Outreach Administrator position, which serves as the liaison between the Court and the media. Media inquiries regarding the following subjects should be made directly through this contact:

- Charges filed against defendants
- Courtroom assignments
- Defendant court appearance dates
- High profile and/or celebrity cases
- News releases
- Press conference details
- Permission to film inside the courthouse and/or courtroom(s)
- Trial dates
- Verdicts
- Conduct of a judge, other court official or court employee

Generally, the following is obtained directly from the Clerk of Superior Court's Office for a small fee:*

- Copies of complaints
- Copies of orders
- Copies of pleas

*In the event the above pertains to a high profile/celebrity case, copies may be made available through other means as designated by the Community Access and Outreach Administrator.

B. NC Code of Judicial Conduct: Canon 3A (6)

Communications between judges and media representatives will be generally governed by the NC Code of Judicial Conduct: Canon 3A (6). The text is noted below. Local commentary is also provided for greater guidance

“A judge should abstain from public comment about the merits of a pending proceeding in any state or federal court dealing with a case or controversy arising in North Carolina or addressing North Carolina law and should encourage similar abstention on the part of court personnel subject to the judge’s direction and control. This subsection does not prohibit a judge from making public statements in the course of official duties; from explaining for public information the proceedings of the Court; from addressing or discussing previously issued judicial decisions when serving as faculty or otherwise participating in educational courses or programs; or from addressing educational, religious, charitable, fraternal, political, or civic organizations.

Local Commentary:

In situations where a response is permissible and appropriate, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the judge’s conduct in a matter. The Community Access and Outreach Administrator in the Trial Court Administrator’s Office has been designated to serve in this capacity.

Contact Information:

Charles Keller
Community Access and Outreach Administrator
Email: charles.w.keller@nccourts.org
Phone: 704-686-0269
Fax: 704-686-0340

C. Photography, Filming and Audio Recording Requests

The following guidance pertains to still photography, video and audio recording requests within the Mecklenburg County Courthouse. Please note that all rules will be strictly enforced.

General Application Process to Film Inside the Courthouse

There is one application form that can be submitted by fax or email to allow the use of electronic recording equipment in the courthouse: *Application to Utilize Still Photography or Electronic Equipment Within the Courthouse for Recording or Presentation Purposes*

<http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Documents/427.pdf>

Please note that application for the use of still photography, audio or video recording equipment in a trial courtroom or other area of the courthouse complex must be submitted to the Community Access and Outreach Administrator for the Trial Court Administrator's (TCA) Office at least seventy-two (72) hours before the beginning of jury selection and/or the recording/filming event.

Please see the following link for full policy details

<http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Documents/425.pdf>

Upon approval or denial of the application by the trial judge or TCA, the Community Access and Outreach Administrator will notify the applicant of the decision. The trial judge or TCA will be sole and final interpreter of these rules. His/her decision is final.

D. Interviews

General

On-camera interviews and/or filming are not permitted in the hallways/corridors of the courthouse. On-camera interviews must either be conducted outside the courthouse or, when interviewing a judge or court official, in the chambers/office or other area agreed upon by the judge/court official.

Jurors

Jurors are not to be interviewed or approached while serving under any circumstances. Once the trial is over, it is up to the individual juror as to whether or not they wish to be interviewed. Juror information can not be released during the trial. Jurors are not to be filmed at any time during a trial.

Litigants, Attorneys, Witnesses

Witnesses under the age of sixteen (16) years are NOT to be interviewed or filmed. It is in the discretion of the litigant(s) and/or their attorney(ies) as to whether or not they wish to be interviewed before, during, or after a trial and/or hearing.

E. Dissemination of Information

TCA Staff and Judges are encouraged to inform the Community Access & Outreach Administrator about any programs, initiatives, or happenings that could receive media attention so that material/information/responses can be prepared proactively.

F. Whistleblowing to the Media

The 26th Judicial District of North Carolina encourages open and fair treatment and respects individuals' rights to resolve problems or concerns about their employment or treatment as staff members in line with the relevant legislation, as well as how the administration of the Court and courthouse is conducted. There are internal and external mechanisms available to help resolve problems or concerns staff may have about their employment or the way the administration of the Mecklenburg County Courts is conducted. Concerns or complaints are most appropriately directed through these mechanisms, rather than through the media.

Employees who genuinely believe they have been subjected to inappropriate workplace behavior are encouraged to have their matter resolved internally using the processes available to them. Anyone who feels they are aware of some type of misconduct or misuse of power, misuse of State, County, or City facilities, funds, and/or equipment, or other situation that could compromise the integrity of the judiciary should direct this information through established channels.

It is important to remember that the public views the court as one single entity and any negative reports will reflect poorly on our system as a whole including the staff and judges entrusted with it. With this in mind, TCA Staff and Judges are encouraged to refrain from contacting the media, anonymous or otherwise, when it comes to sharing internal information that could potentially undermine public trust and confidence in our judicial system. Careful thought should be given before contacting the media as to how any reports could irreparably erode public trust and confidence and disrupt the judicial process.

G. Suggestions for Conducting Interviews

- Before agreeing to interview, every effort should be made to determine the reporter's angle for the story (i.e. is the story going to reflect positively or negatively on the Court? Is there potential for the story to undermine public trust and confidence in the Court?);
- It is highly recommended that any interview questions be received and reviewed in advance;
- When possible, the story should be reviewed by the interviewee prior to broadcast or publication;
- If any information in the final story is inaccurate or incorrect, please notify the Community Access & Outreach Administrator;

Section II: Court and Media Relationships

Introduction

Two pillars of our American democracy are the right to a free press and an independent judiciary. In fact, no true democracy can exist without such. If the vision of our Founding Fathers is to be realized, each institution must competently execute its responsibilities and vigorously maintain its integrity. In order to accomplish these objectives, however, it is critically important that, when interacting, each fully understands the requirements and limitations of the other. To do otherwise does a great disservice to society. For, a failure to know and understand the rules and customs of the other is a sure recipe for spreading misinformation and creating misperceptions. When that occurs, there is an inevitable decline in the public's trust and confidence; and, in turn, each institution effectively loses its legitimacy and moral authority.

Therefore, to preserve and protect the public's trust and confidence, it is essential that efforts are made to open a dialog, exchange information and strengthen relationships between the media and judiciary. Secondly, it is important that a protocol be established for how media inquiries of an investigative nature should be fielded by the Court so that a common set of expectations exists between both institutions. Finally, it is essential that mechanisms be developed for addressing inaccuracies when they occur to redress any individual harm and to preserve the greater good.

A. Increasing Knowledge and Understanding

On an annual basis, the Trial Court Administrator's Office will organize and host a seminar for members of the Court and media. First on the agenda will be a review of the Basic Operations section of this document. Next, court officials will provide a basic overview of the organization and structure of the court system by reviewing the roles and responsibilities of the various offices and departments within the Judicial Branch. In addition, the Basic Operations section of this document will be discussed. The Court portion of the program will conclude with a primer on criminal and civil procedure followed by a question and answer period facilitated by members of the Bench. The seminar will then turn its focus to the media side with a presentation by representatives of the press on the requirements and demands of their industry and profession. Helpful suggestions for interacting with reporters will be offered followed again by a question and answer period. As necessary, this annual session will be supplemented with meetings involving the Senior Resident Superior Court Judge and/or Chief District Court Judge and the Lead Judge from each of the respective court divisions: Criminal, Civil, Family, Juvenile, etc. The purpose of these meetings will be to discuss with media representatives specific practices or problems that are effecting the administration of justice and/or the media's access to information in the respective areas.

Throughout the course of the year the Trial Court Administrator's Office will also share information with the media and community on accomplishments, initiatives and other positive activities within the 26th Judicial District. The annual report, community report, speaker's bureau, and press releases will be used as vehicles for accomplishing such. These continuing efforts will further aid in building public trust and confidence by preventing others from defining who we are, how we are doing and what we are about

B. Fielding Media Inquiries

The Community Access and Outreach position within the Trial Court Administrator's Office has been established to serve as the liaison between the media and the Court. Section I A above provides a list of subject areas where this position can provide assistance. It is recommended that any direct contact from members of the press be directed to the Community Access and Outreach Administrator when the inquiry pertains to ongoing or future court proceedings, previous rulings or judicial conduct matters. This recommendation pertains to both staff and judicial officials; especially those who are the target of any inquiry. The Community Access and Outreach Administrator will receive and record any questions received from the media and then work with the "Ready Response Team"¹, the individual judge and TCA, where appropriate, to prepare a response. The response can then be delivered through the Community Access and Outreach Administrator or Trial Court administrator as well.

C. Correcting the Public Record

When inaccurate, misinformed, and/or misleading stories are published that compromise the public's trust and confidence in its judges, court officials and/or the Court as an institution, steps will be taken to redress the wrong and set the record straight. Responses will be selective and measured based upon the level of error and/or egregiousness in the reporting. No attempt shall be made to infringe upon freedom of expression or to prevent criticism.

The following factors shall be considered in determining whether to initiate a response:

1. Whether the inaccurate, misinformed and/or misleading reporting will be met by a response from some other appropriate source.
2. Whether a response would appear self-serving.
3. Whether the reporting, although generally accurate, does not contain all or enough of the facts to be fair to the judge or judiciary in general.

¹ The "Ready-Response Team," is composed of the Community Access and Outreach Administrator, Trial Court Administrator, a judge (who is not directly involved in the issue), plus other designated committee members.

The following are the kinds of cases in which a response to reporting is **not** generally appropriate, except in exceptional circumstances:

1. Where the reporting raises issues of conduct appropriate for review by the Judicial Standards Commission.
2. When a lengthy investigation to develop the true facts is necessary.
3. When the response involves a personnel matter.
4. When the response would prejudice an ongoing or future proceeding.
5. When the reporting or matter in controversy is insignificant.
6. When the reporting arises during a political campaign and the response may be construed as an endorsement of a particular candidate for judicial office.

Responses will be developed in accordance with the following protocol:

1. Inaccurate, misinformed, and or misleading reporting should be brought to the attention of the Trial Court Administrator (TCA). When the criteria above has been met, the TCA will assign the Community Access and Outreach Administrator to coordinate a response.
2. Any member of the Bench, Mecklenburg County Bar, or Judicial Branch employee may bring a matter of inaccurate, misinformed and/or misleading reporting to the attention of the TCA.
3. Once assigned, the Community Access and Outreach Administrator will contact the “Ready-Response Team”² as soon as possible. The Community Access and Outreach Administrator in conjunction with the Ready-Response Team will assess the situation and develop an appropriate response.
4. The response developed will be shared with the affected party, TCA, Senior Resident Superior Court Judge and Chief District Court Judge for feedback and direction.

² The “Ready-Response Team,” is composed of the Community Access and Outreach Administrator, Trial Court Administrator, a judge (who is not directly involved in the issue), plus other designated committee members.

5. Listed in order of anticipated frequency of use (highest usage listed first), the response may take the form(s) of:
 - Phone call to the reporter or editor
 - Letter to the editor
 - News release
 - Op-ed piece
 - Press conference

6. The Community Access and Outreach Administrator will deliver the approved response as directed.

Guiding Principle

Although quick action is preferred (the goal is to respond within 72 hours), thoughtfulness, accuracy, and good communication with involved parties will not to be sacrificed for speed.

Adopted this the _____ day of _____ 20____.

Regan A. Miller
Chief District Court Judge

Richard D. Boner
Senior Resident Superior Court Judge