

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT)	
)	PCB 2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Don Brown, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Attached Service List

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Respondent, Midwest Generation, LLC’s Emergency Objection and Motion to Bar Filing and Memorandum in Support of Midwest Generation’s Objection and Motion to Bar Filing, a copy of which is herewith served upon you.

MIDWEST GENERATION, LLC

By: /s/ Jennifer T. Nijman

Dated: October 19, 2017

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Kristen L. Gale
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Respondent, Midwest Generation LLC's Emergency Objection and Motion to Bar Filing and Memorandum in Support of Midwest Generation, LLC's Objection and Motion to Bar Filing was filed electronically on October 19, 2017 with the following:

Don Brown, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and that true copies were emailed on October 19, 2017 to the parties listed on the foregoing Service List.

/s/ Jennifer T. Nijman

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**MIDWEST GENERATION, LLC’S EMERGENCY
OBJECTION AND MOTION TO BAR FILMING**

Pursuant to 35 Ill. Adm. Code 101.500, 101.502 and 101.504, Respondent, Midwest Generation, LLC (“MWG”), by its undersigned counsel, submits this Objection to the filming of the hearing by the Kindling Group and requests that the Hearing Officer enter an order barring any filming of the hearing scheduled to begin on October 23, 2017. In support of its Objection and Motion, MWG submits its Memorandum in Support of its Motion and states as follows:

- 1) On October 18, 2017, at approximately 1.30 pm, the Hearing Officer informed MWG and the Complainants that the Kindling Group, a film documentary group, notified him that they plan to attend the hearing for the above captioned matter scheduled for October 23 through October 27, 2017, for the purposes of filming the hearing.
- 2) The Kindling Group is a nonfiction media studio that films and produces documentaries and impact campaigns for broadcast. <https://www.kindlinggroup.org/>.
- 3) Under Section 8-701 of Illinois Code of Civil Procedure, “No witness shall be compelled to testify in any proceeding conducted by a commission, *administrative agency or other tribunal*

in this State if any portion of his or her testimony is to be broadcast or televised or if motion pictures are to be taken of him or her while he or she is testifying..." 735 ILCS 5/8-701.

4) Pursuant to Section 8-701 of the Illinois Code of Civil Procedure, the Hearing Officer may not compel a witness to testify "if motion pictures" are to be taken, which would include filming a documentary.

5) Pursuant to Illinois Supreme Court Rule 63A(8), the taking of photographs in the courtroom and the broadcasting or televising of court proceedings is permitted only to the extent authorized by order of the Supreme Court. By Supreme Court Order, "extended media coverage", as defined, is only allowed following approval by the Illinois Supreme Court and is subject to the "Policy for Extended Media Coverage in the Circuit Courts of Illinois." (*See* Exs. A and B).

6) Illinois Pollution Control Board ("Board") rule 101.606 regarding "informal" recordings is inapplicable to the Kindling Group. As a documentary production company, the Kindling Group will not be conducting an "informal recording," but instead will be recording the proceeding for the purposes of a documentary film or other broadcasting.

7) Even if the Board finds that its rule 101.606 is applicable, MWG witnesses will refuse to testify because they "may not be compelled to testify if any portion of the testimony will be broadcast or televised." 35 IAC 101.606, 735 ILCS 5/8-701.

8) MWG requests immediate relief pursuant to 101.500(d), without right of response, because undue delay or material prejudice will result. The hearing cannot proceed without MWG witnesses who are being called in both parties' respective cases. If a decision cannot be made before the date of the hearing, MWG will make a request to postpone the hearing for just cause.

WHEREFORE, for the reasons stated above, MWG requests that the Hearing Officer enter an order barring the filming of the above captioned hearing scheduled to begin on October 23, 2017.

Respectfully submitted,
Midwest Generation, LLC

By: /s/ Jennifer T. Nijman
One of Its Attorneys

Jennifer T. Nijman
Susan M. Franzetti
Kristen L. Gale
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MIDWEST GENERATION, LLC,)	
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Respondent.)	

MEMORANDUM IN SUPPORT OF MIDWEST GENERATION’S OBJECTION AND MOTION TO BAR FILMING

Pursuant to 35 Ill. Adm. Code 101.500, 101.502 and 101.504, Respondent, Midwest Generation, LLC (“MWG”), by its undersigned counsel, submits this Memorandum in Support of its Objection to the filming of the hearing for the above captioned proceeding, beginning on October 23, 2017, and requests that the Hearing Officer enter an order barring any filming of the hearing. In support of its Motion, MWG states as follows:

A. Brief Background

On October 18, 2017, the Hearing Officer notified MWG and the Complainants that the Kindling Group had contacted the Hearing Officer stating an intent to film the hearing for a documentary. The hearing for this matter is scheduled to begin on October 23, 2017 and continue through October 27, 2017. The Kindling Group, incorporated in Illinois, is not a party to this matter. It is a nonfiction media studio that films and produces documentaries and impact campaigns for broadcast.

B. Illinois Code of Civil Procedure Bars Filming of a Proceeding Conducted by an Administrative Agency

As an administrative agency and a tribunal in Illinois, the Illinois Pollution Control Board (“Board”) may not allow filming of a proceeding. Section 8-701 of the Illinois Code of Civil Procedure states:

“No witness shall be compelled to testify in any proceeding conducted by a commission, *administrative agency or other tribunal in this State* if any portion of his or her testimony is to be broadcast or televised or if motion pictures are to be taken of him or her while he or she is testifying. This Section shall not apply to judicial proceedings.” 735 ILCS 5/8-701.

This section clearly applies to proceedings before the Board, an administrative agency and one of the tribunals in the State of Illinois. The Kindling Group describes itself as a “nonfiction media studio” that broadcasts documentaries on various issues and topics. <https://www.kindlinggroup.org/>. Additionally, the Kindling Group informed the Hearing Officer of their intent to film, (i.e. – take motion pictures”), of the hearing for a documentary. The Board may not compel a witness to testify if any portion of the witnesses’ testimony is subject to filming for the purposes of a documentary.

C. The Illinois Supreme Court Must Approve Extended Media Coverage and Such Coverage Must Follow its Policy

Section 8-701 states that it shall not apply to judicial proceedings for the sole reason that the Circuit Courts of Illinois have established their own rules for media coverage. Specifically, Illinois Circuit Courts may allow extended media coverage of their proceedings, but only with the specific approval of the Illinois Supreme Court. Pursuant to Supreme Court Rule 63A(8), the taking of photographs in the courtroom and the broadcasting or televising of court proceedings is permitted only to the extent authorized by order of the Supreme Court. (Supreme Court of Illinois Order, *In re: Extended Media Coverage in the Circuit Courts of Illinois*, M.R. 2634, attached as Exhibit A). To get that approval, a Circuit Court must submit an application to the Illinois Supreme Court, and

if approved, the judicial circuit is authorized to allow news media cameras in trial courtrooms in that circuit. Additionally, the judicial circuit is required to follow the “Policy for Extended Media Coverage in the Circuit Courts of Illinois. (“Media Policy” attached as Exhibit B). “Extended media coverage” is defined by the Illinois Supreme Court as “any media recording or broadcasting of proceedings by the use of television, radio, photographic, or recording equipment for the purpose of gathering and disseminating news to the public.” Id. That definition clearly includes filming a documentary.

Even if the Hearing Officer determines that the Board is somehow not subject to the explicit language of 8-701, or that the hearing is a “judicial proceeding” excluded by 8-701, the Board is still subject to the Illinois Supreme Court Rule and Order. *Daniels v. Industrial Comm’n*, 201 Ill. 2d 160, 165 (2002) (Administrative agencies have no general or common-law powers., *See also Prairie Rivers Network v. Ill. Pollution Control Bd.*, 335 Ill. App. 3d 391, 406 (Stating that “agencies only have the power given to them through enabling legislation,” the Court found the Board could not extend its permitting powers). Based on the Supreme Court Order, the Board should bar the filming/coverage in this case because such coverage has not been previously approved by the Illinois Supreme Court and the related Media Policy.

Under the Supreme Court policy, the media must make a request for extended media coverage and must make that request at least 14 days in advance of the time the proceeding is scheduled to begin. Sec. 1.3(b)(1) of the Media Policy. Additionally, an entity must file a notice of the request for extended media coverage with the Clerk of the Circuit Court and provide such notice to all counsel of record and the judge expected to preside. Sec. 1.3(b)(2). If the media entity fails to provide notice to all counsel of record, then the request for extended media coverage can be denied. Sec. 1.3(b)(3). Any party may object to the extended media coverage and must file a written

objection at least three days before the beginning of the proceeding. Sec. 1.3(c). Moreover, all witnesses must be advised by counsel proposing to introduce their testimony of their right to object to the extended media coverage, may file any objections prior to the proceeding, and “[a]ll objections shall be heard and determined by the judge prior to the commencement of the proceedings.” Sec. 1.3(c).

Here, the Kindling Group has failed to follow the Media Policy required by the Illinois Supreme Court. The Kindling Group intends to conduct extended media coverage, because they will be recording the hearings for the purposes of producing a documentary to disseminate to the public. The Kindling Group has not filed a notice of request for media coverage with the Board. The Kindling Group has not provided notice to all counsel of record of their request to for extended media coverage. Additionally, because of that failure of notice, none of the parties in this matter have had an opportunity to advise their witnesses of their right to object to the extended media coverage.

D. Rule 101.606 of the Board Procedural Rules is Inapplicable

Rule 101.606 of the Board’s Rules is inapplicable to the Kindling Group’s request to film the hearing because the Kindling Group is not proposing to conduct an “informal recording”. Rule 101.606 is regarding “Informal Recordings of the Proceedings” which allows the Hearing Officer to allow citizens to informally record a proceeding. 35 IAC 101.606. The Board rules do not define informal, but it is generally defined as “not done or performed in accordance with normal forms or procedures.” Black's Law Dictionary (4th ed. 2004).

The Kindling Group is not an “informal recording, but instead is a “media studio” that broadcasts documentaries on various issues and topics. <https://www.kindlinggroup.org/films>. The Kindling Group has a formal website with a mission statement and products.

<https://www.kindlinggroup.org/mission-vision>. It has an Executive Director, twelve employees, and a Board of Directors with eleven members. Additionally, it has produced at least eleven documentary projects, including at least one broadcast on PBS through WTTW. <http://www.pbs.org/independentlens/blog/danny-alpert-on-the-making-of-the-calling/>.

E. Witnesses Will Refuse to Testify If the Testimony Will Be Broadcast

In the event the Hearing Officer determines that the Kindling Group will be conducting an “informal recording,” MWG employees have stated that they will refuse to testify because they “may not be compelled to testify if any portion of the testimony will be broadcast or televised.” 35 IAC 101.606, 735 ILCS 5/8-701. The Kindling Group is a media studio for the purpose of broadcasting documentaries, thus the witnesses may not be compelled to testify if they are going to film the proceeding.

For the reasons stated above, MWG requests that the Hearing Officer enter an order barring any filming of the hearing for this matter scheduled to begin on October 23, 2017. Due to the material prejudice that will result if the filming is allowed and witnesses do not testify, MWG requests an immediate decision without right of response. If a decision cannot be made before the date of the hearing, MWG will make a request to postpone the hearing for just cause.

Respectfully submitted,
Midwest Generation, LLC

By: /s/ Jennifer T. Nijman
One of Its Attorneys

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EXHIBIT A

IN THE
SUPREME COURT OF ILLINOIS

In re: Extended Media Coverage)
 in the Circuit Courts of Illinois) M.R. 2634
)
)

ORDER

Effective immediately and until further order, pursuant to the Court's general administrative and supervisory authority over all courts, it is ordered that the attached "Policy for Extended Media Coverage in the Circuit Courts of Illinois," adopted January 24, 2012, is hereby amended as follows: paragraph 1.0 is amended to discontinue the Extended Media Coverage program's pilot status and adopt the program on a permanent basis and to require that applications for extended media coverage must be submitted on a form authorized by the Supreme Court; and paragraph 1.6(b) governing reporting requirements is amended to require that quarterly reports be submitted on a form authorized by the Supreme Court.

Judicial circuits operating previously approved extended media pilot programs on an experimental basis may continue current operations on a non-experimental, permanent basis. It is further ordered that the amended Policy shall apply retroactively to all orders entered prior to this date approving pilot projects for extended media coverage on an experimental basis and shall apply to all future orders entered on or after this date approving projects for extended media coverage.

Order entered by the Court.

FILED

FEB 22 2016

**SUPREME COURT
CLERK**

EXHIBIT B

**POLICY FOR EXTENDED MEDIA COVERAGE
IN THE CIRCUIT COURTS OF ILLINOIS**

1.0 Media Access

Upon application and approval by the Supreme Court of Illinois, a judicial circuit of the circuit courts of Illinois may allow extended media coverage of public judicial proceedings ~~on an experimental basis~~ in accordance with the provisions of this policy. The application shall be submitted on a form authorized by the Supreme Court and include a draft administrative order, local rules, or policy proposed to be issued upon approval of the application.

The coverage shall be subject, at all times, to the authority of the judge presiding at the proceeding. Extended media coverage shall not be distracting or interfere with the solemnity, decorum and dignity of the court making decisions that affect the life, liberty or property of citizens. Nothing in this policy shall limit or restrict the power, authority or responsibility otherwise vested in the chief judge of the circuit; and the judge presiding to: a) control the conduct of any proceeding; b) maintain decorum and prevent distractions; c) guarantee the safety of the courtroom, including any party, witness, or juror and d) ensure the fair and impartial administration of justice in the pending cause.

1.1 Definitions

- (a) "Extended media coverage" means any media recording or broadcasting of proceedings by the use of television, radio, photographic, or recording equipment for the purpose of gathering and disseminating news to the public.
- (b) "News Media", in general, means established news gathering and reporting agencies and their representatives whose function is to inform the public.
- (c) "Judge" means the circuit or associate judge presiding in a trial court proceeding.
- (d) "Chief Judge" means the chief judge of the circuit.
- (e) "Judicial proceedings" or "proceedings" includes all public trials, hearings or other proceedings of a trial court when extended media coverage is requested, except those specifically excluded by these provisions.
- (f) "Media coordinator" means a member of the news media who has requested extended coverage or, in the case of more than one media person requesting extended coverage, a representative chosen by all of the media requesting extended coverage and approved by the judge. The

media coordinator shall work with the chief judge and the judge; or with their designee, in a court proceeding with extended coverage.

1.2 General

Broadcasting, televising, recording and photographing may be permitted in the courtroom during sessions of the court, under the following conditions:

- (a) Permission first shall have been granted by the judge, who may prescribe such conditions of coverage as provided for in this policy. The chief judge shall have discretion to deny all extended media coverage.
- (b) In prosecutions for sexual abuse, or when sexual abuse is an essential element, there shall be no extended media coverage of the testimony of a victim unless the testifying victim consents. Further, an objection to coverage by a testifying victim in any other forcible felony prosecution, and by police informants, undercover agent(s), and relocated witnesses shall be presumed valid. The judge shall exercise broad discretion in deciding whether there is cause for prohibition. This list is not exclusive. The judge may find cause in comparable situations.
- (c) Extended media coverage is prohibited in any court proceeding required under Illinois law to be held in private. No coverage shall be permitted in any juvenile, dissolution, adoption, child custody, evidence suppression or trade secret cases.
- (d) Extended media coverage of jury selection is prohibited. Extended media coverage of the jury and individual jurors is prohibited.
- (e) There shall be no audio pickup or broadcast or recording of a conference in a court proceeding or in a court facility between attorneys and their clients, between co-counsel, between attorneys and opposing counsel, or attorneys and the judge.
- (f) Audio or visual equipment authorized by these provisions shall not be operated during a recess in the court proceeding.
- (g) The quantity and types of equipment permitted in the courtroom shall be subject to the discretion of the judge within the guidelines set out in this policy.
- (h) Upon application of the media, the judge may permit the use of equipment or techniques at variance with the provisions in this policy, provided the variance request is included in the advance notice of coverage provided for in subsection 1.3(b). Objections, if any, shall be made as provided in

subsection 1.3(c). Ruling upon a variance application shall be at the sole discretion of the judge. Variances may be allowed by the judge without advance application or notice if all counsel and parties consent to it.

- (i) The judge may refuse, limit, amend or terminate photographic or electronic media coverage at any time during the proceedings in the event the judge finds that provisions established under this policy, or additional rules imposed by the judge, have been violated, or that substantial rights of individual participants or rights to a fair trial will be prejudiced by the manner of coverage if it is allowed to continue; or if it is necessary to guarantee the safety of the courtroom, including any party, witness, juror or attendee of the proceeding.
- (j) The rights of extended media coverage may be exercised only by the news media.
- (k) A decision by a judge to deny, limit or terminate extended media coverage is not appealable.
- (l) A judge may authorize extended media coverage of ceremonial proceedings at variance with provisions in this policy as the judge sees fit.

1.3 Procedural

- (a) **Media Coordinator.** The judge, or the court's designee, and all interested members of the media shall work, whenever possible, with and through an appropriate media coordinator on all arrangements for extended media coverage. In the event a media coordinator is not available for a particular proceeding, the judge may deny extended media coverage or may appoint an individual from among local working representatives of the media to serve as the coordinator for the media in the proceeding.
- (b) **Advance Notice of Coverage.**
 - 1. All requests for extended media coverage shall be made through the media coordinator. The media coordinator shall inform the judge at least 14 days in advance of the time the proceeding is scheduled to begin, but these times may be extended or reduced by court order. When the proceeding is not scheduled at least 14 days in advance, however, the media coordinator shall give notice of the request as soon as practicable after the proceeding is scheduled. Upon receipt of notice, the judge shall inform the chief judge.

2. Notice of the request shall be in writing, filed in the office of the Clerk of the Circuit Court. A copy of the notice shall be provided by the media coordinator, or by the Clerk of the Circuit Court, or by the court media liaison to all counsel of record, parties appearing without counsel, the appropriate court administrator or court media liaison and the judge expected to preside. The notice shall contain:
 - A. The title and docket number of the case, and the date and time, if available, of the proceeding;
 - B. The type of extended media coverage requested with a description (e.g. the number of television cameras, still photographers).
 - C. A statement that appropriate notice is being provided to all counsel of record, parties appearing without counsel, the trial court administrator and the judge, along with the names of each.
 - D. The name, address and telephone number of the media coordinator making the request, and the media coordinator's employer.
3. Failure to provide notice to all counsel of record and to parties appearing without counsel may result in denial of the request for extended media coverage.

(c) **Objections.**

A party objecting to expanded media coverage shall file a written objection, stating the reasons, at least three (3) days before commencement of the proceeding. All witnesses shall be advised by counsel proposing to introduce their testimony of their right to object to extended media coverage, and all objections by witnesses shall be filed prior to the commencement of the proceeding. Witnesses shall be entitled to the assistance of the clerk of the circuit court in providing copies of this objection to all counsel of record, parties appearing without counsel, the media coordinator and the judge. All objections shall be heard and determined by the judge prior to the commencement of the proceedings. The judge may rule on the basis of the written objection alone. In addition, the objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by other means as the judge directs. The judge may permit presentation of evidence by the media coordinator in the same manner. Time for filing of objections may be extended or reduced at the discretion of the judge, who also, in

appropriate circumstances, may extend the right of objection to persons not specifically provided for in this policy.

1.4 Technical

- (a) Equipment specifications. Equipment to be used in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, equipment must satisfy the following criteria, where applicable:
1. Still cameras. Still cameras and lenses must be unobtrusive without distracting light or sound.
 2. Television cameras and related equipment. Television cameras, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light.
 3. Audio equipment. Microphones, wiring and audio recording equipment shall be unobtrusive and shall be of adequate technical quality to prevent interference with the covered judicial proceedings. Any changes in existing audio systems must be approved by the presiding judge. No modifications of existing systems shall be made at public expense. Microphones for use of counsel and judges shall be equipped with power switches to facilitate compliance with subsections 1.2(e) and (f) of this policy.
 4. No light or signal visible or audible to participants in the proceeding shall be used on any equipment during extended coverage to indicate whether it is operating.
 5. Advance approval. It shall be the duty of media personnel to demonstrate to the judge reasonably in advance of the proceeding that the equipment sought to be used meets the criteria set forth in this section. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.
- (b) Lighting. Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With the approval of the judge, however, modifications may be made in light sources existing in the courtroom (e.g., higher wattage light bulbs), provided modifications are installed and maintained without public expense.

- (c) Pooling and Equipment. The following limitations on the number of photographic and broadcast media personnel in the courtroom and the amount of equipment shall apply:
1. Pooling. The media are encouraged to pool equipment and personnel. Where the limitations on equipment and personnel under these provisions make it necessary, the media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the media coordinator. No judicial officer or court personnel shall mediate disputes. Priority consideration shall be extended to one of the two television cameras to televise an entire proceeding from beginning to end. In the absence of agreement or in the event of unresolved disputes relating to pooling arrangements, the kind of extended coverage sought shall be prohibited and excluded from the proceeding.
 2. Still photography. Not more than two still photographers, each using not more than two camera bodies and two lenses, shall be permitted in the courtroom during a judicial proceeding at any one time.
 3. Television. Not more than two television cameras, each operated by not more than one camera person, shall be permitted in the courtroom during a proceeding. Other than the television cameras, recording and broadcast equipment shall be located outside of the courtroom.
 4. Audio. Only one audio system for broadcast shall be permitted in a proceeding. Where possible, audio for all media shall be from any existing audio system present in the courtroom. If no technically suitable audio system exists, microphones, wiring, and recording equipment shall be furnished and temporarily installed by the news media without public expense, shall not interfere with the sound quality of any existing courtroom audio system, shall be operated by one person and shall be located in places designated in advance by the judge or designee. Where possible, electronic audio recording equipment and any operating personnel shall be located out of the courtroom.
 5. Sufficient video and audio tape capacities should be provided to obviate the need to make changes except during court recess.

6. No equipment or clothing of any extended coverage personnel shall bear any insignia or identification of the individual medium or network involved in extended coverage.
- (d) Location of equipment and personnel. Equipment and operating personnel shall be located in, and coverage of the proceedings shall take place from, an area or areas within the courtroom designated by the judge. The area or areas designated shall provide reasonable access to the proceeding to be covered. No equipment or personnel involved in extended media coverage shall impede pedestrian traffic movement into, or from, the courthouse, including but not limited to courthouse corridors and courtroom entrances and exits.
- (e) Movement during the proceedings. Television cameras and audio equipment may be installed in or removed from the courtroom only when the court is not in session. Equipment shall not be stored in the courthouse. In addition, such equipment shall at all times be operated from a fixed position. Still photographers and broadcast media personnel shall not move about the courtroom while proceedings are in session, nor shall they engage in any movement attracting undue attention. Still photographers shall not assume body positions inappropriate for the courtroom.
- (f) Decorum. All news media representatives shall be properly attired and shall maintain proper courtroom decorum at all times when covering a judicial proceeding. The judge has discretion to determine proper attire and courtroom decorum.

1.5 Jury Admonishment and Instruction

- (a) Jury Admonishment. The judge shall give the following admonishment to the jury at the commencement of any criminal or civil trial with an approved request for extended media coverage:

In this case, I have approved a request to allow the news media to film and photograph the proceedings. This is permitted by the Illinois Supreme Court and is subject to numerous restrictions contained in the Policy for Extended Media Coverage in the Circuit Courts of Illinois.

The policy in place regarding cameras in the courtroom is very strict and the court closely monitors every policy provision. In general, the policy permits the news media to film and photograph the courtroom setting, the participants in the trial, and any persons who might be in the audience. The policy does not permit the news

media to film or photograph any of you as jurors or the jury panel as a whole in the courtroom and outside the courtroom.

The presence of cameras does not make this case more important than any other. All trials are equally important to the court and the involved parties. You should not draw any inferences or conclusions from the fact that cameras are present at this particular trial.

The news media is generally able to choose which portion or portion(s) of the trial they wish to attend. Therefore, their attendance may be periodic from day-to-day. Also, for legal reasons, the news media may not be permitted to film and photograph certain witnesses. You are not to concern yourself with why certain witnesses are filmed and photographed and others are not.

Whether a particular witness is filmed or photographed is not any indication as to the value of, or weight to be given to, that witness's testimony.

You should ignore the presence of any cameras. If you find at any time that you are distracted or unable to concentrate because of the cameras, please notify me immediately.

- (b) Jury Instruction. The judge shall give the following instruction to the jury when news media was present at any portion of a criminal or civil trial:

In this case, the news media was permitted to film and photograph the proceedings pursuant to the Illinois Supreme Court Policy for Extended Media Coverage in the Circuit Courts of Illinois.

In your deliberation, you should not draw any inferences or conclusions from the fact that cameras were present at this particular trial. Nor should you concern yourself with why certain witnesses were filmed and photographed and others were not. Whether a particular witness was filmed or photographed is not any indication as to the value of, or weight to be given to, that witness's testimony.

1.6 Reporting

- (a) The judge presiding in a trial court proceeding where extended media coverage has been permitted shall file a written report with the Chief Judge within a reasonable time after the date the permitted extended media coverage is concluded. The report shall, at a minimum, contain the

following information: the type of extended media coverage allowed; the date, time, location, and nature of the proceeding covered; a statement of any problems encountered; and any other information relevant to the extended media coverage of the proceeding. All reports shall be confidential and may also contain the reporting judge's observations, comments, or recommendations concerning extended media coverage.

- (b) The Chief Judge in each judicial circuit where extended media coverage is permitted by order of the Supreme Court shall provide a quarterly written report to the Chief Justice of the Supreme Court and the Supreme Court Justice(s) of the District where the judicial circuit is located, with a copy to the Director of the Administrative Office of the Illinois Courts and the Supreme Court Director of Communications. The report shall be submitted on a form authorized by the Supreme Court and shall, at a minimum, contain the following information: the number of requests for extended media coverage received during the previous quarter; the type of extended media coverage requested in each instance; the number of such requests that were approved; the number of such requests that were denied; and the category of each proceeding in which extended media coverage was allowed. All reports shall be confidential and may also contain the Chief Judge's observations, comments, or recommendations concerning extended media coverage.

Approved: January 24, 2012.
Amended: January 24, 2013.
Amended: March 13, 2015.
Amended: February 22, 2016.