

**EXHIBIT D (CONT'D)**

TABLE V-4

## General Attitudinal Factor Analysis Items Grouped By Factors

Factor Name	Item from Survey
1. General Effects Factor	<p>Q.1. Extended media coverage (EMC, popularly referred to as "Cameras in the court") of courtroom proceedings will <u>not</u> detract from the decorum of the judicial process.</p> <p>Q.3. EMC of courtroom proceedings will increase citizens' willingness to become involved in the judicial process.</p> <p>Q.4. EMC of courtroom proceedings will improve the quality of courtroom advocacy.</p> <p>Q.10. EMC of courtroom proceedings will <u>not</u> affect a judge's ability to maintain courtroom order.</p> <p>Q.16. EMC of courtroom proceedings will increase jurors' attentiveness to testimony.</p> <p>Q.26a. EMC should be allowed in Appellate Proceedings</p> <p>Q.26b. EMC should be allowed in Civil Proceedings</p> <p>Q.26c. EMC should be allowed in Criminal Proceedings.</p>
2. Influence Factor	<p>Q.7. EMC of courtroom proceedings will cause judges to avoid unpopular positions or decision.</p> <p>Q.8. EMC of courtroom proceedings will affect voting at the next election of elected officials represented at the proceeding.</p> <p>Q.9. Jurors' decision making will be influenced by their friends' and acquaintances' attitudes about the case because of EMC of the trial.</p> <p>Q.15. EMC of bail proceedings will improperly influence a judge in setting bail.</p> <p>Q.18. EMC of courtroom proceedings will cause prosecutors to "play up" to the media to enhance the re-election prospects of the District Attorney.</p> <p>Q.24. EMC of sentencing proceedings will will improperly influence a judge in the sentencing decision.</p>

Table V-4 cont.

- 3. Civilian Concern Factor
  - Q.19. EMC will make witnesses more reluctant to testify.
  - Q.22. EMC of courtroom proceedings will make people more apprehensive about participating in legal processes.
  
- 4. Mutual Consent Factor
  - Q.17. EMC of criminal proceedings should be allowed only with the consent of the parties.
  - Q.25. EMC of noncriminal proceedings should be allowed only with the consent of the parties.

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that high confidence can be placed in the accuracy and consistency of the attitude measures taken in this evaluation. The coefficients indicate that, if used again, the same items would group together again, forming the same factors, even with different samples of judges, prosecutors, and defenders. In short, the General Attitudinal Survey accurately measures the attitudes of the target populations sampled.

TABLE V-5

RELIABILITY OF ITEMS IN EACH FACTOR IN THE GENERAL  
ATTITUDINAL SURVEY ANALYSIS

Reliability Coefficients			
Factor Name	Pretest	During Posttest	Posttest
1. General Effects Factor (Items 1,3,4,10,16,26a, 26b,26c)	.87	.85	.88
2. Influence Factor (Items 7,8,9,15,18,24)	.85	.86	.88
3. Civilian Concern Factor (Items 19,22)	.79	.90	.84
4. Mutual Consent Factor (Items 17,25)	.79	.80	.81

Slopes Analysis: Rates of Change Over Time

Between Occupational Groups

Question: Over time, are attitude changes, if any, occurring uniformly to judges, prosecutors, and defenders? Is any one of the three groups changing their attitudes toward EMC faster or slower than others? Is one group becoming more negative toward EMC while others become more positive?

To determine if EMC-Inexperienced judges, prosecutors and defenders rates (or slopes) of change on attitudinal factors from pretest to after posttest differed from one occupational group to the other (between groups), slopes of regression lines were generated from pairs of pre and post measures for each group. The same was done for EMC-Experienced judges, prosecutors and defenders.

Table V-6 summarizes the result. On three of the four factors, significantly different rates of change were found between the EMC-Inexperienced judges, prosecutors, and defenders. The same was true between EMC-Experienced groups. In general, it can be concluded that for both EMC-Inexperienced occupational groups and EMC-Experienced occupational groups, the changes in their attitude measures are occurring at different rates. Put another way, judges, prosecutors, and defenders changed at significantly different rates over time (pre to post) on their attitudes toward EMC whether or not they had direct EMC experience.

Why would both Experienced and Inexperienced occupational groups show different rates of change? One could presume that the indirect or vicarious effects of such a high publicity occurrence such as the "cameras in the courts" phenomenon might affect equally all three occupational

**TABLE V-6**

**RESULTS OF PRE TO POST SLOPES ANALYSIS ON FACTORS BETWEEN OCCUPATIONS**

Factor	EXPERIENCE LEVEL EMC-Inexperienced Judges, Prosecutors and Defenders	EMC-Experienced Judges, Prosecutors, and Defenders
1 General Effects	Not significant	Significant beyond .01 level
2 Influence	Significant beyond .01 level	Significant beyond .025 level
3 Civilian Concern	Significant beyond .025 level	Not significant
4 Mutual Consent	Significant beyond .01 level	Significant beyond .01 level



groups. Any one individual in any of the groups, whether receiving direct EMC experience or not, was undoubtedly aware of and affected by news about and knowledge of the experiment. Receiving an attitude survey from the evaluation team would be an example of such vicarious participation. Hence, it is not too surprising that changes in attitude measures occurred in even the EMC-Inexperienced groups.

EMC-Inexperienced. The three EMC-Inexperienced occupational groups rates of change on Factor 1, General Effects, were not significantly different. Whatever changes may have occurred on this factor did so uniformly over time across groups. On Factor 2, Influence, however, the three groups changed at different rates. Factor 2 is comprised of Survey items 7, 8, 9, 15, 18, and 24, all of which highlight concern that EMC possibly may have a deleterious effect on either the decision makers in court proceedings or on those public figures who could gain or lose from media exposure. To understand how the slopes analysis works, Table V-7 below, extracted from Table V-8, illustrates the sense of this result.

TABLE V-7

General Attitudinal Survey Factor 2 Mean Scores

Factor 2	Judges	EMC-Inexperienced Prosecutors	Defenders
Pretest Mean Score	2.91	2.99	1.82
Posttest Mean Score	3.01	3.08	1.84



TABLE V-8

General Attitudinal Survey Factor Means Used to  
Calculate Pre-Post Slopes Between  
Occupations and Within Occupations

Factor	EMC-Inexperienced			EMC- Experienced	
	Pre	(After) Post		Pre	(After) Post
1*	3.11	3.10	Judges	2.86	2.79
	2.61	3.38	Prosecutors	3.14	2.88
	3.74	3.72	Defenders	3.92	4.00
2**	2.91	3.01	Judges	2.95	3.05
	2.99	3.08	Prosecutors	3.22	3.33
	1.82	1.84	Defenders	1.74	1.87
3**	2.41	2.51	Judges	2.65	2.90
	2.00	2.06	Prosecutors	2.24	2.44
	2.02	2.05	Defenders	1.88	1.88
4**	2.12	2.49	Judges	2.38	2.86
	2.02	2.16	Prosecutors	2.00	2.61
	1.64	1.68	Defenders	1.44	1.4

\*Lower mean score indicates a more positive attitude toward EMC

\*\*Higher mean score indicates a more positive attitude toward E

The judges pretest mean score of 2.91 is the summed score for all six items on this factor for all judges divided by six and divided by the number of judges. Their post-test mean score is 3.01, a gain, or change, of .10 units. The same amount of change in the same direction occurred for prosecutors, but not for defenders. The overtime change from pre to post, (the rate of change), is significantly different for the defenders than for judges and prosecutors. Hence, for Factor 2, Influence, we can say confidently that the three occupational groups are changing at significantly different rates and that the defenders, by not changing, are the cause of the significance.

On Factor 3, Civilian Concern, the three EMC-Inexperienced groups changed at significantly different rates also. Factor 3 consists of Survey items 19 and 22, indicating potential EMC effects of reluctance and apprehension in witnesses and in people in general. Table V-8 shows that the judges and prosecutors change but the defenders do not. The pattern continues even more graphically on Factor 4, Mutual Consent, consisting of Survey items 17 and 25, the "Party Consent" questions. From the means listed in Table V-8, it can be seen that all three groups are changing at very different rates: the defenders not at all; the judges considerably; and the prosecutors in between.

EMC-Experienced. The rates of change for the three EMC-Experienced occupational groups on Factors 1, 2, and 4 are significantly different.

Factor 1, General Effects, consists of Survey items 1, 3, 4, 10, 16, 26a, 26b, and 26c, all of which when taken together describe general, or global, "good-bad" effects attributable to EMC. Factor 1 items are also those items

which are likely to be affected by direct EMC experience. In other words, a judge who had had EMC in his courtroom may have first-hand knowledge that his ability to maintain order (item 10) was not diminished. His pre to post measure on that item might reflect his experience, a fact which might not hold time for those individuals who remained inexperienced. As seen in Table V-8, it is the EMC-Experienced prosecutors whose rate of change (.26 units) is significantly different from the other two groups. The defenders' score in this case changed in the opposite direction, a fact which magnifies the change rate differences between the groups; hence, the passage of time resulted in different growth rates in attitude for this measure.

In Factor 2, Influence, the defenders show the greatest change in magnitude while in Factor 4, Mutual Consent, the prosecutors' and judges' rates of change are vastly different from those of defenders.

Overall, the rates of change over time in attitude measures for the three occupational groups for both EMC-Experienced and EMC-Inexperienced show significant differences on the four factors. The attitude scores for judges and prosecutors, by-and-large, change over time. The EMC-Experienced judges and prosecutors, in addition, have the largest change rates. Defenders, on the average, seem to have changed only minimally, if at all. In summary, attitude changes over time are occurring, but not uniformly between the three occupational groups.

#### Within Occupational Groups

Question: Does experience with EMC affect the rate at which attitude scores change? Would Experienced judges'

attitudes change faster in regard to EMC than Inexperienced? Will Experienced prosecutors develop a negative attitude toward EMC while Inexperienced prosecutors stay the same? What happens within each occupational group to the rates at which its members' attitudes change?

To determine if rates of change (or slopes) on attitude measures from Pretest to After Posttest differed within occupational groups between EMC-Inexperienced members and EMC-Experienced members, slopes of regression lines were generated from pairs of pre and post measures.

Table V-9 summarizes the results and indicates that the rate of change pre to post for EMC-Inexperienced vs. EMC-Experienced members was not significantly different for any of the three occupational groups on any of the four factors. For illustration purposes, Table V-10

TABLE V-9

Results of Pre-Post Slopes Analysis on Factors  
Within Occupational Groups

Factor	EMC-Inexperienced and EMC-Experienced		
	Judges	Prosecutors	Defenders
1	Not Significant	Not Significant	Not Significant
2	Not Significant	Not Significant	Not Significant
3	Not Significant	Not Significant	Not Significant
4	Not Significant	Not Significant	Not Significant

TABLE V-10

## General Attitude Survey Factor 4 Mean Scores

Factor Four	EMC Inexperienced Judges	EMC Experienced Judges
Pretest Mean Score	2.12	2.38
Posttest Mean Score	2.49	2.86

For illustration purposes, Table V-10 above depicts the mean scores (from Table V-8) for judges on Factor 4. As indicated, the amount of change made by the EMC-Inexperienced judges pre to post (2.12 to 2.49) is roughly paralleled by the amount of change made by the EMC-Experienced judges pre to post (2.38 to 2.86). Thus, the EMC-Inexperienced judges changed their attitude at the same rate as did EMC-Experienced judges; the rate of change is similar and not significantly different.

In similar fashion, no significant rates of changes are found for any factor within any of the occupational groups. Direct experienced with EMC was not a factor which affected the rates at which the groups changed their attitudes toward EMC.

As stated at the beginning of this section, it is not surprising that parallel changes were made by members of one occupational group with or without EMC experience. The vicarious experience that was available to these individuals appears to have transcended actual

and direct EMC experience. The general effects of the statewide experiment in EMC evidently were received in the same manner by members of an occupational group. As will be seen below, the magnitude of the changes in attitude varied, even though the rates of change were similar.

### Correlated t-Tests on Factor Means

#### Within Occupational Groups

Question: How large were the changes in attitude as measured by the factors made by members of each occupational subgroup? Were the changes, pre to post within groups, large enough to be considered significant? Did any groups not change at all? Which groups showed the largest amounts of significant changes in their attitudes toward EMC?

Table V-11 summarizes the results of the correlated t-tests on factor means for each of the seven groups on which pre to post pairs of measures were available.

Defenders. On none of the four factors for either group of defenders were the mean difference pre to post scores significant. In other words, the defenders' attitude factor scores were very similar in June, 1980 and July, 1981.

Prosecutors. EMC-Inexperienced prosecutors mean scores changed pre to post on Factor 1 significantly. Located in Table V-8, the mean score is seen to drop from 3.61 to 3.38, a lowering of their concern for possible general negative effects of EMC. Their change is in the positive direction, though still on the negative side of the attitude midpoint. Thus, the EMC-Inexperienced

**TABLE V-11**  
**Correlated T-Test on Factors Pre to Post**  
**Within Occupational Groups**

Factor	EMC Inexp. Judges	EMC Exper. Judges (after)	EMC Exper. Judges (during)	EMC Inexp. Prosec.	EMC Exper. Prosec.	EMC Inexp. Defenders	EMC Exper. Defenders
<sup>1</sup> General Effects	---	---	---	signif. beyond .01	---	---	---
<sup>2</sup> Influence	signif. beyond .01	---	signif. beyond .01	---	---	---	---
<sup>3</sup> Civilian Concern	---	---	signif. beyond .01	---	---	---	---
<sup>4</sup> Mutual Consent	signif. beyond .01	signif. beyond .01	signif. beyond .01	---	signif. beyond .01	---	---

prosecutors are significantly less negative, though not positive, about the possible adverse general effects of EMC. The survey items in Factor 1 relate to decorum, citizen apprehension, quality of advocacy, judge ability to maintain order, juror distraction, and type of proceeding in which EMC should be permitted.

The EMC-Inexperienced prosecutors came to believe that on this "good-bad" general factor there was less cause for concern after one year of the experiment.

EMC-Experienced prosecutors also changed significantly on only one factor--Factor 4, Mutual Consent. From Table V-8 their mean score is seen to move significantly from 2.0 to 2.69, pre to post. This factor consists of survey items 17 and 25 which polled the respondents on their attitude about party consent. The EMC-Experienced prosecutors, while still on the negative side of the attitude midpoint, shifted dramatically on this issue.

Judges. EMC-Inexperienced judges showed significant mean score change on Factor 2, Influence, and Factor 4, Mutual Consent. Mean scores (Table V-8) on Factor 2 changed from 2.91 to 3.01 and 2.12 to 2.49 on Factor 4. The EMC-Inexperienced judges moved exactly to the midpoint on the agree-disagree attitude scale on Factor 2. On Factor 4 they still are on the negative side of the attitude midpoint although their movement is significant and toward the positive.

The After Posttest EMC-Experienced judges (those measured in July, 1981) showed significant mean score change on Factor 4, Mutual Consent, from 2.38 pre to 2.86 post. The movement is large, toward the positive side of the scale, but remains on the negative side of the attitude midpoint.



The During Posttest EMC-Experienced judges (those measured right after an EMC event in the courtroom during the experimental data collection year) are the one group showing the most numerous and the largest pre-to-post changes on the Factors. Factors 2, 3, and 4 all exhibit significant change scores. Table V-12 shows the pre-post mean scores for this group of judges.

TABLE V-12

Pretest to During Posttest Means for Judges  
on Factors on General Attitudinal Survey

Factor	Pretest Mean Score	During Posttest Mean Score
1*	2.82	2.61
2**	3.08	3.33
3**	2.37	2.94
4**	2.48	3.26

\*Lower mean score indicates a more positive attitude toward EMC.

\*\*Higher mean score indicates a more positive attitude toward EMC.

For this group of EMC-Experienced judges, all their mean scores show change toward a more positive attitude about EMC. On Factor 4, Mutual Consent, the mean scores change Pretest to During Posttest from 2.48 to

3.26, from well below to well past the midpoint on the agree-disagree attitude scale. Though not a resounding endorsement of the no party consent rule, these judges do, on the average, favor it, and their score represents them as the only group whose overall attitude is positive toward the no party consent rule.

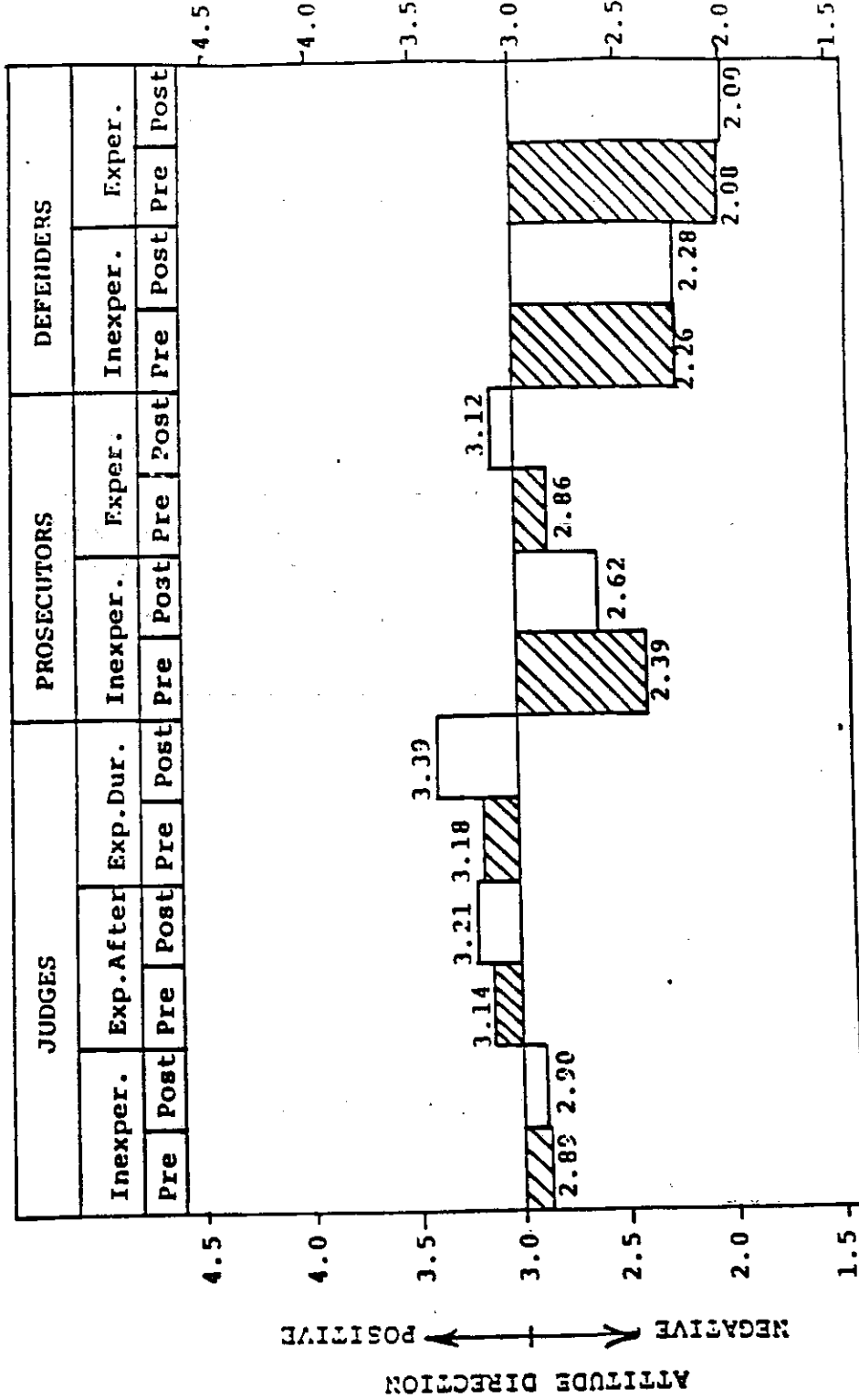
On Factor 3, Civilian Concern, these interim-measured judges show a significant mean score change. Factor 3 refers to reluctance and apprehension in witnesses and other civilian participants; i.e., the judges feel that there is now less cause for concern about these elements. On Factor 2, Influence, these judges, whose scores on the Pretest already were at the midpoint on the agree-disagree attitude scale moved further toward positive (3.08 to 3.28), indicating a further relaxation of concern about the potential negative effects represented by the elements in this factor.

Even though not significant at the .05 level, the change score on Factor 1 continued the above positive trend and changed a sizeable amount, from 2.82 to 2.61 (transposed for direction correction to achieve consistency with the other factors, the means moved from 3.18 to 3.39). This score (3.39) for this group of judges (during Post-test) represents the most positive attitude of any group on any factor on the Survey.

#### Overall Attitude Characteristics

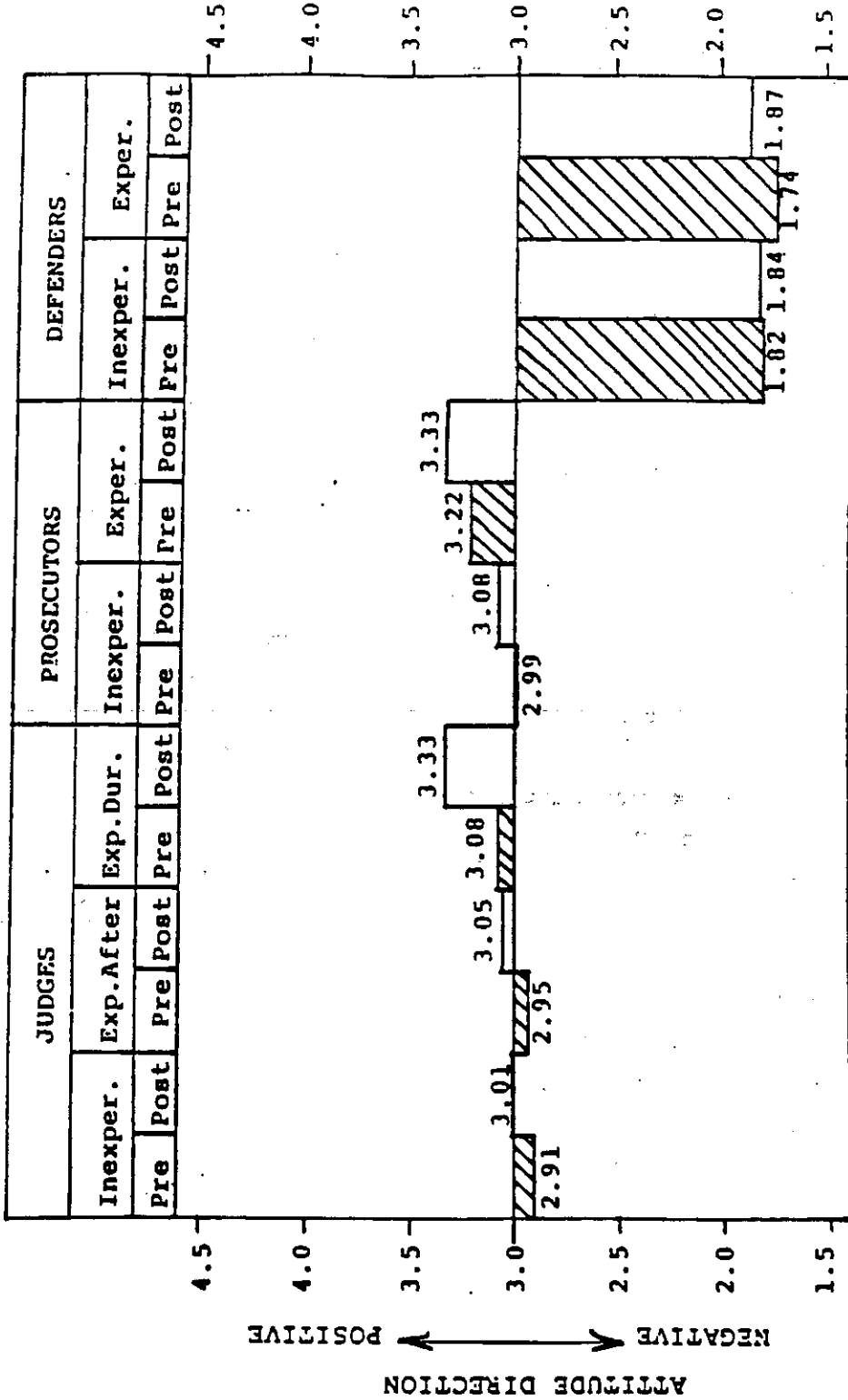
The bar graphs, in Figures V-13A-D provide visual illustration of the attitudes in general and of the attitude differences between and among the groups measured by the Survey. The bar graphs show the practical significance of the

FIGURE V-13A  
 FACTOR ONE BAR GRAPHS  
 GENERAL ATTITUDINAL SURVEY  
 PRE-POST MEANS FOR OCCUPATIONAL GROUPS



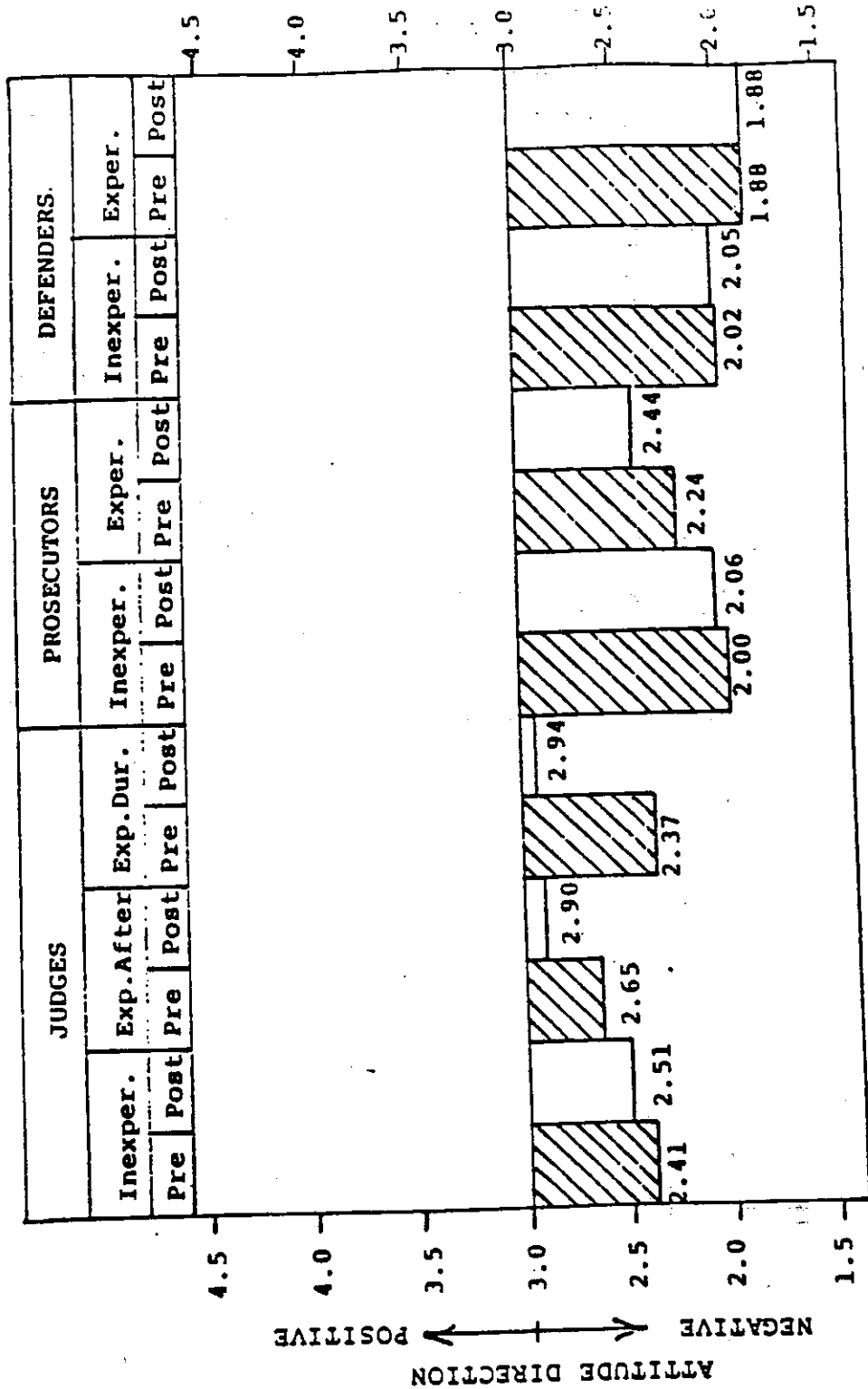
FACTOR ONE: GENERAL EFFECTS  
 Survey Items: 1, 3, 4, 10, 16, 26a, b, c

FIGURE V-13B  
 FACTOR TWO BAR GRAPHS  
 GENERAL ATTITUDINAL SURVEY  
 PRE-POST MEANS FOR OCCUPATIONAL GROUPS



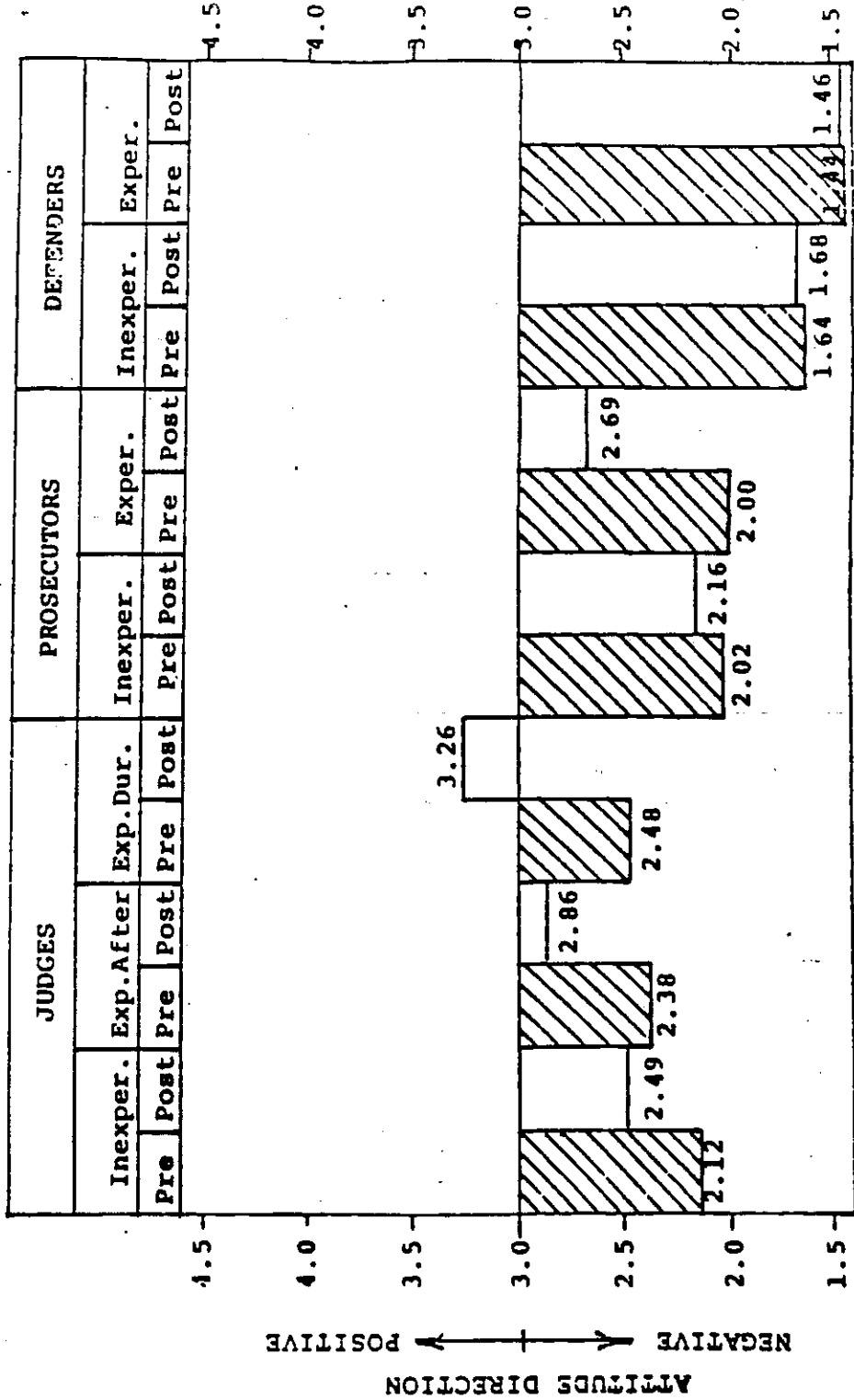
FACTOR TWO: DECISION INFLUENCE  
 Survey Items: 7, 0, 9, 15, 18, 24

FIGURE V-13C  
 FACTOR THREE BAR GRAPHS  
 GENERAL ATTITUDINAL SURVEY  
 PRE-POST MEANS FOR OCCUPATIONAL GROUPS



FACTOR THREE: CIVILIAN CONCERN  
 Survey Items: 19, 22

FIGURE V-13D  
 FACTOR FOUR BAR GRAPHS  
 GENERAL ATTITUDINAL SURVEY  
 PRE-POST MEANS FOR OCCUPATIONAL GROUPS



FACTOR FOUR: MUTUAL CONSENT

Survey Items: 17, 25

Survey results. It is best for a reader to examine the graphs as a group of four in relation to one another, using Table V-14, which shows the means for each item, as an aid. Factor 1 scores were transposed directionally.

The four most outstanding characteristics shown by the graphs are: 1) the predominantly negative to only mildly neutral tone in attitudes toward EMC across all groups; 2) the clear trend in post-testing toward a more positive attitude except for defenders; 3) the overwhelming and persistent negative attitude on all factors by the defender groups, and 4) the posttest factor scores of experienced judges and prosecutors.

Negative Attitude Toward EMC. Although some of the analysis results showed significant changes in a positive direction on the attitude scale in several groups on several factors, the general or overall attitude of respondents can only be characterized as negative. On Factor 1, only, for judges and prosecutors and Factor 2 for judges can one conclude even a neutral or mildly positive attitude toward EMC. There is not a widespread or strongly positive attitude among the three professional groups toward EMC.

Posttest Trend. On every factor, all groups except defense attorneys showed posttest movement toward a less negative attitude. The trend seems to indicate an openness in examining the results of the current experiment, in terms of personal experience and perceived effects. For judges, their posttest trend toward the positive may be the manifestation of an attempt to bring their own attitudes in line with the U.S. Supreme Court decision on Chandler, which allows states to permit EMC over the objections of defendants. Each of the three judge groups made significant changes on Factor 4, which is the party consent issue. While judges (and perhaps prosecutors as well) may feel some inclination to align themselves with

TABLE V-14

## CORRELATED T-TEST RESULTS ON PRE-POST SURVEY ITEM MEANS GROUPED BY FACTOR WITHIN OCCUPATIONS

Fac- tor	Survey Item	Inexp. Judges		Exp. Judges (after)		Exp. Judges (during)		Inexp. Prosecutors		Exp. Prosecutors		Inexp. Defense		Exp. Defense	
		Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
1 B	Q1 Decorum	3.22	3.31	*2.94	2.60	*2.93	2.36	*3.98	3.54	*3.64	2.93	4.02	3.88	4.41	4.53
	Q3 Willingness	3.47	3.61	3.19	3.44	*3.59	3.28	3.86	3.86	3.54	3.46	3.89	3.91	3.7	3.95
	Q4 Advocacy	*3.32	3.52	3.37	3.50	3.25	3.39	3.96	3.82	3.57	3.36	3.95	3.84	4.30	4.48
	Q10 Order	2.48	2.59	2.27	2.21	2.00	2.03	*3.32	3.00	2.54	2.46	3.05	3.05	3.33	3.30
	Q16 Attentive- ness	3.51	3.50	3.28	3.39	3.23	3.30	3.72	3.54	3.59	3.63	3.73	3.73	*3.67	4.11
	Q26a Appellate EMC	*2.79	2.42	2.35	2.07	2.37	2.17	2.53	2.60	*2.30	1.89	3.37	3.50	3.62	3.38
2 B	Q26b Civil EMC	3.02	3.88	*2.72	2.46	*2.63	2.17	*3.53	3.21	2.93	2.52	3.66	3.63	3.96	3.73
	Q26c Criminal EMC	3.13	3.02	2.76	2.65	2.93	2.57	*3.91	3.52	3.26	2.78	4.19	4.18	4.54	4.46
	Q7 Decisions	3.10	3.18	3.27	3.15	*3.33	3.67	2.58	2.68	2.71	3.07	1.75	1.64	1.74	1.48
	Q8 Elections	*2.34	2.68	*2.38	2.73	2.52	2.78	2.54	2.60	2.57	2.71	1.91	2.06	1.96	2.31
	Q9 Influence Juror	3.01	3.20	3.31	3.21	3.32	3.46	2.95	3.09	3.11	3.21	2.23	2.27	2.07	2.07
	Q15 Ball	3.24	3.20	3.21	3.26	3.33	3.52	3.02	3.09	3.36	3.50	1.67	1.60	1.56	1.56
Q18 Grandstanding	*2.67	2.89	2.51	2.62	*2.45	2.83	3.65	3.74	3.85	4.19	1.77	1.77	*1.59	1.93	
Q24 Sentencing	*3.15	3.38	3.24	3.50	3.45	3.59	3.21	3.23	3.59	3.44	1.56	1.69	1.44	1.70	



TABLE V-14 cont.

CORRELATED T-TEST RESULTS ON PRE-POST SURVEY ITEM MEANS GROUPED BY FACTOR WITHIN OCCUPATIONS

Fac- tor	Survey Item	Inexp. Judges		Exp. Judges		Exp. Judges (during)		Inexp. Prosecutors		Exp. Prosecutors		Inexp. Defense		Exp. Defense	
		Pre	Post	Pre	Post (after)	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
3 B	Q19 Reluctance	2.33	2.46	2.57	2.77	*2.32	2.86	1.89	2.07	2.15	2.38	1.95	1.97	1.88	1.88
	Q22 Apprehension	2.50	2.56	2.78	3.09	*2.50	3.11	2.11	2.05	2.35	2.46	2.08	2.13	1.85	1.92
4 B	Q17 Criminal Consent	*2.09	2.43	*2.24	2.80	*2.21	3.21	1.91	2.04	1.96	2.52	1.44	1.44	1.23	1.23
	Q25 Noncriminal Consent	*2.32	2.56	*2.52	2.91	*2.76	3.31	2.12	2.28	*2.04	2.85	1.83	1.92	1.67	1.67

A = Lower mean score indicates more positive attitude toward EMC.

B = Higher mean score indicates more positive attitude toward EMC.

\* = Difference pre to post significant .05 and beyond.

a newly promulgated legal guideline, defenders, in contrast, apparently feel no such obligation.

Defender Attitude. In interpreting the strong anti-EMC attitude possessed by defense attorneys, the evaluators were reminded of many personal interviews held with defense attorneys during the course of data collection. Many attorneys held that EMC on principle was wrong, and that they would never change their minds. The survey results seem to correspond with these interview comments. No change in scores of any consequence occurs for defenders during the 13 months between testing. Attitudes which are based on perceived principle are much less susceptible to change by either additional information or personal experience. What is perceived as morally or politically wrong becomes a tenacious perception.

Other actors, judges notably, may have attitudes toward EMC which are based less on moral premises and more on rational examination of the issues involved. Such an attitude dynamic is more maleable and much more vulnerable to revision.

Experienced judges and prosecutors. For judges and prosecutors, experience appears to alter attitude. Of particular interest is the judge group whose posttest was taken during the year, soon after an EMC event in their courtroom. These judges show the most positive, or least negative, attitude toward EMC.

From on-site observation, the evaluation team found, generally, that actual EMC events were not negative

experiences for participants and when interviewed, most judges concurred. As a result, when a particular judge completed an attitudinal survey soon after an EMC event in his courtroom, very likely he could have responded from the framework of a relatively positive recent experience. Hence, these "during posttest" judge attitudes may reflect their views of the specific event just concluded. The other two judge groups responded to the Survey from a more abstract or distant perspective; i.e., EMC in general, a perspective of overall attitude and overall experience with the media, and not from the perspective of a recently completed event.

Attitudes toward EMC are long held and probably rather firmly held. There may be an immediate impact on a judge from an EMC event which could alter temporarily the attitude only to have it revert back toward the older (more negative) attitude after the passage of time. The "After Posttest" scores therefore may be somewhat lower than the During Posttest scores because of this "regression toward the mean" phenomenon.

#### Discriminant Function Analysis

Question: How cohesive are the patterns of attitude response within occupational groups? Can occupation of respondent be predicted from response patterns on the survey? Is there any relationship between group cohesiveness and attitudes toward EMC?

The discriminant analysis procedure when applied to the 685 valid General Attitudinal Survey pretests and the 432 valid Survey posttest resulted in 53% and 55% of the grouped cases correctly classified. Table V-15 illustrates how the discriminant function analysis supports the other findings in this evaluation.

TABLE V-15

CLASSIFICATION RESULTS  
DISCRIMINANT FUNCTION ON PRETEST FACTORS BY OCCUPATION

Actual Group	No. of Cases	Predicted Group membership		
		1	2	3
Judge 1	352	144 41%	102 29%	106 30%
Prosecutor 2	168	46 27%	94 56%	28 17%
Defender 3	165	28 17%	9 5%	128 78%

Percent of grouped cases correctly classified: 53%

CLASSIFICATION RESULTS  
DISCRIMINANT FUNCTION ON POSTTEST FACTORS BY OCCUPATION

Actual Group	No. of Cases	Predicted Group Membership		
		1	2	3
Judge 1	219	88 40%	84 38%	47 22%
Prosecutor 2	109	31 28%	64 59%	14 13%
Defender	104	12 11%	8 8%	84 81%

Percent of grouped cases correctly classified: 55%

Judges and prosecutors, on the average, in the posttest classification became more similar to one another. In the pretest classification results, 70% of the judges were predicted into either the judge or prosecutor groups. On the posttest, 78% of the judges were predicted into either the judge or prosecutor group. In the pretest, 83% of the prosecutors were predicted into either the prosecutor or judge groups while in the posttest 87% of the prosecutors were predicted into either prosecutor or judge groups. Attitude differences between judges and prosecutors faded over the course of the year. Fewer judges and prosecutors on the posttest were predicted into the defender group than on the pretest. Put another way, the attitudes toward EMC of both judges and prosecutors on the posttest measures became less like the attitudes of defenders.

The defenders were the easiest group to classify correctly. On the pretest, 78% of the defenders were classified as defenders and on the posttest the percentage rose to 81%. Defenders were least likely to be predicted in the prosecutor category. This means that the response pattern of the defender group is very homogeneous and predictable. On the posttest, 81% of the time the defender's occupation can be predicted correctly on the basis of their responses on the Survey. In a graphic way, the defenders became, one year later, an even more cohesive group. One might say they became more predictably "defenders", showing a more unified force in the display of their attitudes toward EMC.

There was on the pretest and remained on the posttest more diversity in the prosecutor group than the defender group. Prosecutors are least likely to be classified as defenders (13% on the posttest) and most likely to be classified as prosecutors (59% on the posttest).

The judges are the most diverse and least cohesive group. On the posttest, 22% of the judges' response patterns result in their being classified as defenders and 38% of them are classified as prosecutors. On both the pre and posttest, only about 40% of the judges are classified correctly as judges. Because of the diversity of their opinions, it is very difficult to predict correctly the occupation of judges on the basis of their responses to the survey. Due to the diversity of attitude in the judge and prosecutor groups, the percentage of grouped cases correctly classified remains at 55%. This is relatively low although it indicates predictability above that of pure chance.

The classification results also indicate that the prosecutors and judges are groups which are shifting their attitudes toward EMC while defenders appear not to be changing. These findings are entirely consistent with other earlier findings on rates and amounts of attitude change.

One might extrapolate from the most recent discriminant function Posttest-Classification a description of the political forces operating in California among these three occupational groups in regard to EMC. Defense attorneys seem adamant in their opposition to EMC and present a unified front with few dissenters. Prosecutors are less cohesive as a group than defenders and more likely to line up with non-defender-like judges. Judges are the least unified group, the most diverse of the three groups, as of July 1981. About four-fifths of the judges are similar to non-defender-like prosecutors. The non-defender-like judges and prosecutors may represent the pro-EMC forces.

If one assumes (as the earlier data analysis show) that the defenders are, as a group, the most opposed or negative toward EMC, there still remains a sizeable group of prosecutors (13%) and a larger group of judges (22%) who stand with the defenders in their opposition to EMC.

### Frequency Distributions

Question: What frequency of distribution patterns in general occur pre post among the total judge, prosecutor and defender groups on each item in the survey? What do particular patterns among the groups' frequency distributions illustrate about their overall attitudes toward EMC and the no party consent rule?

Among all three occupational groups sampled by the survey, there is considerable and persistent opposition to the ruling which removed party consent as a condition for EMC. Judges and prosecutors over the course of one year's time during the experiment did modify their views and object somewhat less to the ruling by July, 1981. Defenders made no such change.

Table V-16 shows the frequency distribution of responses for all judges, prosecutors and defenders pre and post on item 25, Noncriminal Consent. Judges mean scores change from 2.31 pre to 2.71 post; prosecutors from 2.12 to 2.50 and defenders from 1.85 to 1.87. By July, 1981, 55% of the judges, 57% of the prosecutors and 82% of the defenders either Agree or Strongly Agree with the item (requiring consent). At the same point in time 37% of the judges, 18% of the prosecutors and 7% of the defenders either Disagree or Strongly Disagree with the item (no consent needed). Consistent with the general findings in the analysis of the Survey results, the defense attorneys

**TABLE V-16**

**OPPOSITION TO NO CONSENT RULE  
FREQUENCY DISTRIBUTION OF SURVEY ITEM 25  
"EMC of noncriminal proceedings  
needs consent of parties."**

Category Label	ALL JUDGES				ALL PROSECUTORS				ALL DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST	
	FQY	%	FQY	%	FQY	%	FQY	%	FQY	%	FQY	%
<b>STRONGLY AGREE 1</b>	85	22	34	15	50	29	19	17	74	43	45	41
<b>AGREE 2</b>	184	49	91	40	80	46	45	40	65	38	45	41
<b>NO OPINION 3</b>	26	7	18	8	20	11	27	24	18	11	12	1
<b>DISAGREE 4</b>	69	18	71	32	24	14	13	12	12	7	2	2
<b>STRONGLY DISAGREE 5</b>	13	3	11	5	1	1	7	6	2	1	5	5
<b>Number of Cases</b>	377		225		175		111		171		109	
<b>Mean</b>	2.31		2.71		2.12		2.50		1.85		1.87	



are in solid and unchanging opposition to removing the consent rule on noncriminal EMC proceedings. As well, neither the judge nor prosecutor group, on the average, are in favor of removing the consent rule.

Table V-17 shows the frequency distribution of responses for all judges, prosecutors and defenders pre and post on Item 17, Criminal Consent. Opposition to no party consent in criminal proceedings for the three groups, judges, prosecutors, and defenders, on pretest (combining Agree and Strongly Agree) starts out at 80%, 79%, and 91% respectively for the three groups. A small minority of 16%, 18%, and 7% (combining Disagree and Strongly Disagree) respectively favors no party consent. Almost none of the respondents in any group has No Opinion.

One year later judges opposition to the no party consent rate changed considerably. Their percentage of Agree plus Strongly Agree responses favoring party consent being required dropped to 61%, with a corresponding increase from 16% to 35% in those who favor no party consent. Prosecutors made smaller changes though in the same direction. Defenders made no change at all.

As of July, 1981, judges, prosecutors, and defense attorneys in California as groups oppose the no party consent required rule for EMC of criminal proceedings by the large percentages of 61%, 79%, and 90%. The graphs shown in Figure V-18 illustrate the magnitude of opposition to the no party consent rule and the spread of levels of opposition between the respondent groups.

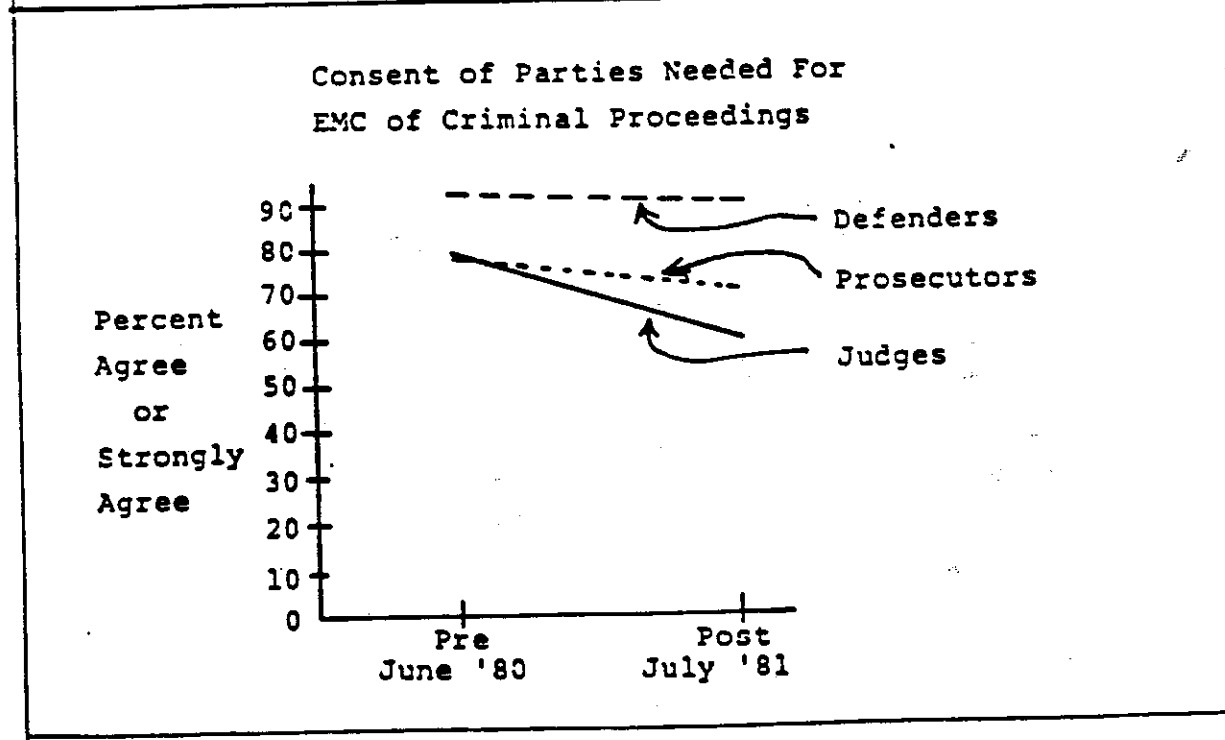
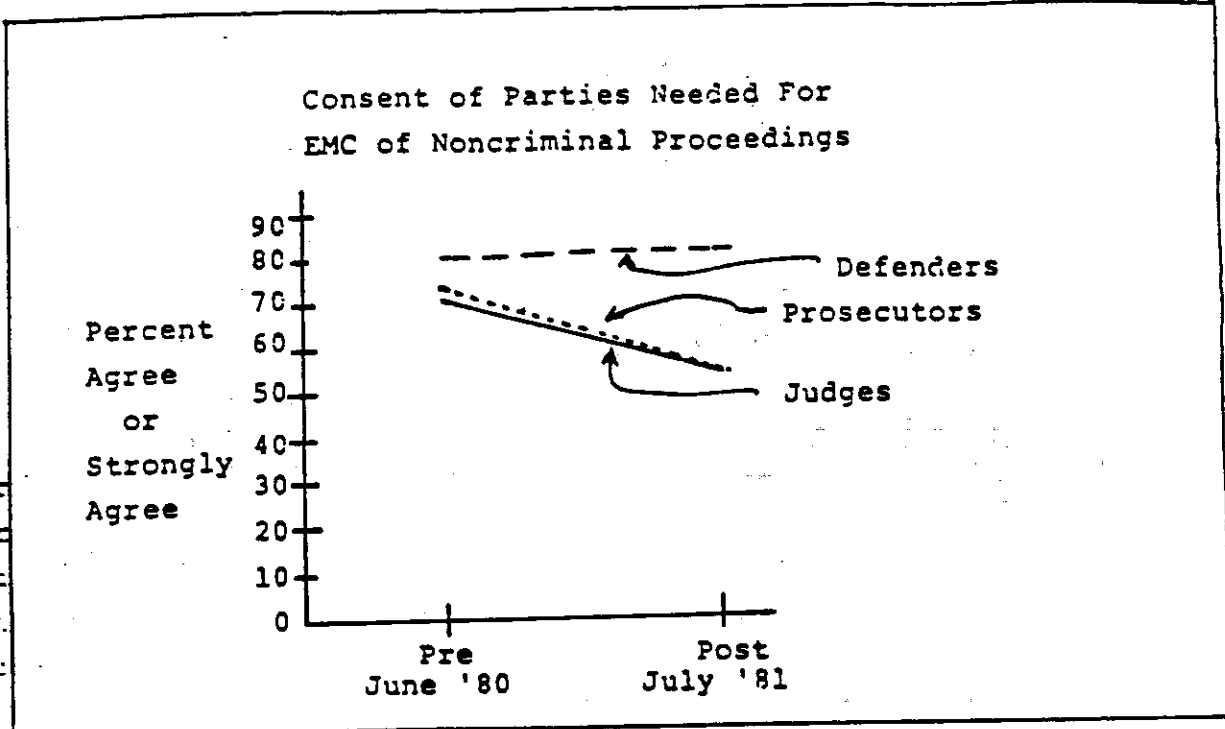
Frequency distributions for survey Items 26a, b, and c are located in Table V-1 in the Results Overview (page of this section of the report. The tables for the remaining items in the survey are located in Appendix I.

TABLE V-17

OPPOSITION TO NO CONSENT RULE  
 FREQUENCY DISTRIBUTION OF SURVEY ITEM 17  
 "EMC of criminal proceedings should be  
 Allowed only with the consent of the parties"

Category Label	ALL JUDGES		ALL PROSECUTORS		ALL DEFENDERS							
	PRE FOY	POST FOY	PRE FOY	POST FOY	PRE FOY	POST FOY						
STRONGLY AGREE 1	149	40	45	20	88	50	42	38	126	74	77	71
AGREE 2	151	40	92	41	51	29	37	33	28	17	21	19
NO OPINION 3	12	3	9	4	4	2	3	3	4	2	1	1
DISAGREE 4	54	14	68	30	23	13	24	22	8	5	6	5
STRONGLY DISAGREE 5	9	2	10	5	9	5	5	4	4	2	3	3
Number of Cases	375		220		175		111		170		108	
Mean	2.00		2.58		1.94		2.22		1.45		1.49	

LEVEL OF OPPOSITION PRE AND POST  
TO REMOVAL OF THE PARTY CONSENT RULE.  
JUDGES, PROSECUTORS AND DEFENDERS



Finally, the frequency distribution tables of remaining items in Appendix I and table of means in Appendix J. show the continued general trend of transference of responsibility (items 4, 7, 8, 10, 13, 14, 15, 18, 24, and 27). Transference of responsibility is a phenomenon which permits respondents to agree with statements that suggest possible negative effects of EMC on the behaviors or the required roles of members of one or both of the other two groups, but not with statements that suggest their own professional group will be somehow negatively impacted by EMC. The phenomenon can best be seen on Item 18 (refer to Table V-14, in this section) which suggests that prosecutors will "play up to the camera." On the pretest and the posttest defenders strongly agree with this statement. Prosecutors strongly disagree. EMC experience and the passage of time does little for these groups to modify this human tendency to see the problem as centered in the other party, not oneself.

##### 5. Discussion and Summary

The attitude measures are important since decisions and actions are, at times, determined by attitudes. If attitude changes follow from experience, as theory suggests, then the trends found in the present evaluation paint a relatively bright picture for eventual acceptance of EMC by judges and attorneys, despite the current level of mixed findings. The evaluation evidence strongly suggests that specific EMC experience altered attitudes toward EMC in judges and prosecutors. Even many of those who did not have direct EMC experience evidenced changes. For those subgroups within these two groups and for defense attorneys who oppose EMC on principle, experience may not so easily modify their attitudes.

To sum up briefly, the data analysis first yielded four reliable factors which summarize the respondents' general attitudes: General Effects; Decision Influence; Civilian Concern; and Mutual Consent.

When each factor was tested for change over time, the three occupational groups (judges, prosecutors, and attorneys) showed significantly different rates of change on most factors. Experience with EMC did not prove to be an element affecting rates of change; occupation was the element. Within occupational groups, each occupational group showed similar change rates over time on the factors irrespective of EMC experience.

Magnitude of change over time on the factors (within occupational groups divided into Experience and Inexperience subgroups) proved significant on a selective basis.

- Neither Experienced nor Inexperienced defenders changed on any factor attitude scores pre to post.
- Inexperienced prosecutors became less concerned about the potential negative EMC general effects.
- Experienced prosecutors became less concerned about the potential negative effects of removing the party consent rule.
- Inexperienced judges a) became less concerned about potential negative EMC influence on decisions; and, b) became less concerned about the potential negative effects of removing the party consent rule.
- Experienced judges during (posttested during the year right after an event) a) became less concerned about potential negative EMC influence on decisions; b) became less concerned about the potential negative EMC effects on civilian participants; and, c) became less concerned about the potential negative effects of removing the party consent rule.

- Experienced judges after (posttested in July, 1981) became less concerned about the potential negative effects of removing the party consent rule.

Except for defenders, all other experienced groups became significantly less concerned about the negative effects of removing the party consent rule. However, only the Experienced judges, posttested during the year, ended up on the positive side of midpoint on the scale measuring this factor. Thus, while the no party consent issue stirred the greatest amount of attitude change among experienced judges and prosecutors, their current attitude can best be described as neutral.

In the discriminant function analysis, the defender group proved to be the most cohesive and predictable of the three groups, followed by prosecutors, with judges least cohesive. The history of controversy surrounding EMC in California seemed validated by these results.

Unanswered, and unknown at this point is why do judges, prosecutors, and defenders have such negative overall attitudes toward EMC? In direct contrast to the observed events and to most of the interview data, the global negative to neutral attitudes toward EMC of the three professional groups is puzzling. However, we do know, now, that the attitudes, as measured, are complex and multi-faceted. There is not a single, overall attitude; rather there are attitudes toward EMC. The factors uncovered in the analysis are constructs which seemed to identify the major sources of vitality for these differences in attitude.

B. Juror Attitudinal Questionnaires

1. Results Overview

Just as there is no one overall measure of the attitudes of judges, prosecutors and defenders toward EMC, there is no parallel global indicator of juror attitudes. Contrary to the negative aggregate range of attitudes for the professional groups in court proceedings, however, the juror group's aggregate range of attitudes varies from neutral to positive.

To support this Attitudinal Questionnaire finding, Table V-19 below summarizes the general opinion jurors have toward EMC as gathered using interviews.

Table V-19

General Opinion About EMC  
Expressed by Jurors in Interviews

Opinion Category	Abs. Freq.	Pct.
Very Unfavorable	7	13%
Unfavorable	1	2%
Neutral	13	23%
Favorable	18	32%
Very Favorable	17	30%

EMC-Experienced jurors show an overall favorable percentage of 62%. Strong objection to EMC is not coming from this citizen group. The second major trend

found in the study of juror attitudes toward EMC is that the EMC-Experienced Jurors basically see themselves, see others in and out of the system, and see the judicial system itself as able to withstand whatever potential negative effects the intrusion of EMC may bring. These two overall results provide a background against which the more detailed analyses of the juror attitude questionnaire is positioned.

## 2. Survey Administration, Sample Size and Sample Characteristics

A total of 1,340 prospective jurors were sampled for their perception of and attitudes toward conventional and extended media coverage of proceedings in California state courts. Table V-20 shows the geographical and chronological breakdown of the jury pool sample. All 1,340 individuals had been called for jury service and were gathered in juror pools when surveyed. The Questionnaire was administered to groups of prospective jurors as they received their orientation from the jury commissioner. Either a member of the evaluation team or a member of the jury commissioner's staff administered the Questionnaire. Throughout the balance of this section, this sample of jurors will be referred to as the Inexperienced group, meaning that they did not have EMC experience.

In addition to the Inexperienced group, a small sample of Experienced jurors was measured for their attitudes toward conventional and extended media coverage. In total, 34 jurors who served at conventional high publicity trials and 79 jurors who served at EMC high publicity trials responded to the Questionnaire. Experience means that these jurors had actual trial experience with either conventional or extended media coverage. The total number of Experienced and Inexperienced jurors sampled was 1,453.



TABLE V-20

## Statewide Jury Pool Sample Sizes

	Fresno	Los Angeles	Sacramento	San Diego	Total
Baseline	0	171	223	0	394
Experimental	87	443	215	201	946
Total	87	614	438	201	1,340

This evaluation focused primarily on possible effects of extended media coverage on the conduct of trials and on the behaviors of trial participants. To establish an existing frame of reference for understanding issues relating to EMC, it was deemed useful to sample the public's perception (through prospective jurors) of the impact of conventional media coverage (i.e., reporters and sketch artists) on courtroom atmosphere and trial conduct. This step was accomplished prior to the beginning of the experimental year by designing and administering a Juror Attitudinal Questionnaire comprised of 14 items which sought to tap the perceived impact of the conventional media on the courts. (See Section II Research Design.) This questionnaire was administered to a sample of 394 prospective jurors in Sacramento and Los Angeles. Prospective jurors were defined as those who had been called for service but who as yet had not been assigned to a trial. They may or may not have had prior jury duty.

Because the items on the Questionnaire for conventional coverage attitudes differed from those on the Questionnaire for EMC attitudes, subsequent comparisons of the latter

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with the former instrument is not possible, other than from a heuristic perspective. Nevertheless, as emphasized above, responses to the Questionnaire measuring perceived attitudes toward conventional media coverage provide a useful descriptive frame of reference for assessing juror perceptions of the additional impact, if any, of EMC.

During the experimental year between July 1, 1980 and June 30, 1981, a second, larger group of prospective jurors was sampled for their perceived attitudes toward the impact of extended media coverage. The Juror Attitudinal Questionnaire used in this assessment also was comprised of 14 items. The items were identical to the ones used in the earlier instrument. EMC phrasing was substituted for conventional media phrasing. Thus, it was expected that roughly the same kinds of attitudes would be measured. Sampling from jury pools in Sacramento, San Diego and Los Angeles, the evaluators measured 946 prospective jurors. In addition, this EMC Questionnaire was collected from 79 EMC-Experienced jurors, those who had served on high publicity EMC trials during the year.

The characteristics of the Inexperienced jurors are summarized in Table V-21. Two thirds of the 1,340 had not served before on a jury. Of those who had prior experience, only 5% could remember any media attention paid to the trial(s) on which they served as jurors. As a result of this fact, it is reasonable to conclude that at the time of survey administration this sample of prospective jurors was almost totally unfamiliar with media coverage of any kind associated with the courts other than experience gained in normal life activity as a citizen of the community.

TABLE V-21

CHARACTERISTICS OF JURY POOL SAMPLE			
INEXPERIENCED JURORS			
( N = 1,340 )			
PRIOR JURY DUTY		EDUCATION	
YES	34%	ELEMENTARY SCHOOL	2%
NO	66%	HIGH SCHOOL	40%
		ATTENDED COLLEGE	50%
		GRADUATE DEGREE	9%
AMOUNT OF MEDIA COVERAGE FOR THOSE WITH PRIOR JURY DUTY			
DON'T KNOW	49%		
NONE	45%		
SOME	4%		
EXTENSIVE	1%		
		OCCUPATION	
		PROFESSIONAL/ MANAGERIAL	32%
		BUSINESS/SALES SERVICE	14%
		TECHNICAL	9%
		TRADE/AGRICULTURE	8%
		CLERICAL	12%
		HOUSEWIFE/STUDENT RETIRED/UNEMPLOYED	22%
		UNSKILLED	3%
SEX			
MALE	46%		
FEMALE	54%		
AGE			
UNDER 25	10%		
25 - 34	24%		
35 - 44	21%		
45 - 54	21%		
55 +	25%		

Fifty-four percent of the sample was female; 46% was male. About 25% of the sample was between the ages of 25 and 34. Another 25% was 55 or older. Ten percent was under age 25 and the remaining two-fifths of the sample evenly divided between the 35-44 age group and the 45-54 age group.

The prospective juror sample seemed well educated. Nine percent held Masters degrees or some other graduate degree. One-half of the sample had attended college. Forty-two percent had terminated their education at or below high school.

One-third of the prospective juror sample identified their occupation as managerial or professional. Those in business sales or service totalled 14%. Technical occupations, skilled trade, and agriculture accounted for 17%. Clerical occupations were represented by 12% of the sample. Only 3% were unskilled. The remaining 22% were housewives, students, unemployed or retired.

### 3. Analysis Procedures

#### Factor Analysis

The 14 items comprising the Juror Attitudinal Questionnaire were subjected to factor analysis using a varimax rotation. The same procedures were applied to these Questionnaires as were applied to the General Attitudinal Surveys for judges, prosecutors, and defenders. Attitude scores for each factor were arrived at by summing each respondent's answers to the items contained in the factor and by dividing by the number of items. Thus, each respondent had one measure for each of the factors derived instead of 14 measures (one from each item).

t-Tests on Factor Means

It was determined that the EMC-Inexperienced Juror group measures on factors would be compared to those of the EMC-Experienced Juror group measures, since it appeared on examination of the early printouts on frequency distribution that the two groups were responding differently. These calculations yielded information about whether or not the magnitude of change in mean scores on the factors was significant.

Frequency Distribution Analyses: Conventional Media Coverage Questionnaire

The frequency distributions of all 14 Questionnaire items were examined for trends and differences showing between the EMC-Inexperienced Jurors and the EMC-Experienced Jurors. These descriptive analyses would show potential differences in response approaches between these two groups.

Cross-Tabulations: EMC Questionnaire

Cross-tabulations were computed between certain Questionnaire items and demographic variables. Sex, education, and age were examined in contrast to EMC-Inexperienced jurors' responses to certain items on the Questionnaire.

Chi-square

Chi-square tests were applied to determine the significance of frequency distribution deviations on all Questionnaire items grouped by factors for the EMC-Inexperienced Jurors in contrast to the EMC-Experienced Jurors.

## 4. Analysis Results

Factor Analysis

Question: What patterns of intercorrelations are there between the items on the Questionnaire such that the minimum number of factors will emerge? Which items load onto the factors and what is the reliability of the items on the factors?

Five factors emerged from the factor analysis of the Juror Attitudinal Questionnaire. The factors are identified in Table V-22 along with the 14 items from the questionnaire which comprise, or "load onto", the factors.

Factor 1, which consists of two items (items 4 and 5), is characterized by statements suggestive of a positive motivating effect on jurors and witnesses. It is labeled Positive Task Motivation. Factor 2 consists of two items (items 10 and 13) referring to EMC effects on judge and juror ability to perform within their prescribed roles, and is thus labeled Role Performance. Factor 3 consists of three items (items 6, 7, and 11) which allude to ways in which EMC might exert a coercive or restrictive influence, especially on decisions and is thus labeled Decision Influence. Factor 4, which consists of two items (items 9 and 12) suggests EMC may have a general effect on jurors in producing an uneasiness or discomfort in projected or actual service. It is labeled General Juror Attitude. Factor 5 consists of the remaining five items (items 1, 8, 2, 3, and 14). Each of these items refers to one of a combination of affects, such as distraction, disturbance, wariness, uneasiness, or tempering behavior. It is labeled Distraction and Inhibition.

TABLE V-22

ITEM COMPOSITION OF FACTORS IN  
JUROR ATTITUDINAL QUESTIONNAIRE

ITEM ON QUESTIONNAIRE

FACTOR NAME

FACTOR

POSITIVE TASK  
MOTIVATION

Q 4. Allowing television cameras, still cameras, and radio equipment in the courtroom will motivate witnesses to be truthful in their testimony.

Q 5. Allowing television cameras, still cameras, and radio equipment in the courtroom will increase jurors' attentiveness to testimony.

ROLE  
PERFORMANCE

Q10. Allowing television cameras, still cameras, and radio equipment in the courtroom will not affect my ability to judge wisely the merits of the case.

Q13. Allowing television cameras, still cameras, and radio in the courtroom will not affect a judge's ability to maintain courtroom order.

DECISION  
INFLUENCE

Q 6. Allowing television cameras, still cameras, and radio equipment in the courtroom will affect sentencing decisions.

Q 7. Allowing television cameras, still cameras, and radio equipment in the courtroom will cause judges to avoid unpopular positions or decisions.

Q11. Allowing television cameras, still cameras, and radio equipment in the courtroom will affect the outcome of trials.



TABLE V-22 Cont'd.

<u>FACTOR</u>	<u>FACTOR NAME</u>	<u>ITEM ON QUESTIONNAIRE</u>
4	GENERAL JUROR ATTITUDE	<p>Q 9. Allowing television cameras, still cameras, and radio equipment in the courtroom will affect my willingness to serve.</p> <p>Q12. Allowing television cameras, still cameras, and radio equipment in the courtroom will cause me to have to defend my actions as a juror.</p>
5	DISTRACTION AND INHIBITION	<p>Q 1. The presence and operation of television cameras, still cameras, and radio equipment will lead to disruption of courtroom proceedings.</p> <p>Q 8. Allowing television cameras, still cameras, and radio equipment in the courtroom will lead to increased distraction of participants.</p> <p>Q 2. Juror's decision-making will be influenced by their friends' and acquaintances attitudes about the case because of television, radio, and still camera coverage of the trial.</p> <p>Q 3. Allowing television cameras, still cameras, and radio equipment in the courtroom will make people more apprehensive about participating in legal processes.</p> <p>Q14. Allowing television cameras, still cameras, and radio in the courtroom will cause witnesses to be overly guarded in their testimony.</p>

The results and recommendations in this evaluation are related to and predicated on the rules of the experiment. The evaluation findings and conclusions only apply in the context of the rules; any weakening of these rules would tend to invalidate the applicability of the research results. The generally high marks for the experiment thus far should not be taken as license to grant *carte blanche* access by extended media or to ignore the guidelines in the rules.

California's experiment thus far with cameras in the courts has not been tainted by an Estes or a Hauptman. The safeguards against turning the judicial arena into a circus arena are working. Indeed, no "circus-like" atmosphere, to send a clear signal that justice is threatened, may occur under present controls. The threat to a fair trial in the present era of cameras in the courts is a more subtle one. It would take a mixing of subtle elements to create real problems, and the wrong combination of elements could result in injustice. For example, cameras in the courts in the context of an overly aggressive media, a susceptible judge, a vulnerable witness, and a volatile community issue could do irreparable harm to justice in the case.

The structure of California's rules on extended media coverage place the judge in a pivotal position. It is up to the judge to recognize when the wrong combination of elements is present and to take steps to diffuse the danger. Because the judge's role is so central, it should be protected from compromise. The media should not assume an absolute right to access with their cameras and microphones. The burden to obtain consent should remain with the media; no burden should be placed on the judge to justify to the satisfaction of the media that denial of access is appropriate.

function of jurors and demonstrate that past experience and present safeguards minimize the likelihood of EMC-related problems. This EMC-orientation could be accomplished in a neutral fashion without advocating and promoting EMC as inherently good or bad. The EMC phenomenon when it occurs can and should be treated as simply one more aspect of court life about which jurors need and should have briefing prior to service.

#### D. Conclusion

One of the most intriguing aspects to this evaluation has been the perspective gained from in-court observation. The evaluators were able to see for themselves if witnesses were nervous, if prosecutors "played up to the camera", if jurors were distracted, and if judges were unable to keep order. In general, none of the postulated disturbance-distraction-decorum effects occurred. There seemed little reason, in event and after event, to have many fears about the presence of EMC equipment and personnel inside the courtroom, under the controlled experimental conditions.

The experiment was highly structured, heavily monitored and tightly controlled. Media representatives were asked to conform to strict rules and procedures, request in writing to cover a news event, wait for approval, and then gather their news under controlled conditions. As the experiment developed, it would have been quite unexpected and shocking if grossly disruptive or wildly distracting episodes had occurred. The rules and resultant structure virtually eliminated all possibility of extreme immediate impact. In response, the evaluators developed increasingly refined discriminations to analyze behavior attributes and verbal comments from interviews. The "ordinariness" of EMC at court proceedings, is, of course, a major finding. The lack of extremes in behavioral and environmental impacts is important.

The critics of "cameras in the courts" point to this very fact, the brevity of television news reports, as an argument against allowing cameras coverage in judicial proceedings. Some even suggest that the media should be forced to show "all of it or none at all". Public education in light of this highly selective editing cannot possibly take place, say these critics.

This evaluation was not required to offer an opinion on the quality of television news coverage of judicial proceedings. Suffice it to say that highly selective editing does occur and that this necessary practice is one of the most controversial issues associated with cameras in the courts. Little scientific inquiry has been done to contribute knowledge to the debate. This issue and other long range effects on society at large represent the main frontier of "cameras in the courts" research.

### 3. Inexperienced Jurors

Prior to their service in an EMC event, some jurors evidence concern about their own abilities to remain free of EMC influence. These prospective jurors believe that their own functioning and that of the judicial system in general may be somewhat impaired with the presence of EMC. Experience with EMC changes this perception. If EMC becomes a permanent fixture in the courts, the California judiciary may want to consider how jurors who are assigned to EMC trials could come to enter the experience with their confidence high, rather than low. Jurors should be assured that their ability, role and functioning, that of other trial participants and of the system itself will not be diminished by the presence of EMC.

Methods exist today to orient and instruct jury pools in the phenomena and issues associated with EMC. Video tape programs could be developed and shown to prospective jurors. These tapes would present factual information relevant to the role a.

The first group is a vocal minority of persons, particularly judges and attorneys, who were skeptical about the media's ability or inclination to cover the courts fairly and accurately. These individuals point to the commercial aspect of the media and assert that sensationalism and a desire to "sell soap" dominates the coverage. In the recent camera coverage of oral arguments at the Supreme Court (an historic first) one Justice expressed disappointment that the Court had "bowed to the persistence of an entertainment medium."

The second group is a substantial number of individuals who applauded the introduction of electronic and photographic media in the courtroom as contributing to public revelation on how the system works--its failings and its strengths. These persons viewed the media more as an essential component in the workings of democracy than as a commercial industry.

The largest group of interviewees offering an opinion on this issue had a totally different attitude. They recognized that the time constraints for a news story are such that only small portions of the courtroom proceeding can be used. Therefore, say these persons, little opportunity exists either to educate or bias the public. Generally, these individuals felt that on balance the TV news reporters "did a good job" in covering the story accurately and fairly. What stands out to many of these persons (and to the evaluators) is how little in-court material actually is used in the story. Much of the in-court footage that is used is "dubbed over" by a reporter's summary of events, relegating the camera coverage to visual background. Sound and visual images combined constitute a small portion of the story and the story is at best only a few minutes long.<sup>37</sup>

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<sup>37</sup>As documented in Section III, the overwhelming number of EMC applications are for news stories. Very few "gavel to gavel" broadcasts of trials occurred.

This evaluation inquired as to "fear of harm" to jurors witnesses, and defendants, but no follow-up has been possible to determine if any harm actually ensued (physical, psychological, reputational, or financial). Only a few jurors, witnesses, and defendants expressed any sense of "fear of harm" due to EMC and some of these responses referred as much to a general opinion that EMC could facilitate harm as much as any specifically defined fear. Defendants raised the only specific "fear of harm" opinion. A few feared retribution from prison inmates for the type of crime they committed (e.g. rape) and two politician defendants sensed possible damage to their reputations. Otherwise, the "fear of harm" issue did not seem significant.

Another unaddressed area warranting further study is that of community reaction to televised trials and published photographs of trials. What is the immediate result of EMC on the public? Do they feel better informed on the case than they would have with conventional-only coverage? Does the broadcast of trials cumulatively serve to educate the public on the judicial process?

The answers to these questions are related to the question, how does the media present stories from EMC trials? Clearly, this issue was of concern to interviewees among all participant types. Although the evaluators did not formally research opinions on the quality of the broadcast product, the interviewees offered opinions and reactions on this subject quite frequently. These comments may be categorized in three broad groups.

tunity to negotiate with the media on certain practices and behaviors in the corridors and courthouse generally. Whether additional governance of media in this regard is embodied in rules or achieved by presiding judges at specific events, the opportunity to make progress towards a mutually agreeable set of ground rules for covering the courts outside the courtroom should not be ignored.

The results of this evaluation offer some assurance that, under the guidance of specific rules, the courts and the media were able to negotiate relatively satisfactory agreements which minimized obtrusiveness and other potential problems posed by the presence of EMC inside courtrooms. If courthouse and courtroom EMC issues can be linked and if, in the negotiation process of granting such coverage, greater restraints on or control of obtrusiveness and other problems outside the courtroom can be achieved, then the courts and the media together will have made rational headway in resolving some of the real sources of occasional media obtrusiveness and subsequent ill-feelings.

## 2. "Type C" Effects

A model depicting the "universe" of potential effects of electronic/photographic court coverage is presented in Section I.B. (p.10 ). In placing this study in the context of that model, it was stated that few issues within the "Type C" Effects could be addressed. Type C Effects are those effects of broadcast and publication of EMC products which occur after the completion of the proceeding being covered, of both a short-term and long-term nature.

instance the melee of media behavior in the courthouse created a concern for safety. The judge emerged from the experience recommending that the California Rules of Court govern the behavior of media, particularly television cameramen, within the courthouse, on the courthouse grounds, and in juror parking areas as well as in the courtroom. Additionally, the judge observed that the issue of media coverage consumed over two days of discussion in chambers before the start of jury selection. This is the only instance in which the issue of efficiency impairment due to media coverage was raised by an interviewee.

A serious incident involving cameras in the courts during the experimental year occurred as a result of a television camera peering through the courtroom door. A still camera was inside the courtroom, having duly obtained consent, but the television station had not completed the request and consent process. A witness, who was later characterized by the judge as "unstable to begin with" was testifying without obvious problem until she saw the television camera operating through the courtroom door. At this point she became hysterical. The television crew was reprimanded and in deference to the witness, the still camera was removed from the courtroom for the remainder of her testimony. This anecdote reinforces the need to control actively extended coverage of court proceedings. Certainly, obtaining camera shots through courtroom door windows is contrary to the intent of EMC guidelines and restrictions.

Granting courtroom access to the media's cameras and microphones gives the California court system an oppor-



Media coverage of judicial proceedings has always entailed the presence of reporters, cameras, microphones, and equipment operators in the hallway outside courtrooms and in and around the courthouse generally. The bigger the story, the larger the size of this press corps, and in the high publicity cases, this gathering can include a dozen TV cameras, numerous still cameras, and dozens of reporters. When considering the issue of media obtrusiveness in covering judicial proceedings, the presence and behavior of media in the corridors and courthouse generally stands out as a much greater problem than in-court presence and behavior.

In several EMC events, judges and attorneys offered unsolicited information to the evaluators regarding the corridor/courthouse issue. Among the concerns are:

- intimidation or harrassment of witnesses or defendants as they circulate in the courthouse;
- influence on jurors who are cognizant of the media "commotion" in the corridor, inadvertent exposure to biasing input from media in the courthouse, and harrassment of jurors after the trial by media aggressively seeking interviews;
- disturbance of surrounding courtrooms by media hallway commotion; and
- improper conduct in obtaining camera shots through the courtroom door.

In one major trial (People v. Robbins) the conduct of the press outside the courtroom was a serious problem in the opinion of the judge. Harrassment of the defendant in seeking camera coverage and interview responses became an issue before the court and in at least one

rules which permits artificial lights or some other relaxation of the rules at the discretion of the judge might be advisable. The occasional relaxation of the standards for equipment and operator presence would then not be a technical violation of the rules.

*Recommendation. Rule 980.2 should be amended to permit at the discretion of the judge a relaxation of the restrictions on EMC equipment and operator presence. The reasons for any rule relaxation in this regard should be articulated on the record.*

### C. Related Issues

This report has documented the process of applying rigorous evaluation techniques to the study of California's experiment with extended media coverage of courtroom proceedings. The evaluation has focused on specific inquiries which encompass many but not all of the issues involved. Among the issues not addressed, the research process has identified three key concerns which warrant direct comment.

#### 1. Cameras in the Courthouse

It has not been the purpose of this study to analyze media coverage of courtroom proceedings generally, except in the observation of in-court conventional media presence for comparison with extended media presence. Left unaddressed is the issue of hallway/courthouse media coverage practices. In the course of attending highly publicized courtroom proceedings and interviewing participants, the opinion was offered several times that "hallway pandemonium" and media aggressiveness outside the courtroom (yet inside the courthouse) was much more of a problem than in-court coverage, particularly with respect to the issue of media obtrusiveness.

permanent basis, it is the opinion of the evaluators that it should do so without a criminal case party consent requirement. The result of such a requirement would be to stifle the extended media process to the extent that it may as well not be allowed at all. Since the evaluation has not produced evidence to indicate the necessity of reverting to a complete prohibition of extended coverage, it is recommended that the rules continue with no party consent required, given that the trial judge has the ultimate authority to allow or disallow EMC.

Recommendation. Rule of Court 980.2 should remain as presently formulated in requiring only the consent of the judge before EMC may take place.

#### 5. Equipment and Operator Criteria

In Section III of this report, it was noted that several instances of rule "relaxations" occurred. (Rule relaxations are sanctioned occurrences which are contrary to the letter of the rules.) Most prominent among these instances were the use of artificial lights and the admission of three or more cameras. These rule relaxations were permitted at the discretion of the judge and occurred under controlled conditions. None of them resulted in chaos, a "circus-like" atmosphere, or obvious disruption or distraction.

To the extent that these relaxations of the rules occur, there exists an inconsistency in rule requirements and actual EMC practice. It is not suggested that any of the equipment and operator criteria be specifically repealed. However, the addition of a clause to the

a party shall be made part of the record. As a matter of openness and fairness and for the purpose of aiding judges in the consent decision process, the practice of hearing arguments for and against EMC from the parties to the action and the media should be encouraged. A written request facilitates the process of notifying attorneys and litigants that EMC of the proceeding is under consideration. The presence of cameras and microphones in the courtroom should never come as a complete surprise to attorneys and litigants. This occurred in at least one case during the experimental year<sup>36</sup> and the reaction of the defense attorney and his client was understandably negative. An effective control for this potential problem would be to require the Court to notify attorneys and litigants of a pending EMC request sufficiently in advance to permit their input.

#### 4. Party Consent

One of the most fundamental and important issues associated with "cameras in the courts" is the question of party consent. The California experiment operated under both a party consent required and no party consent required condition for criminal trial level proceedings. A basic finding of the research on this point is that a party consent requirement in criminal cases results in very little extended media coverage. Generally, defendants and their attorneys reject EMC requests if empowered to do so, and the media predominantly is interested in criminal cases.

If the Judicial Council decides to allow electronic and photographic coverage of court proceedings on a

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<sup>36</sup>People v. Roemer in Ventura County.

proceeding and the number of media organizations seeking to participate in the extended coverage. The several "major case" events required several days or a few weeks advanced notice to allow enough time for arrangements and coordination to take place. The large number of more minor EMC events often required no more than a few hours advanced notice.

The question legitimately is raised whether or not use of a request form ought to be required if EMC is allowed on a permanent basis. Naturally, the preference of the media is to dispense with this paperwork, particularly since the electronic and photographic media generally feel that they should have the same access as the print media to court proceedings. Although the research indicates that generally EMC has little or no effect on the proceeding, there remains the reservoir of negativity in the reports of those having experienced EMC, reports which include a few bitter experiences and more than a few strong preferences against EMC presence. Requests for extended coverage should be reviewed in every instance by the judge for determination of possible negative impacts, some of which may be logically predicted or even likely. Covering the testimony of, for example, a rape victim is obviously unwise. A written request process provides a checkpoint for making these screening decisions.

Recommendation. To facilitate the screening and decision process of the judge, written request for EMC (i.e. use of the AOC Request Form) should continue to be required.

Another argument for a written request is persuasive. The rules require that an objection of an attorney for

jurors are more negative towards EMC than judges and witnesses (although less negative than attorneys). Attitude data show them to be suspicious of media coverage of court proceedings by both conventional and electronic/photographic means. Jurors are somewhat more skeptical towards EMC than conventional media coverage although their apprehension diminishes after an experience with EMC. Many jurors support the introduction of cameras in the court room, but just as many predict negative impacts of EMC on the case or on themselves. A total ban on EMC of jurors would go far to alleviate the apprehension of some without compromising the ability of the media to thoroughly cover the story.

*Recommendation.* Rule 980.2 should be amended to prohibit extended coverage of jurors. Emphasis should be placed on prohibiting side or front face shots of any juror.

### 3. Notice Procedures

The rules require submission of written requests for EMC a reasonable time in advance of the proceeding for which it is being requested. Throughout the experimental year, the requirement that the request be written proved to be an effective means of instilling structure into a request process which could easily become informal and "loose". As it was, some judges disregarded or never were cognizant of this aspect of the rule and permitted cameras without a written request. The "reasonable time in advance" requirement also proved successful; the absence of a specific time period permitted a measure of flexibility in the negotiations and arrangements between courts and the media. What constituted a reasonable time in advance varied greatly with the nature of the

Recommendation. Rule of Court 980.2 should be amended to strengthen its control over still camera shutter noise. Blimping devices should be mandatory on all but the quietest cameras presently on the approved cameras list.

## 2. Juror Anonymity

The rules presently prohibit "close-up" coverage of jurors. In only a few instances was this rule violated by the media but in several other instances an unavoidable "gray area" was broached. The most common TV camera placement is "over the shoulder" of the jury, a placement which makes any shot of the jury a close up of at least the most proximate jurors. This fact, coupled with the fact that jurors generally desire complete anonymity in the performance of their duty, suggests a possible revision of the rules.

In some trials, the judge invoked a complete ban on juror coverage. This restriction occurred in "sensational crime" type EMC events, the type of case in which the media has great and constant interest. In the opinion of the evaluators, these instances of restrictions on juror coverage were appropriately invoked and well received by the jurors in the case. A rule amendment creating a total ban on extended coverage of jurors is worth considering. Jurors would be assured that the justice system had taken every precaution to preserve their anonymity and safety.

The evaluation interviews show jurors to be an outspoken group, and although the range of opinions is wide, jurors appear to be moderately skeptical about the effects of EMC of court proceedings. As a group,

### 1. Still Camera Shutter Noise

Observational and interview data both reveal a distraction problem with the shutter noise of still cameras. While this problem does not occur in a majority of cases, it does occur frequently enough to warrant action. The cameras causing the problem are among those in the list of approved makes and models attached to the Rules. The control of still camera obtrusiveness is the only area in which the rules are not "tough" enough.

Rarely did the evaluators observe or receive reports of the use of a blimping device which completely mutes the noise of still cameras. In the People v. Robbins trial, a sheath was used to mute still camera noise, but even this did not completely eliminate the problem. The use of a blimping device represents an additional cost or convenience factor which evidently the media generally prefers to avoid, particularly since the rules do not require their use so long as an approved camera is used.

The Judicial Council has available alternative approaches to dealing with the still camera noise problem should it decide to do so. It may refine the list of approved cameras to include only those with relatively quiet shutter clicks (such as the Leica model). Or, it may require the use of a blimping or sheathing device on all still cameras having shutter click noise louder than the quietest models. Or, it may leave the rules as is and rely upon the discretion of an informed judge to control the problem.



B. Implications of Research Findings for Rules Content

A primary objective of the Rules of Court 980.2 and 980.3 is to set guidelines for the physical presence of electronic and photographic media such that obtrusiveness is minimized. By all indications of this research, this objective was accomplished quite satisfactorily. In virtually no instance did EMC cause a major disruption of the proceeding being covered. Except in the minds of the most sensitive and negatively predisposed individuals, EMC never created a "circus-like" atmosphere.

Despite the fact that the rules were functional throughout the experimental year in controlling obtrusiveness, the year's experience does suggest certain refinements in this regard as well as other respects. The areas needing refinement are addressed below by a brief description of the problem or issue accompanied by alternative approaches to its resolution.

The areas addressed in recommending possible rule changes are:

- still camera shutter noise;
- juror anonymity;
- notice procedures; and
- equipment and operator criteria .

Additionally, the recommendation is made to leave the rules regarding consent requirements as presently configured.

The issues involved in the decision to allow EMC, and the conditions under which to do so, are complex indeed. The jury needs to be protected from exposure and influence. Judges need to remain as independent as possible and free from unnecessary burdensome management responsibilities. Witnesses should not be subject to unnecessary pressure or embarrassment. Parties to the proceedings should not find their case judged by the television-watching public before judged by the jury.

Does EMC add significantly enough to the existing court environment problems caused by conventional media coverage to warrant its exclusion? The answer is plainly no. With minor problems, most of which are solvable through rules revision, standardized enforcement of rules and increased experience, EMC does not add significantly to existing disturbance-distraction-dignity-decorum problems.

Does EMC cause trial participants and prospective trial participants to change their behavior in a way that interferes with the fair and efficient administration of justice more than those changes caused by conventional media coverage to warrant its exclusion? The answer is a qualified no. While the observations showed little behavioral impact due to EMC, interview data showed that some individuals felt apprehension and other concerns. Few reported actual changes in their own behavior. Many did not like EMC, just as many did not like conventional media representatives present. Attitude measures and the relationship between attitude and behavior are what remain unanswered. To the extent that attitude and behavior are linked, there remains some qualification in the answer to this question. Taken globally, there is little evidence in this evaluation to suggest that EMC causes significantly more changes in behavior than does conventional media coverage.

(and other media as well), the majority showed positive attitudes. Experienced jurors, especially, felt little damage would ensue from EMC presence. Their attitudes match closely their observed behavior and data obtained in interviews. The discrepancies mentioned above for judges, prosecutors and defenders are not present for jurors.

### Integration of Research Findings

The evaluation research pinpointed several issues which will continue to be of major concern. The party consent question will remain a controversial issue, as will concern about potential impacts on civilian participants in court proceedings, and the potential influence of EMC on decision-making will continue to be a primary issue. Balancing EMC access to courts with the need to protect courts from outside influence will likely be the central question on which the fate of EMC rests. The evaluation yielded other conclusions with predictive value. Among them are:

- The generally negative attitude toward EMC will be slow to change.
- Defenders will persist in their negative attitude. If EMC continues in its present form, the defenders will continue to pressure judges to invoke their discretion in denying or restricting EMC.
- As more experience is accumulated, prosecutors, judges, and the general public (jurors) will continue to reduce their apprehension toward EMC, unless an uncontrolled, high disturbance event occurs.
- At a process level, the administrative support system of the courts occasionally will be burdened by major cameras in the courts events. There will be times when a court will not be staffed or equipped sufficiently to deal with an EMC event. Physical remodeling or other logistical accommodations may eventuate.
- Judges are going to feel burdened occasionally in their decision-maker role. They will at times be "put on the spot", since the rules, as presently structured, position them as the key decision-maker.

It is possible that when measured in an attitude survey, apprehension, concern or negativity is a global and general perception, one which is not necessarily borne out by actual, specific experience. In courtrooms the evaluators observed little apprehension, little disruption and, in general, found little evidence for anyone to have a very negative set of attitudes about EMC--on an event-specific basis. A judge might feel or believe that witnesses will be apprehensive while the actual event over which he presided did not verify his prior held attitude.

It is also possible that defenders, for instance, whose anti-EMC position remained unchanged throughout the experimental year, may actually have had relatively positive experiences at EMC proceedings, but reported them to be negative because they hold a negative set of attitudes about EMC in general. As such, their general attitude overrides the specific event experience.

Finally, it is possible that respondents retain long-held fears about general EMC effects, despite the lack of negative experiences in specific events. The time span during which EMC has been tried experimentally in California is short. Knowledge and information about its effects are not widely known. Individual respondents may even doubt the validity of their own experience (especially if it was a single, brief event) and yield to the longer-held, easily tapped general attitude.

Jurors showed a different picture. Though a reservoir of 10 to 30 percent of all jurors are skeptical of EMC

- As of July, 1981, 54% of judges, 47% of prosecutors and 13% of defenders approve of EMC for criminal proceedings.
- The attitude measures revealed that judges, attorneys, and jurors possess a complex multi-factor set of attitudes toward EMC. Factor analysis yielded four reliable indices on which measures of judges and attorneys attitudes toward EMC can be conceptualized.
- Overall, the aggregate attitude measures are negative to neutral for judges and attorneys. Defense attorneys are considerably more negative than either judges or prosecutors in their attitudes toward EMC.
- Judges and prosecutors developed a more positive set of attitudes toward EMC in the course of the experimental year. Defenders remained strongly negative in their attitudes.
- Transference of responsibility, a phenomenon in which one group sees other groups but not their own group as being affected negatively by EMC, persisted in posttesting.
- Factor analysis yielded five reliable indices on which measures of jurors' attitudes toward EMC can be conceptualized.
- Overall, the aggregate attitude measures are neutral to positive for jurors.
- Large numbers of jurors, especially the inexperienced, felt that even the presence of conventional reporters and sketch artist (as well as EMC) creates the potential for disruption, distraction, and participant apprehension.
- Experience with EMC left jurors with positive attitudes toward EMC.

Defenders, to a great extent, and judges and prosecutors to a lesser extent, seem to display one set of attitudes when measured by the Survey and another set when interviewed after an EMC event. In puzzling over the possible explanations for this apparent discrepancy, the evaluators postulated several options.

Clearly, the number of "uneventful" EMC proceedings far outnumber those having some obvious or perceived problem. The frequency and nature of these problems have been identified in this evaluation as input to the forthcoming decision on continuation of EMC. The evaluation uncovers the rate at which these problems occur and provides a basis for determining the probability of more serious problems occurring.

### 3. Summary of Attitudinal Data

Attitudinal data, presented in Section V and summarized below, present a considerably more skeptical though mixed picture than event specific data. However, shifts in attitude due to time and experience are almost always in a direction more favorable towards EMC.

The following summary statements about the attitudes of judges, attorneys, and jurors should be viewed in combination with the comparative perspective offered earlier by the event-specific data. When considered together, these data provide a more definitive answer to the evaluation questions posed than provided by either data group viewed in isolation.

- As of July, 1981 judges (61%), prosecutors (79%), and defenders (90%), all strongly disagree with the removal of the party consent requirement as a condition for EMC of criminal proceedings.
- As of July, 1981 judges (69%) and prosecutors (70%) approve of EMC for appellate proceedings. Only 30% of defenders approve of appellate EMC.
- As of July 1981, 58% of judges, 43% of prosecutors, and 20% of defenders approve of EMC for civil proceedings.

- Judges were evenly divided in characterizing their experience with EMC as positive or neutral. Only a few respondents (7%) reported that their experience was negative. Attorneys show a similar split although a greater percentage (27%) reported having a negative experience.
- In terms of personal preference, about one-fifth to one-fourth of all judge, witness, and juror respondents said they would have preferred EMC not be present. Over one-third (38%) of all attorney respondents so indicated.
- Half of all judge respondents concluded that EMC had virtually no effect on the proceeding. One-fifth said it had a positive effect, another fifth said it had mixed positive and negative effects, and a few (8%) said it had a negative overall effect. Jurors were more negative in their assessment of overall impact: 21% perceived a negative effect from electronic or photographic media presence.

The above summary statements are based upon interview and observational data, which together establish clear patterns regarding the effects of EMC. Throughout the interview data (and to a lesser extent the observational data) there exists a reservoir of skepticism or reported negativity about EMC. In gross terms, this reservoir can be said to hover around the 10% level.

The discussion in Section IV attempts to describe the specific substance of the negativity found in interview and observational data. In the opinion of the evaluators, EMC never was responsible for a "travesty of justice". In only a few instances did experienced attorneys present a specific theory that EMC did or very well could have altered case outcome or otherwise impeded the fair administration of justice. In several other interviews, a more general speculation about negative EMC impacts was offered, without arguing that these negative effects occurred in the case in question.

at the forefront of the "cameras in the courts" issue. In authorizing a rigorous evaluation of the experiment, the findings of which are summarized below, California has contributed to the acquisition of greater knowledge about the ramifications and consequences of permitting extended media in the courtroom.

## 2. Summary of Case Specific Data Analysis

Participant interview and evaluator observation data contributed greatly to the formulation of findings and conclusions about both major research questions. Section IV contains 28 tables summarizing the responses of interviewees and results of observational data analysis. The following series of statements further distill the findings and conclusions in that portion of the report.

- Generally speaking, the response patterns of attorneys are more negatively disposed towards EMC than other participant types. Among attorneys, defense attorneys clearly are the most negative toward EMC. Judges' and witnesses' response patterns are generally more positive towards EMC than other participant types. Jurors' response patterns are more positive towards EMC than attorneys and more negative towards EMC than judges or witnesses.
- The presence of EMC equipment and operators generally was not distracting to proceeding participants. Only 10% of participants interviewed said that EMC was either somewhat, definitely, or extremely distracting.
- Over 80% of interviewed judges and attorneys perceived no impairment to "dignity and decorum" because of EMC. About 10% of respondents detected slight impairment and 10% detected more than slight impairment due to EMC.



- In three-fourths of all EMC events during the year, judges reported little or no increase in their supervisory responsibility. Ten percent (10%) of judge respondents reported definite or extreme increase to their supervisory responsibility.
- Observational data confirm interview data in the conclusion that EMC generally was not distracting to participants. These data show that courtrooms were "calm" environments with both EMC and conventional-only media presence.
- Observational data indicate that potential sources of distraction other than EMC (conventional media, court personnel, trial participants, audience, and external noises) were approximately equal to EMC in causing distraction and disruption. All these factors generally cause little problem inside the courtroom.
- The ability of judges, attorneys, and witnesses to "effectively communicate" generally was not impaired by EMC.
- Large majorities of attorney and juror interviewees perceived no change in judge behavior due to EMC although some defense attorneys and jurors (26% and 14% respectively) perceived a negative change.
- Judges, opposing counsel, and jurors generally saw no change in attorney behavior due to EMC although a few in each group (10-15%) perceived a negative change.
- Judges, attorneys, and jurors generally saw no change in witness behavior due to EMC although some (12%, 22%, and 16% respectively) perceived negative changes due to EMC.
- Judges overwhelmingly saw no effect of EMC on juror behavior but 18% of attorney respondents saw negative effects.
- There is a distinct trend in interview response data which may be labeled: Transference of Responsibility. That is, a particular participant group tended to see greater negative effect on other participant groups than on their own group.

- The media's predominant interest is in criminal cases. Civil cases attract less than half the interest of criminal cases and very few requests are submitted for appellate level or juvenile cases.
- EMC events took place twice as often in Superior Court as in lower courts.
- Electronic and photographic media covered all proceeding stages of litigation (evenly distributed) from arraignments to motions to trials.
- Television camera presence at court proceedings was somewhat more frequent than still camera presence and both were considerably more common than radio.
- The predominant purpose of EMC was for daily news stories on the particular case being covered. Relatively few "feature stories" or purely educational applications of EMC occurred.
- In over a dozen cases, judges exercised their discretion in EMC decision-making by restricting coverage beyond the criteria in the California Rules of Court governing the experiment.
- In several cases, "violations" or relaxations of the rules occurred but in no instance was EMC so obtrusive as to disrupt or seriously disturb the proceeding.
- The experimental year was highlighted by about a half dozen extremely high media events having "cameras in the courts". These events include sensational crime cases, public figure trials (politicians), a social issue case, and a libel suit between a celebrity and a newspaper.

In all it was an active and interesting experimental year. At this writing, the experiment continues and even more experience with EMC of court proceedings is being accumulated. In early September, 1981, cameras (one television camera and one still camera) were permitted for the first time in California's history to cover oral arguments at the Supreme Court. Its active experiment places California

The research is documented in the previous five sections of this report with data analysis occurring in Sections III and IV. Section I provides an historical and contextual perspective for California's experiment with EMC of court proceedings. The basic purpose of the evaluation of the experiment is set forth along with a review of prior research on the "cameras in the courtroom" issue. A summary of the Rules of Court governing California's experiment (980.2 and 980.3) completes Section I. Section II documents in some detail the evaluation research design. Sections III, IV, and V are summarized below.

#### 1. Factual Summary of the Experimental Year

Section III of this report presents factual information about the one year experimental period (July 1, 1980-June 30, 1981). Request record data and descriptive analysis from evaluation data (interviews and observations) produced this body of factual knowledge.

The requirement that the media notify the evaluators of EMC requests provided a means of measuring the volume and characteristics of EMC activity for the one year time period. The following statements summarize the pertinent findings emerging from the factual analysis.

- About 350 requests were submitted to the courts and just over 200 of these subsequently resulted in an EMC event.
- The requirement in the first seven months of the experiment that party consent to EMC in criminal trial level proceedings be obtained resulted in little criminal case EMC activity. The removal of the party consent requirement resulted in a sharp increase in EMC criminal case activity.

## VI. CONCLUSIONS AND RECOMMENDATIONS

### A. Summary of Analysis and Findings

California's experiment with extended media coverage (EMC) of court proceedings was evaluated by an 18 month study during which data were collected for over one year. A multi-faceted data collection approach was employed, relying upon interviews with court proceeding participants, evaluator observations of EMC events, and general attitudinal surveys to judges, attorneys, and jurors. For baseline comparative purposes, observational data were collected from conventional-only media coverage court proceedings. Attitudinal data were collected before, during, and after the one year period to measure shifts in attitude over time, and survey respondents were grouped into direct EMC experienced and no EMC experience groups to determine the effects of experience on attitude.

The research focused on two major evaluation questions. The first question asked whether or not the "physical presence" of EMC equipment and operators caused distraction, disruption, or impairment to dignity and decorum in the courtroom. The second question centered on participant behavior--was that behavior altered by EMC presence in a manner which threatened the fair administration of justice? The evaluators formulated a comprehensive list of potential negative EMC effects related to the two major evaluation questions and determined the content of data collection instruments accordingly.

public providing a service to their community EMC- Experienced jurors have little to gain in stating a positive attitude toward EMC other than as an honest expression of exactly what happened to them as a consequence of service.

Judge after judge interviewed by the evaluation team expressed a concern about the central role (and utter necessity of protecting it) played by jurors in the American judicial system. They indicated that these crucially independent individuals must believe that their role and their function is not compromised by the presence of EMC. The Questionnaire results show with little doubt that the EMC-Experienced jurors themselves are solid in their perceptions of their own abilities and those of others and the system to withstand the intrusion of EMC.

EMC-Experienced jurors are less concerned about a negative impact from EMC. On issues surrounding "other participant" distraction, apprehension, giving testimony, and task motivation, the two groups are closer to one another in their pattern of responses, and a strong negative "minority vote" is cast. Moderate percentages in both groups expected or saw negative impacts. While neutral to positive overall attitudes toward EMC exists among both groups, the EMC-Experienced jurors are far more positive on the average.

##### 5. Discussion and Summary

The results of the analyses of juror attitudes are very important. The trends of all of the findings for jurors are consistent. One conclusion stands out: the EMC-Experienced jurors clearly have a different point of view, a different attitude of EMC and its effects than those jurors who have not served in an EMC trial. The attitude is relatively positive.

Experience with EMC left jurors with positive attitudes. By virtue of their own direct experience as a juror in an EMC event, the Experienced jurors are confident of themselves, of judges, and of the system in general to withstand whatever effect (imagined or real) which EMC may bring into the courtroom or to the justice system.

Postured in their silent role of attentive observers of the entire trial process from beginning to end, they, and they alone, among those studied, observed all other actors without themselves playing an interacting role. Their observations and views can be understood as a separate set of observations. As members of the general

The results in Factor 5 are startling. In Item 1, only 19% of the EMC-Experienced jurors felt that EMC will be disruptive vs. 51% of the Inexperienced. Almost a full reversal of attitude occurs. On Item 8, 59% of the EMC-Inexperienced indicated concern about EMC leading to increased distraction among participants vs. 33% in the Experienced group. It should be noted, however, that one-third of the EMC-Experienced jurors do believe that increased distraction occurs.

Juror concern that friends would inhibit their clear thinking about a case (item 2) varied from 43% in the EMC-Inexperienced group to 13% in the Experienced group. A decisive 70% of the Experienced group disagreed that friends would alter their thinking.

Anticipated apprehension (item 3) about participation in legal processes varied from 40% in the EMC-Experienced group to 56% in the Inexperienced group. Concern that EMC will cause witnesses to be overly guarded (item 14) was registered at 52% for Inexperienced and at 34% for Experienced.

Overall, the distribution of respondent frequencies on the 14 questionnaire items shows definite attitude differences between EMC-Inexperienced and EMC-Experienced jurors. Compared to the large percentage of EMC-Inexperienced jurors who are of the opinion that the press *per se* is a disturbing, distracting, or negatively influencing element in the courtroom, considerably fewer EMC-Experienced jurors are so inclined.

On issues relating to disturbance, juror motives and ability, judge ability, decision and trial outcome the

TABLE V-33 cont.

\*Q2. Juror's decision-making will be influenced by their freinds' and acquaintances' attitudes about the case because of television, radio, and still camera coverage of the trial.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	43%	13%
NO OPINION	13%	18%
DISAGREE OR STRONGLY DISAGREE	44%	70%

\*Q3. Allowing television cameras, still cameras, and radio equipment in the courtroom will make people more apprehensive about participating in legal processes.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	56%	40%
NO OPINION	13%	20%
DISAGREE OR STRONGLY DISAGREE	31%	39%

\*Q14. Allowing television cameras, still cameras, and radio in the courtroom will cause witnesses to be overly guarded in their testimony.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	52%	34%
NO OPINION	21%	23%
DISAGREE OR STRONGLY DISAGREE	27%	43%

\*Frequency distribution differences between groups significant beyond .05 level.



TABLE V-33

FREQUENCY DISTRIBUTION COMPARISONS  
 BETWEEN EMC-EXPERIENCED AND EMC-INEXPERIENCED  
 JURORS ON FACTOR FIVE ITEMS

FACTOR FIVE: Distraction and Inhibition. Suggests concern that media presence may distract or disrupt proceedings or cause some participants to worry.

\*Q1. The presence and operation of television cameras, still cameras, and radio equipment will lead to disruption of courtroom proceedings.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	51%	19%
NO OPINION	13%	8%
DISAGREE OR STRONGLY DISAGREE	36%	73%

\*Q8. Allowing television cameras, still cameras, and radio equipment in the courtroom will lead to increased distraction of participants.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	59%	33%
NO OPINION	12%	10%
DISAGREE OR STRONGLY DISAGREE	29%	57%

TABLE V-32

FREQUENCY DISTRIBUTION COMPARISONS  
 BETWEEN EMC-EXPERIENCED AND EMC-INEXPERIENCED  
 JURORS ON FACTOR FOUR ITEMS

FACTOR FOUR: General Juror Attitude. Suggests concern that media presence may cause an overall juror attitude of wariness.

\*Q9. Allowing television cameras, still cameras, and radio equipment in the courtroom will affect my willingness to serve as a juror.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	26%	18%
NO OPINION	13%	5%
DISAGREE OR STRONGLY DISAGREE	60%	77%

Q12. Allowing television cameras, still cameras, and radio equipment in the courtroom will cause me to have to defend my actions as a juror.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	27%	27%
NO OPINION	19%	11%
DISAGREE OR STRONGLY DISAGREE	54%	61%

\*Frequency distribution differences between groups significant beyond .05 level.

TABLE V-31

FREQUENCY DISTRIBUTION COMPARISONS  
BETWEEN EMC-EXPERIENCED AND EMC-INEXPERIENCED  
JURORS ON FACTOR THREE ITEMS

FACTOR THREE: Decision Influence. Suggests concern that media presence may interfere in the decision making process.

\*Q6. Allowing television cameras, still cameras, and radio equipment in the courtroom will affect sentencing decisions.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	25%	14%
NO OPINION	24%	19%
DISAGREE OR STRONGLY DISAGREE	50%	67%

Q7. Allowing television cameras, still cameras, and radio equipment in the courtroom will cause judges to avoid unpopular positions or decisions.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	28%	17%
NO OPINION	24%	22%
DISAGREE OR STRONGLY DISAGREE	48%	61%

\*Q11. Allowing television cameras, still cameras, and radio equipment in the courtroom will affect the outcome of trials.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	31%	19%
NO OPINION	21%	11%
DISAGREE OR STRONGLY DISAGREE	48%	69%

\*Frequency distribution differences between groups significant beyond .05 level.

sentencing decisions (item 6). A similar, though not significant, trend on item 7 shows that the EMC-Experienced group is more sure by 61% to 48% that EMC will not cause judges to avoid unpopular positions or decisions. The distributions on item 11 show that 69% of EMC-Experienced Jurors are sure that EMC will not affect the outcome of trials, vs. 48% for Inexperienced jurors. Less than one-fifth of the EMC-Experienced jurors on each item in Factor 3 believe that EMC will negatively affect decisions. It is important to note that in the EMC-Experienced group there exists a distinct minority who see negative effects to EMC involvement in court-related decisions.

Table V-32 shows that the distribution of the frequencies of the two groups of respondent answers to item 9 in Factor 4 (General Juror Attitude) was significantly different.

The EMC-Experienced jurors believed by a margin of 77% to 60% over the Inexperienced jurors that EMC would not affect their willingness to serve; 18% and 26% respectively felt it would. On the matter of EMC causing jurors to defend their actions (item 12) 27% of each group believed so. Over half of each group thought not and the differences were not significant.

Table V-33 shows the distribution of the frequencies of the two groups of respondent answers on items in Factor 5, (Distraction and Inhibition). The distribution of answers on every item significantly differentiated the two groups.

TABLE V-30

FREQUENCY DISTRIBUTION COMPARISONS  
BETWEEN EMC EXPERIENCED AND INEXPERIENCED  
JURORS ON FACTOR TWO ITEMS

FACTOR TWO: Role Performance. Suggests concern that media presence may reduce the quality of participant performance required by their role.

\*Q10. Allowing television cameras, still cameras, and radio equipment in the courtroom will not affect my ability to judge wisely the merits of the case.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	71%	89%
NO OPINION	12%	2%
DISAGREE OR STRONGLY DISAGREE	17%	9%

\*Q13. Allowing television cameras, still cameras, and radio equipment in the courtroom will not affect a judge's ability to maintain courtroom order.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	58%	80%
NO OPINION	19%	10%
DISAGREE OR STRONGLY DISAGREE	23%	10%

\*Frequency distribution differences between groups significant beyond .05 level.

ificantly different between EMC-Inexperienced and Experienced jurors, although shifts occur in each item. Note that about one-third of the EMC-Experienced jurors believe that the presence of EMC will motivate witnesses in their task. On Item 5 it is seen that about 60% of EMC-Experienced jurors, compared to 47% of the Inexperienced, feel that EMC will not motivate jurors to be more attentive.

The distribution of the frequencies of the two groups of respondent answers to items 10 and 13 shown in Table V-30 were significantly different on the items in Factor 2 (Role Performance), Inexperienced and Experienced jurors display different attitudes. While both groups show some concern that the presence of EMC will negatively affect ability to perform, the experienced jurors were far more confident that EMC would have little impact on either the judges or their ability to perform within their role. The differences between the two groups are striking. Fully 89% of the EMC-Experienced group compared to 71% of the Inexperienced group feels confident in their ability to make a wise decision. As for their perception of a judge's ability to maintain order (item 13), 80% of the EMC-Experienced group, in contrast to 58% of the Inexperienced jurors, agree that EMC will not have an impact.

Table V-31 shows that the distribution of the frequencies of the two groups of respondent answers to items 6 and 11 in Factor 3 (Decision Influence) were significantly different.

Over two-thirds of the EMC-Experienced group, vs. 50% of the Inexperienced group think EMC will not affect

TABLE V-29

FREQUENCY DISTRIBUTION COMPARISONS  
BETWEEN EMC EXPERIENCED AND INEXPERIENCED  
JURORS ON FACTOR ONE ITEMS

FACTOR ONE: Positive Task Motivation. Suggest concern that media presence may diminish participant motivation required in their task.

Q4. Allowing television cameras, still cameras, and radio equipment in the courtroom will motivate witnesses to be truthful in their testimony.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	24%	32%
NO OPINION	27%	28%
DISAGREE OR STRONGLY DISAGREE	48%	40%

Q5. Allowing television cameras, still cameras, and radio equipment in the courtroom will increase jurors' attentiveness to testimony.

	EMC INEXPERIENCED JUROR	EMC EXPERIENCED JUROR
STRONGLY AGREE OR AGREE	33%	23%
NO OPINION	20%	18%
DISAGREE OR STRONGLY DISAGREE	47%	59%

may suggest an area for future, more detailed, research. However, the jury pool sample in this evaluation appears to be a representative slice of California jury pools. There seems little reason to believe that these potential differences due to education will affect the present research findings, since the effects of education are most likely randomly spread through the juror samples.

Overall, these frequency distribution discrepancies suggest that opinion solidifies with increased education, and generally, attitude toward EMC becomes somewhat more liberal. These inexperienced jurors also suggest that their view of their own abilities (i.e. confidence in themselves) increases somewhat with education. The more educated the juror, the more confident he or she feels able to withstand the intrusion of EMC into the courtroom.

#### Chi-square Tests

Question: Are the frequency distributions on all items on the Questionnaire similar for both EMC-Inexperienced and EMC-Experienced jurors? Are any of the frequency distributions between the two groups on any item deviant enough to be significant?

Tables V-29, 30, 31, 32, and 33 show the results of the application of the Chi-square tests to the frequency distributions for each item. The items are grouped by Factors. An asterisk by the item number in the table indicates whether or not the distribution of frequencies is sufficiently deviant for significance.

Table V-29 shows that the distribution of respondent frequencies on items 4 and 5 (Factor 1) were not signi-



TABLE V-28E

EMC-INEXPERIENCED JUROR  
 FREQUENCY DISTRIBUTIONS BY EDUCATION  
 ON ITEM 12

ITEM 12: Allowing television cameras, still cameras, and radio equipment in the courtroom will cause me to have to defend my actions as a juror.

	HIGHEST EDUCATION LEVEL			
	ELEMENTARY SCHOOL	HIGH SCHOOL	COLLEGE ATTENDANCE	GRADUATE DEGREE
STRONGLY AGREE	0%	8%	4%	1%
AGREE	23%	17%	23%	33%
NO OPINION	54%	20%	19%	15%
DISAGREE	15%	45%	49%	33%
STRONGLY DISAGREE	8%	10%	6%	19%

This table again shows that beyond the elementary school category there is considerably less EMC-related frequency of response in the No Opinion category on juror defensiveness. Correspondingly in each of the higher educational categories there is an increased response in Disagreeing with the item. Again, those with graduate degrees, while being the least undecided, increase their response frequency in the Agree categories. This suggests a perceived new dimension in attitude toward EMC and juror behavior.

TABLE V-28D

EMC-INEXPERIENCED JUROR  
FREQUENCY DISTRIBUTIONS BY EDUCATION  
ON ITEM 11

ITEM 11: Allowing television cameras, still cameras and radio equipment in the courtroom will affect the outcome of trials.

	HIGHEST EDUCATIONAL LEVEL			
	ELEMENTARY SCHOOL	HIGH SCHOOL	COLLEGE ATTENDANCE	GRADUATE DEGREE
STRONGLY AGREE	0%	6%	6%	6%
AGREE	31%	21%	25%	36%
NO OPINION	39%	20%	22%	22%
DISAGREE	23%	44%	42%	24%
STRONGLY DISAGREE	8%	9%	5%	12%

On the assertion that EMC will affect the trial outcome, this table shows that beyond the elementary school category, there is less frequency of response in the No Opinion category and for the high school and college categories there is an increase in the Disagree categories. Those with graduate degrees change the frequency distribution with an increase in the frequency in the Agree categories. Perhaps those with much higher amounts of education sense, perceive, or worry about a new complexity for trial outcome with EMC.

TABLE V28C

EMC-INEXPERIENCED JUROR  
FREQUENCY DISTRIBUTIONS BY EDUCATION  
ON ITEM 10

ITEM 10: Allowing television cameras, still cameras, and radio equipment in the courtroom will not affect my ability to judge wisely the merits of the case.

	HIGHEST EDUCATIONAL LEVEL			
	ELEMENTARY SCHOOL	HIGH SCHOOL	COLLEGE ATTENDANCE	GRADUATE DEGREE
STRONGLY AGREE	8%	20%	22%	31%
AGREE	31%	47%	51%	52%
NO OPINION	53%	12%	12%	9%
DISAGREE	8%	18%	14%	7%
STRONGLY DISAGREE	0	4%	1%	2%

This table shows once again that with increased education there is a higher frequency of response in the Agree and Strongly Agree categories with corresponding movement away from No Opinion. The high frequency (53%) response for those in the lowest educational category suggests their lack of confidence to be able to judge objectively the merits of a case covered by EMC.

TABLE V-28B

EMC-INEXPERIENCED JUROR  
 FREQUENCY DISTRIBUTIONS BY EDUCATION  
 ON ITEM 9

ITEM 9: Allowing television cameras, still cameras, and radio equipment into the courtroom will affect willingness to serve as a juror.

	HIGHEST EDUCATIONAL LEVEL			
	ELEMENTARY SCHOOL	HIGH SCHOOL	COLLEGE ATTENDANCE	GRADUATE DEGREE
STRONGLY AGREE	0	9%	7%	2%
AGREE	33%	19%	18%	16%
NO OPINION	42%	13%	13%	12%
DISAGREE	17%	44%	49%	44%
STRONGLY DISAGREE	8%	14%	13%	26%

This table shows rather decisively that with increased education there is a higher frequency of response in the Disagree and Strongly Disagree categories with corresponding movement away from Agree and No Opinion categories. Of those with graduate degrees, 70%, compared to 25% of those with elementary school education, believe that EMC will not affect their willingness to serve as a juror.

TABLE V-28A

EMC-INEXPERIENCED JUROR  
 FREQUENCY DISTRIBUTIONS BY EDUCATION  
 ON ITEM 3

ITEM 3: Allowing television cameras, still cameras, and radio equipment in the courtroom will make people more apprehensive about participating in legal processes.

	HIGHEST EDUCATION LEVEL			
	ELEMENTARY SCHOOL	HIGH SCHOOL	COLLEGE ATTENDANCE	GRADUATE DEGREE
STRONGLY AGREE	7%	16%	16%	8%
AGREE	50%	37%	41%	53%
NO OPINION	21%	18%	11%	8%
DISAGREE	21%	25%	29%	25%
STRONGLY DISAGREE	0	4%	3%	6%

This table shows a slight trend among those with less education to have a higher frequency of response in the No Opinion category. In other words, with increasing education the attitude about participant apprehension solidifies.

TABLE V-27C

EMC-INEXPERIENCED JUROR  
FREQUENCY DISTRIBUTIONS BY AGE  
ON ITEM 13

ITEM 13: Allowing television cameras, still cameras and radio equipment in the courtroom will not affect a judge's ability to maintain courtroom order.

	UNDER 25	25-34	35-44	45-54	55+
STRONGLY AGREE	9%	13%	8%	14%	4%
AGREE	51%	48%	52%	46%	50%
NO OPINION	21%	18%	17%	16%	23%
DISAGREE	16%	17%	21%	21%	23%
STRONGLY DISAGREE	3%	4%	2%	4%	1%

This table shows that the 25-34 and 45-54 age group increase the frequency of their responses in the extreme categories, suggesting a slight trend in these age groups of a more diversified opinion on the matter of EMC affecting a judge's ability to maintain order.

TABLE V-27B

EMC-INEXPERIENCED JUROR  
FREQUENCY DISTRIBUTIONS BY AGE  
ON ITEM 5

ITEM 5: Allowing television cameras, still cameras and radio equipment in the courtroom will increase jurors' attentiveness to testimony.

	UNDER 25	25-34	35-44	45-54	55+
STRONGLY AGREE	5%	3%	4%	2%	5%
AGREE	27%	29%	27%	26%	34%
NO OPINION	29%	22%	21%	19%	15%
DISAGREE	39%	44%	43%	43%	41%
STRONGLY DISAGREE	0	3%	5%	10%	6%

This table shows a slight increase in No Opinion as the age of the respondent decreases on the question of EMC stimulating jurors to be more attentive. A similar general trend toward increasing frequency of disagreement with this concept occurs with advancing age.

TABLE V-27A

EMC-INEXPERIENCED JUROR  
FREQUENCY DISTRIBUTION BY AGE  
ON ITEM 4

ITEM 4: Allowing television cameras, still cameras, and radio equipment in the courtroom will motivate witnesses to be truthful in their testimony.

	UNDER 25	25-34	35-44	45-54	55+
STRONGLY AGREE	5%	3%	3%	3%	7%
AGREE	22%	18%	20%	19%	24%
NO OPINION	39%	25%	29%	25%	27%
DISAGREE	35%	50%	38%	40%	38%
STRONGLY DISAGREE	0	5%	11%	13%	5%

This table shows a slight tendency among the youngest group to have No Opinion at a higher frequency and the three middle age groups to have a higher frequency of combined Disagree and Strongly Disagree frequencies that EMC will motivate witness to be truthful. Certainty of opinion on this matter may be somewhat age related.



TABLE V-26B

EMC-INEXPERIENCED JUROR  
FREQUENCY DISTRIBUTIONS BY SEX  
ON ITEM 5

ITEM 5: Allowing television cameras, still cameras and radio equipment in the courtroom will increase jurors attentiveness to testimony.

	MALE	FEMALE
STRONGLY AGREE	3%	4%
AGREE	33%	25%
NO OPINION	22%	18%
DISAGREE	37%	48%
STRONGLY DISAGREE	5%	5%

This table shows that women in the EMC-Inexperienced jury pool sample disagree somewhat more than men 53% to 42% that EMC will increase juror attentiveness.

TABLE V-26A

EMC-INEXPERIENCED JUROR  
 FREQUENCY DISTRIBUTIONS BY SEX  
 ON ITEM 1

ITEM 1: The presence and operation of television cameras, still cameras, and radio equipment will lead to disruption of courtroom proceedings.

	MALE	FEMALE
STRONGLY AGREE	14%	15%
AGREE	33%	42%
NO OPINION	15%	11%
DISAGREE	32%	28%
STRONGLY DISAGREE	7%	5%

This table indicates that women in the EMC-Inexperienced jury pool sample agree slightly more than men 47% to 38% that EMC will be a disruption in the courtroom.

Cross-tabulations were computed between all Questionnaire items and the demographic variables of sex, age, and education for the 946 EMC-Inexperienced Jurors.

Sex of Respondent. Men and women responded to the Questionnaire in almost identical ways, as shown in Tables V-26A and V-26B. Only two questions (items 1 and 5) showed sex differences in the response frequencies, and the differences appear minor. It seems safe to assume that sex of respondent played no role in the ultimate display of juror attitude toward EMC.

Age of Respondent. The 946 respondents in the EMC-Inexperienced subgroup within the jury pool sample showed a consistent pattern of answers regardless of their age, except for the distribution of responses on items 4, 5, and 13 (see Tables V-27A, B, and C). Even these differences are slight, showing only vague trends associated with age. It is safe to assume that age of respondent played no significant role in their pattern of answers to the questionnaire.

Education of Respondent. On five items in the attitude questionnaire, the 946 EMC-Inexperienced Jurors showed some differences in response patterns as a function of their educational level. These differences in frequency distribution on items 3, 9, 10, 11, and 12 suggest that opinion/attitude in several EMC related matters may vary according to the education of the respondent (see Tables V-28A, B, C, D, and E). Since the juror sample is a sample with variety in educational backgrounds (contrasted to judges, prosecutors, and defenders whose educational backgrounds are homogeneous), these descriptive findings

- Q2. Jurors' decision-making will be influenced by their friends/and acquaintances' attitudes about the case because of reporters and sketch artists' coverage of the trial.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	32%	9%
No Opinion	13%	12%
Percent Disagree or Strongly Disagree	55%	79%

- Q3. Allowing reporters and sketch artists in the courtroom will make people more apprehensive about participating in legal processes.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	43%	30%
No Opinion	12%	12%
Percent Disagree or Strongly Disagree	45%	58%

- Q14. Allowing reporters and sketch artists in the courtroom will cause witnesses to be overly guarded in their testimony.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	40%	21%
No Opinion	21%	27%
Percent Disagree or Strongly Disagree	39%	51%

\*Surveyed while in the jury pool prior to assignment to a trial.

\*\*Surveyed after service as a juror on a high publicity trial which received conventional media coverage only.

TABLE V-25. Cont'd.

FACTOR FOUR: General Juror Attitude. Suggests concern that media presence may cause an overall juror attitude of wariness.

Q9. Allowing reporters and sketch artists in the courtroom will affect my willingness to serve as a juror.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	19%	18%
No Opinion	11%	0%
Percent Disagree or Strongly Disagree	70%	82%

Q12. Allowing reporters and sketch artists in the courtroom will cause me to have to defend my actions as a juror.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	21%	18%
No Opinion	16%	9%
Percent Disagree or Strongly Disagree	63%	74%

FACTOR FIVE: Distraction and Inhibition. Suggests concern that media presence may distract or disrupt proceedings or cause some participants to worry.

Q1. The presence of reporters and sketch artists will lead to disruption of courtroom proceedings.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	29%	21%
No Opinion	12%	6%
Percent Disagree or Strongly Disagree	59%	73%

Q8. Allowing reporters and sketch artists in the courtroom will lead to increased distraction of participants.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	40%	23%
No Opinion	16%	9%
Percent Disagree or Strongly Disagree	44%	68%

TABLE V-15 Cont.

- Q13. Allowing reporters and sketch artists in the courtroom will not affect a judge's ability to maintain courtroom order.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	65%	82%
No Opinion	17%	6%
Percent Disagree or Strongly Disagree	19%	12%

FACTOR THREE: Decision Influence. Suggests concern that media presence may interfere in the decision-making process.

- Q6. Allowing reporters and sketch artists in the courtroom will affect sentencing decisions.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	18%	3%
No Opinion	16%	12%
Percent Disagree or Strongly Disagree	66%	95%

- Q7. Allowing reporters and sketch artists in the courtroom will cause judges to avoid unpopular positions or decisions.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	21%	3%
No Opinion	16%	24%
Percent Disagree or Strongly Disagree	63%	73%

- Q11. Allowing reporters and sketch artists in the courtroom will affect the outcome of trials.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	20%	6%
No Opinion	17%	12%
Percent Disagree or Strongly Disagree	53%	82%

TABLE V-25

Frequency Distribution Comparisons Between Conventional  
Media Coverage Experienced and Inexperienced Jurors  
on Factor Items From Attitude Questionnaire

FACTOR ONE: Positive Task Motivation. Suggests concern that media presence may diminish participant motivation required in their task.

- Q4. Allowing reporters and sketch artists in the courtroom will motivate witnesses to be truthful in their testimony.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	29%	18%
No Opinion	22%	24%
Percent Disagree or Strongly Disagree	49%	58%

- Q5. Allowing reporters and sketch artists in the courtroom will increase jurors' attentiveness to testimony.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	33%	18%
No Opinion	20%	26%
Percent Disagree or Strongly Disagree	47%	56%

FACTOR TWO: Role Performance. Suggests concern that media presence may reduce the quality of participant performance required by their role.

- Q10. Allowing reporters and sketch artists in the courtroom will not affect my ability to judge wisely the merits of the case.

	Inexperienced Jurors	Experienced Jurors
Percent Agree or Strongly Agree	75%	75%
No Opinion	9%	3%
Percent Disagree or Strongly Disagree	17%	23%

The items in Table V-25 are arranged according to their presence on the five factors. In Factor 3, for instance, each item shows a sharp increase in the percentage of Experienced Jurors whose attitude suggests that they believe that the decision process will be unaffected by the presence of media. In Factor 5, Distraction and Inhibition, much larger percentages of experienced jurors see less disruption and distraction potential, although sizeable percentages still perceive, even after experience as a juror, that some participants will be apprehensive about their participation because of media presence (items 3 and 14).

Large numbers of jurors, especially the inexperienced, feel that even the presence of conventional reporters and sketch artists creates the potential for disruption, distraction and participant apprehension. This observation is important because it underscores the fact that in the eyes of these prospective juror respondents, initial problems associated with a shift from conventional to extended media coverage are problems of degree rather than kind. While hardly earthshaking, the finding points to the likelihood that conventional levels of media coverage of the courts are seen as cause for concern by many citizens and emphasizes the relative nature of any contemplated shift to more extensive media intrusion into the courtroom.

Cross-Tabulations: EMC Questionnaire

Question: Is there any relationship between sex, age, and education and the ways the EMC-Inexperienced jurors responded to the Questionnaire? Are the relationships between these variables and certain items strong enough to suggest that the variables affect the patterns of responses?



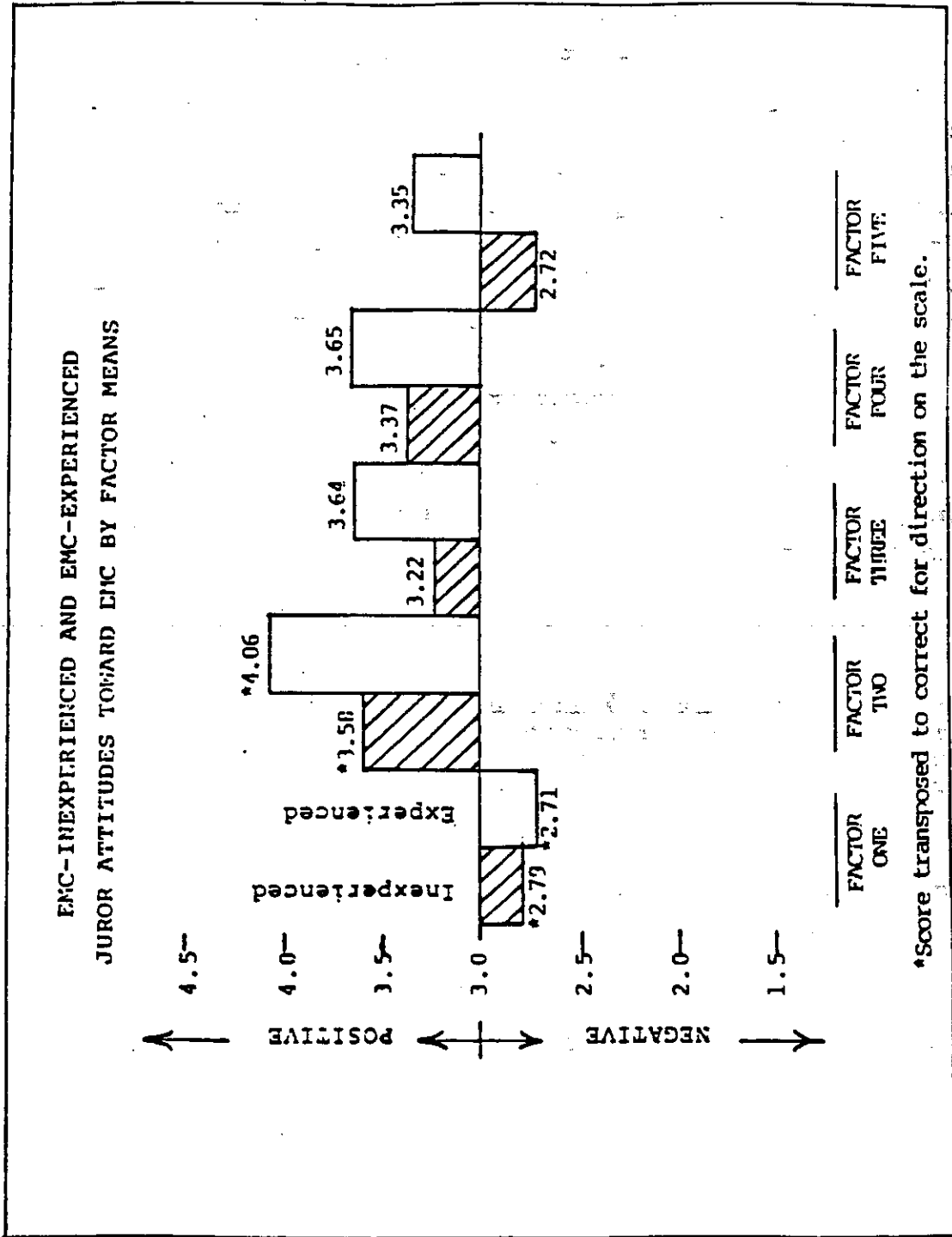
Inexperienced and EMC-Experienced Jurors by factors. The means for Factors 1 and 2 have been corrected for direction, so that a positive attitude toward EMC is consistently indicated by the larger numbers. As is obvious, EMC-Experienced Jurors show very positive attitudes toward EMC on all factors, except Factor 1, which was discussed above. The overall attitude of all jurors, EMC-Experienced or Inexperienced, is neutral to positive. The EMC-Experienced group appears confident that the negative effects of EMC are minimal.

Frequency Distribution Analysis: Conventional Media Coverage Questionnaire

Question: What frequency distribution patterns occur on the 14 Questionnaire items for jurors, inexperienced and experienced, with conventional media coverage? Are there any general conclusions that can be drawn from an examination of the response patterns?

Service as a juror in a high publicity trial receiving conventional media coverage appears to systematically and uniformly reduce many of the concerns about conventional media coverage which pre-service prospective jurors held. Table V-25 illustrates this graphic change. The comparisons made here are suggestive only due to limited analyses. The sample size of jurors who had experience with conventional media coverage is very small. The trend of the reduction of concerns about negative effects of conventional media presence is worth noting. The concerns do not disappear, but the trend here is parallel to the trend in juror attitude toward EMC concerns discussed elsewhere in this section (i.e., experienced tends to reduce apprehension).

FIGURE V-24



their role and also that EMC will not affect a judge's ability to conduct the affairs of the court well.

On Factor 3, Decision Influence, the EMC-Experienced group is significantly more sure that EMC and its effects will not interfere with court decisions.

On Factor 4, General Juror Attitude, once again the EMC-Experienced group shows significantly more confidence that their willingness to serve and their acceptance of service will be unaffected by EMC. The EMC-Inexperienced group feels the same way, though more mildly. On Factor 5, Distraction and Inhibition, the significant change in scores moves the EMC-Experienced group across the scale midpoint (3.00) so that as a group, their attitude is now favorable. EMC will not have an overall distracting or inhibiting effect in the opinion of EMC--Experienced Jurors.

Factor 1, Positive Motivation, shows no difference between the groups. Both groups seem to be ambivalent on the issue of whether or not the presence of EMC will have a salutary effect on witness and juror motivation to task with a slight trend toward the negative. Said another way, the respondents state that they do not know if EMC will or will not motivate toward truthfulness or attentiveness. They may very well as a whole group be indicating that EMC will probably not have such an effect, and that the questions or concepts raised by the items may be irrelevant.

Figure V-24 illustrates with bar graphs the level of and the differences in attitude levels between the EMC-

TABLE V-23

T-TEST ON FACTOR MEANS FOR EMC  
INEXPERIENCED AND EXPERIENCED JURORS

FACTOR AND FACTOR NAME	NUMBER OF CASES	FACTOR RELIABILITY	MEAN	STANDARD DEVIATION	PROB BILI
1. POSITIVE TASK MOTIVATION		.64			
INEXPERIENCED	912		<sup>A</sup> 3.21	.86	
EXPERIENCED	77		3.29	.88	0.4
2. ROLE PERFORMANCE		.50			
INEXPERIENCED	909		<sup>A</sup> 2.42	.82	
EXPERIENCED	79		1.94	.77	0.0
3. DECISION INFLUENCE		.79			
INEXPERIENCED	911		<sup>B</sup> 3.22	.89	
EXPERIENCED	79		3.64	.81	0.0
4. GENERAL JUROR ATTITUDE		.70			
INEXPERIENCED	906		<sup>B</sup> 3.37	.97	
EXPERIENCED	78		3.65	.92	0.0
5. DISTRACTION AND INHIBITION		.85			
INEXPERIENCED	899		<sup>B</sup> 2.72	.88	
EXPERIENCED	79		3.35	.86	0.0

\*= Significant at .05 level or better.

A= Lower score indicates more positive attitude toward EMC

B= Higher score indicates more positive attitude toward EMC

Reliability coefficients were calculated to determine the reliability of the items in each survey factor. Table V-23 indicates the reliabilities for each factor. They range from a low (and minimally acceptable) .50 to a high of .85. Medium to very high confidence can be placed in the accuracy and consistency of the attitude measures taken by this Questionnaire in this evaluation. No doubt due to the wide variation in response patterns in the juror sample, there is a corresponding fluxuation in the reliability of the items on the factors. There is reasonable evidence to believe, however, that if used again, the same items would group together again, forming the same factors, even with a different sample of jurors. The evaluators are quite confident that the Juror Attitudinal Questionnaire accurately measures the attitudes of the jurors sampled.

#### t-Tests on Factor Mean Scores

Question: How large are the differences between EMC-Inexperienced and EMC-Experienced jurors' mean scores of attitudes as measured by the five factors? Are any of the differences large enough to be considered significant?

Table V-23 summarizes the result of the t-test of factor means. The reader should keep in mind that this analysis was completed on only the EMC-related Questionnaire. The table identifies the factor, the factor means for each group (EMC-Experienced and EMC-Inexperienced), the standard deviation and the probability statement.

Four of the five factors show significant differences between the mean scores of the two groups. On Factor 2, Role Performance, EMC-Experienced Jurors' mean score is 1.94 while EMC-Inexperienced Jurors' mean score is 2.42. The significant difference means that the EMC-Experienced group seems confident of their ability to perform in

The judicial system plays a special role in that it is a forum of last resort where justice ultimately is rendered or occasionally forfeited. Our system of government to some extent insulates the judiciary from the strong forces, political and economic, which operate in our society. Courts preserve delicate and precious rights. Indeed, this is at the root of why cameras have been denied access to courtrooms for so long. If access finally is to be granted to extended media, it should be done carefully.



APPENDIX F

Description of Data Base Characteristics





1 individual media or network involved in extended coverage.

2 Only equipment that does not produce distracting sound  
3 or light shall be employed to cover judicial proceedings.

4 It shall be the affirmative duty of extended coverage  
5 personnel to demonstrate to the Judge adequately in advance  
6 any proceeding that the equipment sought to be used meets the  
7 sound and light criteria enumerated herein.

8 Except to increase the wattage of existing courtroom  
9 lights, there shall be no modifications or additions to light  
10 equipment existing in a courtroom. Any increases in wattage  
11 shall be with permission of the Judge and, if authorized, shall  
12 be installed, maintained, and removed without public expense.

13 No light or signal visible or audible to trial participants  
14 shall be used on any equipment during extended coverage  
15 to indicate whether it is operating.

16 Extended coverage personnel and equipment shall be  
17 positioned so as to provide reasonable coverage in such  
18 location in the Court facility as shall be designated by the  
19 Judge. Equipment that is not a component part of a television  
20 camera, and video and sound recording equipment, shall be  
21 located outside the courtroom, unless other arrangements are  
22 approved in advance by the Judge.

23 Extended coverage equipment shall not be placed in or  
24 removed from the courtroom except prior to or after proceedings  
25 each day, or during a recess.

26 All extended coverage equipment operators shall assume  
27 their assigned, fixed position within the designated area and  
28 once established in that position shall act in a manner so

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not to call attention to their activities. Extended coverage equipment operators shall not be permitted to move about during the Court session.

Pooling arrangements among members of the media shall be the sole responsibility of the media and shall not require the Judge or Court personnel to mediate disputes. In the absence of agreement or in the event of unresolved disputes relating to pooling arrangements, the Judge may terminate all or any portions of extended coverage.

DATED:

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

1 To protect the attorney-client privilege and the  
2 effective right to counsel of all trial parties, there shall  
3 be no audio coverage of conferences between attorneys and  
4 clients or parties, or between co-counsel and clients or  
5 parties, or between counsel and the Judge held at the bench.

6 There shall be no extended coverage of any conference  
7 held in the chambers of a Judge.

8 In order to preclude extended coverage of any matters  
9 presented to the Court in the absence of the jury which are  
10 for the purpose of determining the admissibility of evidence,  
11 the Judge may conduct a hearing in chambers.

12 Extended coverage in the courtroom shall be allowed  
13 during and only during:

14 (a) The opening statement of the attorney  
15 for the People;

16 (b) The opening statement of the attorney  
17 for the Defendant;

18 (c) The opening argument of the attorney  
19 for the People;

20 (d) The argument of the attorney for the  
21 Defendant; and

22 (e) The closing argument of the attorney  
23 for the People.

24 There shall be no extended coverage of courtroom pro-  
25 ceedings through any open courtroom door or window in any door  
26 or through any access to or aperture in the courtroom.

27 Equipment from one television station or network--

28 ///

1 designated as the pooling station or network--shall be per-  
2 mitted access to a courtroom proceeding at one time. The  
3 pooling station or network may use a portable television  
4 camera that is silent, a videotape electronic camera, or, in  
5 the absence of such equipment, a silent 16mm sound on film  
6 (self-blinded) camera. One television camera, operated by  
7 one camera person, shall be admitted to record the proceeding.

8 One audio system for broadcast purposes shall be permitted  
9 in a proceeding. Where possible, audio for all media shall be  
10 from audio systems present in the Court. If no technically  
11 suitable audio system exists, a microphone and related wiring  
12 essential for media purposes shall be unobtrusive, located in  
13 places designated in advance by the Judge, and operated by  
14 one person.

15 One still photographer, using not more than two still  
16 cameras with not more than two lenses for each camera, shall  
17 be permitted in a proceeding subject to extended coverage. A  
18 second still photographer, using not more than two still  
19 cameras with not more than two lenses for each camera, may be  
20 admitted in the discretion of the Judge. Such still cameras  
21 shall not produce distracting clicking sounds or light during  
22 the permitted coverage of the proceedings, regardless of  
23 Schedules A and B set forth in Rule 980.2(k) of California  
24 Rules of Court. No motorized drive equipment shall be permi-  
25 and no moving lights, flash attachments, or sudden lighting  
26 changes shall be permitted during Court proceedings.

27 No equipment or clothing of any extended coverage per-  
28 sonnel shall bear any insignia or identification of the

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

PEOPLE OF THE STATE OF CALIFORNIA,	)	NO. 59201	DEPT. 18
	)		
vs.	)		
	)		ORDER ESTABLISHING
ALAN ROBBINS,	)		<u>EXTENDED COVERAGE OF TRIAL</u>
	)		
	)	Defendant.)	
	)		

Photographing, recording for broadcasting and broadcasting shall not be permitted within the courtroom while Court is in session or during any mid-morning or mid-afternoon recess except as authorized by this Order.

"Extended coverage" means any media recording or broadcasting of proceedings by the use of television, radio, photographic, or recording equipment.

"Trial participants" means all parties, attorneys, jurors witnesses, Court personnel and the Judge or Judges present during the conduct of proceedings.

"Media" means any news gathering or reporting agencies and the individual persons involved, and includes newspapers, radio, television, radio and television networks, news services, magazines, trade papers, in-house publications, professic

1 journals, or other news reporting or news gathering agencies  
2 whose function it is to inform the public or some segment  
3 thereof.

4 Extended coverage shall be conducted so as not to be dis-  
5 tracting and not to interfere with the solemnity, decorum, and  
6 dignity which must attend the making of decisions that affect  
7 the life, liberty, or property of citizens.

8 No extended coverage shall be allowed except with the  
9 consent of the Judge. Such consent shall be in writing, filed  
10 in the record of the proceedings, and recorded in the minutes  
11 of the Court.

12 The Judge may, in the interests of justice, refuse, limit  
13 or terminate extended coverage if a party objects to extended  
14 coverage.

15 The consent of the attorney for a party shall not be  
16 required, but the attorney may direct a motion to the Judge to  
17 refuse, limit, or terminate extended coverage. Such motion  
18 shall be directed to the discretion of the Judge. The  
19 objection of the attorney for a party shall be noted in the  
20 record of the proceedings and in the minutes of the Court.

21 The Judge may in the interests of justice, refuse, limit  
22 or terminate extended coverage of any witness who objects to  
23 extended coverage.

24 There shall be no closeup or "zoom" extended coverage  
25 of individual members of the jury while in the jury box, while  
26 within the courtroom, while in the jury deliberation room  
27 during recess, or while going to or from the deliberation room  
28 at any time.

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pursuant to California Rules of Court.

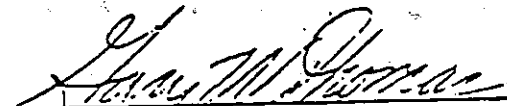
On October 30, 1980, none of the persons operating the electronic equipment gave their names or affiliation to the Clerk.

Therefore, it appearing (1) that there was a failure of the media to comply with the Court's request that they identify each individual operating the equipment and identify their media affiliation and (2) since the appointment of counsel neither the defendant nor his attorney, or either of them, has filed a written consent authorizing extended media coverage, further media coverage in the case of The People of the State of California vs. Mark Venters McDermand, is hereby DENIED.

"It shall be the responsibility of the media to make a separate request for later extended coverage". California Rules of Court 980.2(e)(2).

Dated:

*November 5, 1980*

  
GARY W. THOMAS  
Judge of the Municipal Court



MUNICIPAL COURT OF CALIFORNIA, COUNTY OF MARIN

CENTRAL JUDICIAL DISTRICT

STATE OF CALIFORNIA ) ss.  
COUNTY OF MARIN )

People vs. McDermid

ACTION No. C 35470

(PROOF OF SERVICE BY MAIL - 1013A, 2015.5 C.C.P.)

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID; I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE WITHIN ABOVE ENTITLED ACTION; MY BUSINESS ADDRESS IS: MARIN COUNTY HALL OF JUSTICE, CIVIC CENTER, SAN PEDRO ROAD, SAN RAFAEL, CALIF. 94903.

ON November 5, 1980 I SERVED THE WITHIN Request For Extended Media Coverage

ON THE parties IN SAID ACTION, BY PLACING A TRUE COPY THEREOF ENCLOSED IN A

SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES POST OFFICE MAIL

BOX AT SAN RAFAEL, CALIFORNIA, ADDRESSED AS FOLLOWS:

HAND CARRIED:

Jerry R. Herman, District Attorney  
Room 155, Hall of Justice  
San Rafael, CA 94903

A. Leonard Bjorklund  
765 Bridgeway  
Sausalito, CA 94965

Ernest H. Short & Assoc., Inc.  
2709 Marconi Ave.  
San Rafael, CA 94921

Linda Yee  
KRCN - TV  
1001 Van Ness Ave.  
San Francisco, CA

Mark Cohen  
Executive News Producer  
KPIX News  
855 Battery Street  
San Francisco, CA

I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE November 5, 1980

*Lilly Carson*

NOTARIZATION NOT REQUIRED

RECEIVED NOV 7 1980

FILED

NOV 5 1980

KENNETH E. FINN  
Clerk of the Superior Court of California  
County of Marin, General Judicial Branch

MUNICIPAL COURT OF CALIFORNIA, CENTRAL JUDICIAL DISTRICT

COUNTY OF MARIN

THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff, )

vs. )

MARK VENTERS McDERMAND, )

Defendant. )

C 35470

REQUEST FOR EXTENDED  
MEDIA COVERAGE

On October 28, 1980, there was filed with the Court a request for extended media coverage pursuant to 980.2 Rules of Court. With the request was filed a consent by District Attorney Jerry R. Herman and the defendant Mark Venters McDermand, who was not represented by counsel.

At 1:00 P.M. on October 28, 1980, I did advise the media in open court that I would consent to the request for use of electronic equipment in the courtroom providing certain conditions were met, among those being that the Clerk must be given the names and media affiliation of each person operating the various electronic equipment. This information was not provided to the Clerk on October 28th.

The defendant appeared. Also appearing was Frank J. Cox, Chief Deputy Public Defender, who advised the Court that Mr. McDermand was eligible for court-appointed counsel and he further advised that the Public Defender would not be able to represent Mr. McDermand due to a conflict of interest. A list of three names was given to the Clerk regarding appointment of counsel and the matter was continued one day to October 29th at 1:00 P.M. for arraignment, appointment of counsel and entry of plea. The defendant

1 advised by the Court that although he had given his consent to extended  
2 media coverage, he may wish to discuss this with his court-appointed counsel  
3 as to whether such consent would continue.

4 On October 29th at 1:00 P.M. Mr. Bruce B. Bales appeared, advising  
5 the Court he may be able to accept the appointment. The defendant indicated  
6 to the Court that Mr. Bales had participated in the prosecution of Mr.  
7 McDermid within the near past. Therefore, the matter was continued one  
8 day for either the appearance of Mr. Louis Hawkins or Mr. A. Leonard  
9 Bjorklund for acceptance of appointment. The defendant was again advised  
10 with regard to the consent to extended media coverage; that he may wish  
11 to reconsider this matter and further advise the Court whether he wished  
12 to continue to give such consent. Matter was continued to October 30, 1980  
13 at 1:00 P.M. for arraignment, appearance of counsel and acceptance of  
14 appointment, entry of plea and setting of the Preliminary Hearing. The  
15 names of the persons operating the electronic equipment and the media  
16 affiliation were not given to the Clerk.

17 On October 30th at 1:00 P.M. Mr. A. Leonard Bjorklund appeared with  
18 the defendant advising the Court that he would accept the appointment and  
19 the defendant was advised of the charges against him and personally entered  
20 pleas of not guilty. Time was waived by both the defendant and counsel  
21 for Preliminary Hearing and matter was set for December 2nd for Preliminary  
22 Hearing. Neither the defendant nor his counsel objected to the appearance  
23 of the media in the courtroom or the use of the electronic recording systems.  
24 The Court requested that the defendant and his counsel advise whether they  
25 wish to continue consent of extended media coverage or withdraw their con-  
26 sent (although no objection was made to the appearance of the media for  
27 October 30, 1980). No affirmation was made by or on behalf of the defendant  
28 or his counsel that they wish to consent to any further extended coverage

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exhibits except by order of the Court.

- 11. At all recesses and adjournments, and at any other time the Jury is retiring from the courtroom, or while the defendant is being moved to or from the courtroom, spectators shall remain seated until the Jury and the defendant have had ample time to withdraw.
- 12. All media personnel shall conduct themselves in accordance with Rule 980.2 of the California Rules of Court. Any violation of said rule or of the provisions of this order shall be deemed sufficient cause for excluding the violator from the courtroom and such other action as the Court may deem legally proper.

DATED: JUNE 9, 1981

  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

RECEIVED JUN 15 1981

FILED

JUN 1981

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF BUTTE

CLARK A. NELSON, County Clerk

By *L. Patton* Dep.

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THE PEOPLE OF THE STATE OF CALIFORNIA,  
 Plaintiff,  
 vs.  
 FRANK JACK ESKETT,  
 Defendant.

NO. 74934

ORDER FOR EXTENDED MEDIA COVERAGE

AUTHORIZATION IS HEREBY GIVEN to Chico Enterprise-Record to conduct extended media coverage in the above entitled matter. Only one still camera is to be in the courtroom in a fixed position and the equipment to be used shall consist of a Minolta 75 35mm still camera.

The media is prohibited from photographing any witness posing an objection, and it shall be limited to open courtroom sessions in front of the jury, and not during voir dire examination in the selection thereof.

There will be no close-up shots or zoom lenses in this extended coverage of individual members of the jury.

Dated: June 8th, 1981.

*Reginald M. Watt*  
 \_\_\_\_\_  
 Reginald M. Watt, Judge

cc: District Attorney  
 Jerry Kenkel, Defense Counsel  
 Chico Enterprise-Record  
 Ernest H. Short & Associates

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IN THE SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ALAMEDA

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PEOPLE OF THE STATE OF )  
CALIFORNIA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
KENNETH EUGENE PARNELL, )  
 )  
Defendant. )

No. 70511

ORDER RE EXTENDED COVERAGE

From the wide attention attracted to this case resulting in massive publicity, the Court is of the opinion that the following rules are necessary to a constitutionally guaranteed, orderly and fair trial by an impartial jury, and therefore orders:

The request of the media for extended coverage of the trial herein is granted, subject to the following terms and conditions:

1. There shall be no extended coverage of the selection of the prospective jury during voir dire.
2. There shall be no extended coverage of any proceedings not had in open court.
3. No more than one (1) television camera shall be permitted in the courtroom at any given time. It shall be the responsibility of the media to determine whose camera will be used.
4. No more than one still photographer, using not more

- 1 than two still cameras with not more than two lenses
- 2 for each camera, shall be permitted in the courtroom
- 3 at any given time. It shall be the responsibility
- 4 of the media to determine whose camera will be used.
- 5 5. One audio system for broadcast purposes shall be
- 6 permitted in the courtroom at any given time. It
- 7 shall be the responsibility of the media to determine
- 8 whose audio system will be used. This order is not
- 9 meant to proscribe the use of small, pocket-size
- 10 recorders by individual members of the media.
- 11 6. The Court reserves the right to amend, modify, or
- 12 otherwise change this order at any time during the
- 13 proceedings.
- 14 7. Members of the news media shall not interfere in any
- 15 way with prospective jurors, nor shall any attempt be
- 16 made to talk to any juror.
- 17 8. All entrance ways, corridors and approaches to the
- 18 courtroom will be kept clear at all times for free
- 19 access thereto by those using them in the course of
- 20 their employment or those having business to transact
- 21 therein.
- 22 9. The area of the courtroom inside the rail is reserved
- 23 for the defendant, counsel, members of the Bar, Court
- 24 personnel and such witnesses as counsel may desire to
- 25 be within the bar for consultation purposes. No one
- 26 else will enter without permission of the Court.
- 27 10. No one except attorneys of record, their agents,
- 28 Court personnel, witnesses and Jurors may handle

APPENDIX E

Examples of Orders Regarding  
Extended Media Coverage





CASE \_\_\_\_\_

NAME \_\_\_\_\_

DATE \_\_\_\_\_

JUROR

BASE./EXP. \_\_\_\_\_

	condensed answer	comments/explanation
Media noticed		
Favor/unfavor		very unfav- orable <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> very favor- able
distraction/ courtroom environment		
Behavioral effects		
Prefer presence/ reluctant to serve		
Potential harm		
Portion specially important		
Media influence deliberation		

How many times have you served on a jury? \_\_\_\_\_

Types of cases \_\_\_\_\_

Nature of media coverage case received \_\_\_\_\_

Sex: M F

Age: under 25    25-34    35-44    45-54    over 55

Occupation: \_\_\_\_\_

Education: No formal schooling  
 Elementary: 1 2 3 4 5 6 7 8  
 High School: 9 10 11 12  
 College: 13 14 15 16  
 Graduate degree: \_\_\_\_\_



CASE \_\_\_\_\_

INTERVIEWER \_\_\_\_\_

NAME \_\_\_\_\_

FOR PLTF./DEF./PEOPLE

WITNESS

BASE./EXP.

	condensed answer	comments/explanation								
Media noticed										
favor/unfavor		very unfavor- able <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> very favor- able								
Distract/ affect testimony										
Potential harm										
Prefer presence/ testify/again										
Number of times a witness										

Sex: M F  
 Age: under 25    25-34    35-44    45-54    over 55  
 Education: No formal schooling  
             Elementary School: 1 2 3 4 5 6 7 8  
             High School: 9 10 11 12  
             College: 13 14 15 16  
             Graduate Level: \_\_\_\_\_

POST-EVENT JUROR INTERVIEW - EXPERIMENTAL

1. What specific media personnel and equipment did you notice during the proceedings?
2. You have just participated as a juror in a trial which had TV cameras, still cameras, and/or radio coverage. Do you favor allowing this type of media coverage in the courtroom? (Mark answer on interview sheet).
3. Were you distracted by the presence of TV cameras, still cameras, and/or radio? Create nervous reaction? Nature of distraction. What effects, if any, did you perceive that the cameras had on the courtroom environment? Flow of proceedings?
4. What, if any, behavioral effects on trial participants resulted from EMC?  
attorneys/judge/witness/party
5. Would you prefer cameras not be present? Would you be reluctant to serve as a juror again solely because of the presence of TV cameras, still cameras, or radio?
6. Are you fearful that some harm (psychological, reputational, physical, or financial) could come to you or your family as a result of possible media coverage of this trial? If yes, what portion of your fear is attributable to coverage by TV cameras, still camera or radio?
7. Was there any portion of the trial which seemed to carry a particularly special importance in influencing your decision-making?
8. In your opinion, did media exposure influence deliberations?

(Complete information on interview summary form.)

POST-EVENT ATTORNEY INTERVIEW - EXPERIMENTAL

1. What specific media personnel and equipment did you notice during the proceedings?
2. Please discuss any adverse effects you perceived on the dignity and decorum of the courtroom as a result of EMC.
3. Behavioral effects on trial participants.  
Judge: supervision/decisions/order  
Witness: truthfulness/nervousness/completeness  
Other Attorneys: quality of representation/strategy  
Jurors: fair verdict/distracted
4. How, if at all, was your strategy and representational quality affect by EMC?  
Witness called or not called  
question/area not addressed or specifically addressed  
strategy  
nervousness/behavior action
5. In what ways was EMC a positive or negative experience? What surprise or problems, if any, occurred?
6. What regrets, if any, do you have in consenting to EMC?
7. Would you prefer cameras not be present? Participate again?
8. Describe the differences you noticed in editing practices used by conventional media. Your feelings about these changes?
9. How many years have you been a practicing trial attorney? Number of highly visible media trials?

POST-EVENT WITNESS INTERVIEW - EXPERIMENTAL

1. What specific media personnel and equipment did you notice during the proceeding?
2. You have just participated as a witness in a trial which had TV cameras, still cameras, and/or radio coverage. Do you favor allowing this type of media coverage in the courtroom? (Mark answer on interview sheet)
3. To what extent, if any, did TV cameras, still cameras, or radio equipment distract you in giving testimony? In what way, if any, was the context of your testimony or the manner of your responding different due to the presence of this equipment and the knowledge that your testimony might be broadcast by these media? (e.g. nervousness)
4. Are you fearful that some harm (psychological, reputational, physical or financial) could come to you or your family as a result of possible coverage of your testimony by television (i.e. cameras)?
5. Would you prefer to have testified without the cameras? Would you be reluctant to testify again either in this trial or some other proceeding with camera coverage?
6. How many times have you been a witness? (get details)

(Complete summary interview questionnaire.)

CASE \_\_\_\_\_

INTERVIEWER \_\_\_\_\_

NAME \_\_\_\_\_

DATE \_\_\_\_\_

JUDGE \_\_\_\_\_

BASE./EXP.

	condensed answer	comments/explanation
Media noticed		
Increased supervisory responsibility and how		
Dignity & Decorum		
Witness Effects		
Attorney Effects		
Juror Effects		
Positive or Negative experience, surprises, problems		
Regrets		
Prefer presence/participate again		
Editing Effects		
Number of cases		
General Added Effects		
Other		



CASE \_\_\_\_\_

NAME \_\_\_\_\_

DATE \_\_\_\_\_

ATTORNEY

BASE./EXP.

condensed  
answer

comments/explanation

Media noticed		
Dignity & Decorum		
Judge effect		
Witness effects		
Other attorney effects		
Juror effects		
Your behavior/strategy		
Positive or negative experience, surprises, problems.		
Regrets		
Prefer presence/participate again		
Editing Effects		
Years attorney and number of cases		
General added effects		
Other		

Personal Interview Question  
and Answer Sheets

\*Judge

\*Attorney

\*Witness

\*Juror

POST-EVENT JUDGE INTERVIEW - EXPERIMENTAL

1. What specific media personnel and equipment did you notice during the proceeding?
2. Describe the extent to which EMC increased your supervisory responsibilities. How did those increased responsibilities interfere with your principal duties as judge?
3. Please discuss any adverse effects you perceived on the dignity and decorum of the courtroom as a result of EMC.
4. What, if any, behavioral effects on trial participants did EMC have?  
Witness: truthfulness/nervousness/completeness  
Attorneys: quality of representation/strategy  
Jurors: fair verdict/distraction
5. In what ways was EMC a positive or negative experience? What surprises or problems, if any, occurred?
6. What regrets, if any, do you have in consenting to EMC?
7. Would you prefer cameras not be present? Participate again?
8. Describe the differences you noticed in editing practices used by EMC compared to those used by conventional media. Your feelings about these changes?
9. How many cases have you presided over in which there was high media visibility?

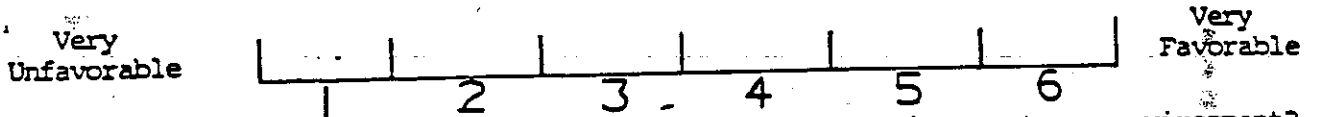
CAMERAS IN THE COURTROOM JUROR QUESTIONNAIRE

Name	Case
Proceeding Type	Date of Proceeding
(For evaluator use only)	

1. What specific media personnel and equipment did you notice during the proceedings?

How noticeable and/or distracting would you say the equipment and personnel were?

2. You have just participated as a juror in a trial which had TV cameras, still cameras, and/or radio coverage. Do you favor allowing this type of media coverage in the courtroom? (Please mark below as appropriate.)



3. What effects, if any, did you perceive the cameras had on the courtroom environment?

Did the cameras affect the flow of the proceedings?

4. Do you think the presence of cameras had any effects on the other trial participants (judge, attorneys, parties, or witnesses?)

5. Would you prefer cameras not have been present?

Would you be reluctant to serve as a juror again solely because of the possible presence of TV cameras, still cameras, or radio at the trial?

(OVER)

6. Are you fearful that some harm (psychological, reputational, physical, or financial) could come to you or your family as a result of possible media coverage of this trial?

If yes, what portion of your fear is attributable to coverage by TV cameras, still camera or radio?

7. Was there any portion of the trial which seemed to carry a particularly special importance in influencing your decision-making?

8. In your opinion, did media exposure influence deliberations?

9. What main impression do you have regarding this "cameras in the courtroom" experience?

10. BACKGROUND INFORMATION

How many times have you served on a jury? \_\_\_\_\_

Types of Cases \_\_\_\_\_

Nature of media coverage case received \_\_\_\_\_

Sex: M F

Age: under 25 25-34 35-44 45-54 over 55

Occupation: \_\_\_\_\_

Education: No formal schooling  
Elementary: 1 2 3 4 5 6 7 8  
High School: 9 10 11 12  
College: 13 14 15 16  
Graduate degree: \_\_\_\_\_

Name	
Proceeding Type	Date of Proceeding

(For evaluator use only)

1. What specific media personnel and equipment do you remember being present at the camera event in your courtroom?

How noticeable and/or distracting would you say the equipment and personnel were?

2. Describe the extent to which the camera event increased your supervisory responsibilities.

How did those increased responsibilities interfere with your principal duties as judge?

3. Please describe all adverse effects you perceived on the dignity and decorum of the courtroom as a result of the presence of cameras.

4. What, if any, behavioral effects on trial participants did the presence of cameras have?

On Witnesses? (truthfulness? nervousness? completeness?)

On Attorneys? (general behavior? quality of representation?)

On Jurors? (distraction? fair verdict?)

On Parties? (general behavior?)

(OVER)

5. In what ways was the presence of cameras a positive or negative experience for you? That is, what successes or problems did it create and how did you end up feeling?

6. What regrets, if any, do you have in consenting to the cameras?

7. Would you prefer cameras not be present?

Would you participate again in a cameras in the court event?

8. (Optional) If you saw a subsequent media broadcast of the event covered in your court, describe the differences you noticed in editing practices used by television compared to those used by the conventional (print) media. What are your feelings about these changes?

9. How many cases have you presided over in your career as a judge which you would say had high "visibility" in the media?

10. What main impression do you have regarding this "cameras in the courtroom" experience?

Mail Questionnaire Form:

\*Judge

\*Juror





APPENDIX D

Interview Instruments



ATTENTIVENESS

1.0 1.5 2.0 2.5 3.0 4.0 5.0 6.0

1.0	Tennis match Alert upright who not tense Intent concen- tration on the action, all the action. Impressive in energy put into paying attention.	IDEAL, NORM Normal eye contact with witness and with lawyer. Some break in following the action. Is in contact with mainstream of activity. May watch witness only. May take notes. Good posture.	Occasional, in- consequential glances at audience or elsewhere. May be watching attorney in- tently. May be taking notes. Posture relaxd.	Shifting post. Intermitt.yawn Concentration is in and out. Gazes at spec- tators or else where. Gazes rather than watching the action.	Freq. Yawns Constant gaze or turning away from action. Clear lack of concentration. Reading or writing at length. Posture slipping. Has to bring self back to concentration.	Dozes Slouching Freq. position shifts. Fighting off sleep. Jerks back to attention	Asleep	INATTENTIVE
		ATTENTIVE	ATTENTIVE	IN AND OUT	INATTENTIVE			

FOR

CALM

1.0 1.5 2.0 2.5 3.0 4.0 5.0 6.0

1.0	Reflective Dignified Serious Atmos- phere. No in- trusions or noise. The ideally perfect courtroom. Calm is as a result of judge behavior and compelling nature of the activity.	NORMAL in and out movements and noises such as chairs and feet. Ordinary activity that varies with # of people.	Attempts to reduce noise and disturb fail. Attempts to move to a 1.0 have not been success. due to large # of people or highly visible trial	Intermittent distractions which could be avoided.	Clearly a distracted and noisy setting. Noticeable constant of noise clutter movement which could be con- trolled or stopped.	Very constant noise, clatter factor. Distur- bing to the proceedings. Much physical activity. Con- versations and other distractions predominate	Very distur- setting consta. physical an audible not and moving Unable to conduct his of the cour Uncontrol intrusions	
	VERY CALM	NORMALLY CALM	CALM	DISTRACTED	DISTRACTED	DISTURBED		

COURTROOM



EFFECTIVE COMMUNICATION

1.0 1.5 2.0 2.5 3.0 4.0 5.0 6.0

<p>1.0</p> <p>Clear, concise correct. No speech disfluency. At ease polished. Is self. Intervenes reiterates, clarifies and teaches. Timing outstanding. Relaxed. Commands respect &amp; awe. Not acting.</p>	<p>1.5</p> <p>Only occasion disfluency. Speech rate stable. Is relaxed. No misunderstanding. Commands respect &amp; distinct.</p>	<p>2.0</p> <p>NORM. Norm speech disfluencies. Approp speech rate. Some nervous though intent &amp; relaxed. Not lose train of thought. Those receiving comm. are responsive. Little need for clarification.</p>	<p>2.5</p> <p>Personal speech patterns show. Incre. disflu. Not tense but not relaxed. Speech rate variable. Message comm. Approp. express of emotion.</p>	<p>3.0</p> <p>Reacts from emotional base. Or is flat. Does not verbalize when needed. Little eye contact. Allows very defensive. Rate of speech is problem for listeners. Or, excessive flat or monotone. Needs prompting.</p>	<p>4.0</p> <p>Unwarranted emotional reaction. Ill-humored, cranky. Confuz is theme. Many disfluencies. Very defensive. Witness asks for repeated clarif. Rate of speech is problem. Excess. flat or monotone. Needs prompting.</p>	<p>5.0</p> <p>Abusive. Negative, blaming others for own lack. Message very confused. Listener has to work hard to get it. Disflu predominant. Speech rate an impossible problem.</p>	<p>6.0</p> <p>Commun. void. Obscenities. Senile, word salad. Irrele outbursts. Listeners unable to get message. Or total silence. catatonic verbalizations. is required. Understanding is impossible.</p>
<p>OUTSTANDING</p> <p>Clear, concise correct. No speech disfluency. At ease, relaxed polished. Is self. Timing outstanding. Commands respect and awe. Not acting. A master of language.</p>	<p>Only occasion disfluency. Speech rate is stable. Is relaxed. No misunderstanding. Commands respect. Clear and distinct. Everyone is responsive.</p>	<p>NORM. Norm speech disfluencies. Approp speech rate. Some nervous though intent and relaxed. Not lose train of thought. Receivers are responsive, esp. witnesses. Commands attn.</p>	<p>Personal speech patterns show. Incre. disflu. Not tense but not relaxed. Speech rate variable. Message is communic. Approp emotion. Express. Some need for repeat or clar.</p>	<p>Reacts from emotional base. Or is flat. Does not verbalize when needed. Little eye contact. Allows confuzd comm. Witness asks for repeated clarif. Rate of speech is problem. Excess. flat or monotone. Needs prompting.</p>	<p>Unwarranted emot. reacts from emotional base. Somewhat confuz in message. May start in middle of thought. Or flat, monotone. Needs prompting reminders and prompting.</p>	<p>Abusive, Negative, blaming others for own lack. Message very confuzd. Listnr works hard to get it. Disflu. common. Speech rate is imposs. problem. Witness left in quandry. Judge bms upset.</p>	<p>Commun. void. Obscenities. Senile, word salad. Irrele outbursts. Listeners able to get msg. Or silence, cat tonic. thnk standing if possible.</p>
<p>Clear, concise correct. No speech disflu. At ease, relaxed. Polished. Not acting. Is self. Commands respect, awe</p>	<p>Occ. disfluency. Speech rate stable. Relaxed. Makes point clearly. Distinctly. No misunderstanding. Commands respect.</p>	<p>NORM Exprt. Few Disfluency. Minor nervous. Intent &amp; relaxed. Does not lose train of thought. Speech rate stable. Aware of spot light.</p>	<p>Incr. disfluency. Some nervous. Not tense but not relaxed. Speech rate variable, too fast or too slow at times. Approp. emotion message clear.</p>	<p>NORM lay witness. Intermitt disfluency. Message gets across. Somewhat nervous. Speech rate up and down, in normal way. Mot. words are under control.</p>	<p>Unwarranted emot. reacts from emotional base. Somewhat confuz in message. May start in middle of thought. Or flat, uncomm. Flat, monotone. Needs prompting reminders and prompting.</p>	<p>Unwarranted emot. reacts from emotional base. Somewhat confuz in message. May start in middle of thought. Or flat, uncomm. Flat, monotone. Needs prompting reminders and prompting.</p>	<p>Commun. void. Obscenities. Senile, word salad. Irrele outbursts. Listeners able to get msg. Or silence, cat tonic. thnk standing if possible.</p>

CDGN

LEWYER

WITNESS

ATTENTIVENESS

1.0	1.5	2.0	2.5	3.0	4.0	5.0	6.0
Intent. Verbalizes or takes well anticipated action. Total attent. Nonverbal toward action. Ahead of the activities. High energy output for paying strict attn. Visually follows every-thing closely. Impressive in this ability.	Takes special care to notice all activities. Verbally responsive to relevant events. No side conversations. Enthusiastic/relaxed. High level of concentration. Visual contact with activities. Not taking, on occasion. No reading. Moderately impressive.	No verbaliz. action needed. Heedful. Concentrating. Observant, not taking. No more than one side convers. Ordinary shifts in posture and glances/gazes. Nonverb relaxed courteous & generally toward the action. Good. The NORM.	Courteous. Nonverb is slight away from verbalizations when needed. Anticipatory though Lower energy output or may be somewhat tense. Note taking. Watch clock.	Restless or uneasy concern about media or other matters. Misses some action. Struggle to concentrate. High # of position shifts. Slight nervous. Visual concentr. is intermittent. Not impressive	Fgmt yawns & unrec. gaze into space Or very nervous. High # confer. Demos inattent by missing the point and need correcting or reminding. Engaged in irrelevant activity. Appears bored or distracted. Nonverb is away from act. Rarely watches action.	Irrelevant talk, actions and activity typical. Dozes. Frozen face. Does not know what is going on. Inattentive. No concentrat. Not watching the activity.	Asleep
ATTENTIVE							

55026

EFFECTIVE CONTROL

1.0	1.5	2.0	2.5	3.0	4.0	5.0	6.0
Verbalizations prevent control problems. Takes immediate & effective action. Timing excellent. Totally in charge with a positive response by all affected. Positive, upbeat. Control derives from respect.	No verbaliz needed due to proper tone & messages prior from judge. Controls by default or by rulings. If verbalizes, it is in response to anticipated need.	Good. the NORM Is in charge. Typic. no verb needed, no action needed. Consist. with 2.0 in attent. No disrupt. Controls by default. Some time lag. Does not have to "do" anything to control. Procedure flows.	Responds, tho tardy to needs for control & intervention. Controls by ruling, at times has to repeat former ruling. Few disruptions. Adequate.	Reacts. No anticipation. Needs for intervention going unmet. Ineffect responds to disturbance, disrupt or probs. Misses opport. needing control. Led to control by prompts from others. Not adequate	Very ineffect. responds to intervention. Uses gavel. Frustrated. Occas has to remind of former rule Others directly task judge for rulings and control & control	Constant need to exercise repetitive controls & interventions. Which are in effective. No one gets message. Some needs for control ignored.	All need control by judge. Unaware of the situation. Apathy. Anger and inappreciation demonstration occur which go uncontrolled.
CONTROLLED							
CONTROLLING							
NEED FOR CONTROL							
OUT OF CONTROL							

55026

APPENDIX C

Rating Criteria For  
Evaluation Observations



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<b>REQUEST TO CONDUCT EXTENDED MEDIA COVERAGE</b>	FOR COURT USE ONLY
1. NAME OF MEDIA ORGANIZATION: INDIVIDUAL SUBMITTING REQUEST: ADDRESS: PHONE:	
2. NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP: BRANCH NAME:	
3. NAME OF JUDGE:	
4. NAME OF CASE:	CASE NUMBER.

5. TYPE OF PROCEEDING AND PART(S) OF PROCEEDING TO BE COVERED

Criminal (specify charges):

Civil (specify type, e.g., personal injury, domestic relations, etc.):

Specific parts to be covered (e.g., bail hearing, preliminary hearing, particular witness(es) at trial, sentencing hearing):

Date(s) of proposed coverage:

6. CONTEMPLATED USE OF EXTENDED MEDIA COVERAGE *(Please briefly indicate intended use of this extended media coverage—e.g., as news story, feature, public affairs program, etc. This notation in no way limits intended use.)*

7. CONTEMPLATED DISSEMINATION OF COVERAGE *(Please check appropriate boxes. Notation does not limit dissemination.)*

<input type="checkbox"/> Local Only <input type="checkbox"/> TV <input type="checkbox"/> Print Media <input type="checkbox"/> Radio	<input type="checkbox"/> Network or Syndication <input type="checkbox"/> TV <input type="checkbox"/> Print (wire service or nonlocal periodical) <input type="checkbox"/> Radio
--	--

8. EQUIPMENT TO BE USED *(Please list type, brand and specifications of all equipment to be used for this extended media coverage.)*

**9. CERTIFICATION OF NOTIFICATION OF EVALUATOR (AND IN CRIMINAL TRIALS, OF DEFENDANT AND PROSECUTOR) AND OF COMPLIANCE WITH EXTENDED MEDIA COVERAGE RULES.**

I hereby certify that prior to submission of this request:

a. The evaluation team was contacted by calling collect to (916) 486-9131 and was informed of intended submission of the request.

b. A copy of this completed request was mailed to Ernest H. Short & Associates, 2709 Marconi Avenue, Sacramento, CA 95821.

c. If this is a criminal case in a trial court, a copy of this form and of the form, CONSENT FOR EXTENDED MEDIA COVERAGE, were delivered to the prosecutor and to each defendant's attorney, or, if any defendant is not represented by an attorney, to the defendant personally.

I further certify that if consent is granted to conduct extended media coverage in this case, all personnel of this media organization will abide by the provisions of rule 980.2, California Rules of Court.

By \_\_\_\_\_ (Signature)

\_\_\_\_\_ (Printed Name)

\_\_\_\_\_ (Supervisory Position in Media Organization)

SEE THE REVERSE SIDE FOR INSTRUCTIONS

**REQUEST TO CONDUCT EXTENDED MEDIA COVERAGE**

## INSTRUCTIONS FOR USING THIS FORM

### IN CRIMINAL CASES IN TRIAL COURTS

#### Filling Out the Form

Be sure to supply all requested information. If you are not sure of information for Items 2, 3, or 4, contact the clerk of court. A supervisor should sign the certification in item 9.

When the form is completed, copies should be made and handled as follows:

#### Delivery of the Copies

A copy of this completed form and one of the form **CONSENT FOR EXTENDED MEDIA COVERAGE**, with items 1 through 4 filled in, should be delivered to the prosecutor and one to the attorney for each defendant. If any defendant is not represented by a lawyer, then the copies should be delivered to the defendant personally.

A copy of this completed form should also be mailed to the following address:

Ernest H. Short & Associates  
2709 Marconi Avenue  
Sacramento, CA 95821

Delivery and mailing of all copies should be completed before the original of this form is delivered to the court.

#### Submitting the Original

Deliver the original of this form to the clerk of the court where the proceeding to be covered is held. This should be done a reasonable time in advance of the event to be covered.

### IN CIVIL AND ALL OTHER CASES

#### Filling Out the Form

Be sure to supply all requested information. If you are not sure of information for Items 2, 3, or 4, contact the clerk of court. A supervisor should sign the certification of compliance in Item 9.

Once the form is completed, make one copy in addition to the original. The forms are to be handled as follows:

#### Mailing the Copy

Mail the completed copy to the following address:

Ernest H. Short & Associates  
2709 Marconi Avenue  
Sacramento, CA 95821

Mailing of the copy should be completed before the original of the form is delivered to the court.

#### Submitting the Original

Deliver the original of this form to the clerk of the court where the proceeding to be covered is held. This should be done a reasonable time in advance of the event to be covered.

APPENDIX B

Form Developed by  
Administrative Office of the Courts  
Request To Conduct Extended Media Coverage

12/31/09

## SCHEDULE A

FILM CAMERAS	16mm Sound on Film (self-blimped)		
1. CINEMA PRODUCTS	CP-16A-R		Sound Camera
2. ARRIFLEX	16mm-16BL Model		Sound Camera
3. FREZZOLINI	16mm (LW16)		Sound on Film Camera
4. AURICON	"Cini-Voice"		Sound Camera
5. AURICON	"Pro-600"		Sound Camera
6. GENERAL CAMERA	SS III		Sound Camera
7. ECLAIR	Model ACL		Sound Camera
8. GENERAL CAMERA	DGX		Sound Camera
9. WILCAM REFLEX	16mm		Sound Camera

## VIDEO TAPE ELECTRONIC CAMERAS

1. Ikegami	HL-77	HL-33	HL-35	HL-34	HL-51
2. RCA	TK 76				
3. Sony	DXC-1600	Trinicon			
3a. ASACA	ACC-2006				
4. Hitachi	SK 80	SK 90			
5. Hitachi	FP-3030				
6. Philips	LDR-25				
7. Sony BVP-200	ENG Camera				
8. Fornseh	Video Camera				
9. JVC-8800 u	ENG Camera				
10. AKAI	CVC-150	VTS-150			
11. Panasonic	WV-3085	NV-3085			
12. JVC	GC-4800u				

## VIDEO TAPE RECORDERS/used with video cameras

1. Ikagami	3800
2. Sony	3800
3. Sony	BVU-100
4. Ampex	Video Recorder
5. Panasonic	1 inch Video Recorder
6. JVC	4400
7. Sony	3800H

{over}

SCHEDULE B

Rangefinder

Leica M42

Single Lens Reflex

Nikon FM

Nikon FE

Canon A1

Canon AE1

Canon AT1

Minolta XD11

Pentax MX

Olympus OM-I

unresolved disputes relating to pooling arrangements, the judge may terminate all or any portions of extended coverage.

(j) [Liaison]

(1) When more than one media representative requests extended coverage of any kind, the media collectively shall designate one representative to coordinate with the court representative any matters relating to extended coverage.

(2) A court may designate a judge or court representative to coordinate with the media relating to extended coverage.

(k) [Ruling on matters not covered by these rules]

(1) Should a decision be required on any issue that is not covered by these rules, it shall be within the sole discretion of the judge to make such decision.

(2) Nothing in these rules shall be interpreted to limit or restrict the power of the judge to control the conduct of the proceedings, including, but not limited to, daily hours of court, order of proof, attendance of trial participants, location of hearings outside the courtroom when necessary, or any other matters within the discretion of a trial judge.

Rule 980.3. Experimental extended coverage for educational use

(a) During the period that this rule is in effect, the provisions of rule 980 shall not apply to the photographing or recording for educational use of court proceedings within the courts of the State of California, if the requirements of this rule are observed. This rule shall take effect on June 1, 1980, and shall continue in effect to and including May 31, 1981.

(b) A judge may authorize photographic or electronic recording of appropriate court proceedings for educational use under the following conditions:

[over]



- (1) The means of recording will not distract participants or impair the dignity of the proceedings;
- (2) The trial participants consent to being depicted;
- (3) The reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and
- (4) The reproduction will be exhibited only for instructional purposes.

APPENDIX J

General Attitude Survey Pre-Post  
Mean Scores for Judges, Prosecutors,  
and Defenders, Items 1 through 27



Response Category	JUDGES				PROSECUTORS				DEFENSE				
	PRE		POST		PRE		POST		PRE		POST		
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	
Strongly Agree	1	34	98	11	58	49	288	23	218	48	288	23	218
Agree	2	216	578	107	488	77	448	57	518	88	528	66	618
No Opinion	3	41	118	35	168	21	128	10	98	17	108	9	88
Disagree	4	74	208	62	288	25	148	21	198	17	108	11	108
Strongly Disagree	5	12	38	8	48	2	18	0	08	1	18	0	08
Total Number of Cases	377		223		174		111		171		109		
Mean Score	2.51		2.77		2.16		2.26		2.04		2.07		

Survey Item # 23  
 ETC of courtroom proceedings will adversely affect the truthfulness of witness testimony.

Response Category	JUDGES				PROSECUTORS				DEFENSE				
	PRE		POST		PRE		POST		PRE		POST		
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	
Strongly Agree	1	5	18	6	38	8	58	7	68	24	148	21	198
Agree	2	53	148	21	98	45	268	20	188	49	288	33	308
No Opinion	3	101	278	56	258	46	268	21	198	48	288	25	238
Disagree	4	194	528	128	578	63	368	54	498	47	288	29	278
Strongly Disagree	5	24	68	13	68	13	78	9	88	3	28	1	18
Total Number of Cases	377		224		175		111		171		109		
Mean Score	3.48		3.54		3.16		3.34		2.74		2.60		

## Survey Item #24

DMC sentencing proceedings will improperly influence a judge in the sentencing decision.

Response Category	JUDGES				PROSECUTORS				DEFENDERS			
	<u>PRE</u>		<u>POST</u>		<u>PRE</u>		<u>POST</u>		<u>PRE</u>		<u>POST</u>	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	29	8%	11	5%	7	4%	3	3%	87	51%	54	50%
Agree 2	112	30%	44	20%	44	25%	22	20%	64	37%	39	36%
No Opin- ion 3	47	13%	28	13%	30	17%	23	21%	7	4%	8	7%
Disagree 4	163	44%	117	52%	79	45%	57	51%	11	6%	7	7%
Strongly Disagree 5	24	6%	24	11%	14	8%	6	5%	2	1%	0	0%
Total Number of Cases	375		224		174		111		171		108	
Mean Score	3.11		3.44		3.28		3.37		1.70		1.70	

Survey Item #18  
 EMC of courtroom proceedings will cause prosecutors to "play up" to the media to enhance the re-election prospects of the District Attorney.

Response Category	JUDGES				PROSECUTORS				DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	41	11%	12	5%	6	3%	12	11%	66	39%	47	43%
Agree 2	155	41%	88	40%	30	17%	17	15%	69	40%	44	40%
No Opinion 3	81	22%	47	21%	29	17%	57	51%	25	15%	9	8%
Disagree 4	88	24%	74	33%	72	41%	25	23%	11	6%	9	8%
Strongly Disagree 5	9	2%	2	1%	37	21%	0	0%	0	0%	0	0%
Total Number of Cases	374		223		174		111		171		109	
Mean Score	2.65		2.85		3.60		3.86		1.89		1.82	

Survey Item #19  
 EMC will make witnesses more reluctant to testify.

Response Category	JUDGES				PROSECUTORS				DEFENSE			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	48	13%	14	6%	58	33%	19	17%	50	29%	33	31%
Agree 2	214	57%	119	53%	86	49%	65	59%	89	52%	54	51%
No Opinion 3	49	13%	35	16%	12	7%	14	13%	19	11%	12	11%
Disagree 4	59	16%	54	24%	17	10%	12	11%	12	7%	7	7%
Strongly Disagree 5	5	1%	2	1%	1	1%	0	0%	1	1%	1	1%
Total Number of Cases	375		224		174		110		171		107	
Mean Score	2.76		2.60		1.95		2.17		1.98		1.96	

Survey Item #0  
 EMC of noncriminal proceedings will not discourage citizens from filing suits.

Response Category	JUDGES				PROSECUTORS				DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	44	12%	23	10%	10	6%	4	4%	9	5%	6	6%
Agree 2	257	68%	162	73%	88	50%	55	50%	66	39%	48	44%
No Opinion 3	51	14%	30	14%	49	28%	40	36%	65	38%	40	37%
Disagree 4	22	6%	6	3%	24	14%	8	7%	26	15%	13	12%
Strongly Disagree 5	3	1%	2	1%	4	2%	3	3%	5	3%	2	2%
Total Number of Cases	377		223		175		110		171		109	
Mean Score	2.16		2.11		2.57		2.56		2.72		2.61	

Survey Item #21  
 EMC of criminal proceedings will not result in unfair damage to the reputation of participants.

Response Category	JUDGES				PROSECUTORS				DEFENSE			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	8	2%	8	4%	8	5%	4	4%	5	3%	8	7%
Agree 2	142	38%	94	42%	53	30%	36	32%	17	10%	13	12%
No Opinion 3	59	16%	34	15%	22	13%	19	17%	12	7%	44	41%
Disagree 4	147	39%	76	34%	74	42%	47	42%	69	41%	43	40%
Strongly Disagree 5	22	6%	11	5%	18	10%	5	5%	67	39%	0	0%
Total Number of Cases	378		223		175		111		170		108	
Mean Score	3.09		2.95		3.23		3.12		4.04		4.13	

Response Category	JUDGES				PROSECUTORS				DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	3	1%	3	1%	9	5%	6	5%	19	11%	16	15%
Agree 2	42	11%	21	9%	35	20%	20	18%	56	33%	32	30%
No Opinion 3	83	22%	40	18%	52	30%	18	16%	29	17%	20	19%
Disagree 4	210	55%	145	64%	69	39%	57	51%	55	32%	34	32%
Strongly Disagree 5	41	11%	19	8%	11	6%	11	10%	12	7%	5	5%
Total Number of Cases	379		228		176		112		171		107	
Mean Score	3.64		3.68		3.22		3.42		2.91		2.81	

Survey Item #14  
 The possibility of EMC of courtroom proceedings will be a factor in attorney negotiations in a case.

Response Category	JUDGES				PROSECUTORS				DEFENSE			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	17	5%	5	2%	16	9%	7	6%	33	19%	21	19%
Agree 2	191	50%	103	45%	98	56%	48	43%	96	56%	58	53%
No Opinion 3	109	29%	63	28%	32	18%	24	21%	26	15%	16	15%
Disagree 4	54	14%	50	22%	24	14%	31	28%	16	9%	13	12%
Strongly Disagree 5	9	2%	6	3%	5	3%	2	2%	0	0%	1	1%
Total Number of Cases	380		227		175		112		171		109	
Mean Score	2.60		2.78		2.45		2.76		2.15		2.22	



Survey Item #15  
 EMC of bail proceedings will improperly influence a juror's setting bail.

Response Category	JUDGES				PROSECUTORS				DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	24	6%	6	3%	10	6%	2	2%	84	49%	53	50%
Agree 2	125	33%	63	28%	56	32%	31	28%	62	36%	46	43%
No Opinion 3	53	14%	35	16%	30	17%	22	20%	12	7%	5	5%
Disagree 4	147	39%	112	50%	69	39%	49	44%	13	8%	3	3%
Strongly Disagree 5	30	8%	9	4%	11	6%	7	6%	0	0%	0	0%
Total Number of Cases	379		225		176		111		171		107	
Mean Score	3.09		3.24		3.09		3.25		1.73		1.61	

Survey Item #16  
 EMC of courtroom proceedings will increase jurors' attentiveness to testimony.

Response Category	JUDGES				PROSECUTORS				DEFENSE			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	6	2%	1	0%	2	1%	21	19%	1	1%	9	8%
Agree 2	76	20%	40	18%	27	15%	21	19%	20	12%	15	14%
No Opinion 3	83	22%	45	20%	31	18%	62	56%	38	22%	69	64%
Disagree 4	194	52%	134	60%	95	54%	7	6%	94	55%	15	14%
Strongly Disagree 5	17	5%	4	2%	20	11%	0	0%	18	11%	0	0%
Total Number of Cases	376		224		175		111		171		108	
Mean Score	3.37		3.45		3.59		3.50		3.63		3.83	

Survey Item #10  
 Jurors' Decisions will be influenced by their attitudes and requirements about the case cause of EMC of the trial.

Response Category	JUDGES				PROSECUTORS				DEFENDERS				
	PRE		POST		PRE		POST		PRE		POST		
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	
Strongly Agree	1	21	6%	8	4%	7	4%	4	4%	39	23%	28	26%
Agree	2	123	33%	51	23%	75	43%	33	29%	84	49%	47	44%
No Opinion	3	72	19%	54	24%	30	17%	21	19%	21	12%	10	9%
Disagree	4	144	38%	100	44%	56	32%	51	45%	22	13%	23	21%
Strongly Disagree	5	19	5%	12	5%	8	5%	3	3%	4	2%	0	0%
Total Number of Cases	379		225		176		112		170		108		
Mean Score	3.05		3.25		2.90		3.14		2.22		2.26		

Survey Item #10  
 EMC of courtroom proceedings will not affect a judge's ability to maintain courtroom order.

Response Category	JUDGES				PROSECUTORS				DEFENSE				
	PRE		POST		PRE		POST		PRE		POST		
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	
Strongly Agree	1	40	11%	25	11%	6	3%	6	5%	4	2%	3	3%
Agree	2	236	62%	141	62%	72	41%	63	57%	65	38%	41	38%
No Opinion	3	29	8%	10	4%	14	8%	4	4%	28	16%	15	14%
Disagree	4	65	17%	45	20%	76	43%	33	30%	59	35%	40	37%
Strongly Disagree	5	10	3%	7	3%	8	5%	5	5%	15	9%	10	9%
Total Number of Cases	380		228		176		111		171		109		
Mean Score	2.39		2.42		3.05		2.71		3.09		3.12		

Survey Item #12  
 EMC of court proceedings will lead to increased dis[?] on or the participants.

Response Category	JUDGES				PROSECUTORS				DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	27	7%	15	7%	46	26%	22	20%	60	35%	40	37%
Agree 2	213	56%	109	48%	95	54%	58	52%	84	49%	53	49%
No Opinion 3	39	10%	23	10%	8	5%	2	2%	10	6%	5	5%
Disagree 4	89	24%	75	33%	24	14%	29	26%	16	9%	11	10%
Strongly Disagree 5	11	3%	5	2%	3	2%	1	1%	1	1%	0	0%
Total Number of Cases	379		227		176		112		171		109	
Mean Score	2.59		2.76		2.11		2.37		1.91		1.88	

Survey Item #12  
 EMC of noncriminal proceedings will result in unfair damage to the reputation of litigants.

Response Category	JUDGES				PROSECUTORS				DEFENSE			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	10	3%	6	3%	7	4%	5	5%	17	10%	15	14%
Agree 2	112	30%	51	23%	62	35%	27	24%	65	38%	40	37%
No Opinion 3	94	25%	55	24%	59	34%	47	42%	56	33%	31	28%
Disagree 4	147	39%	106	47%	41	23%	28	25%	30	18%	22	20%
Strongly Disagree 5	15	4%	8	4%	6	3%	5	5%	2	1%	1	1%
Total Number of Cases	378		226		175		112		170		109	
Mean Score	3.12		3.26		2.87		3.01		2.62		2.58	

Survey Item #5  
 DMC will cause witnesses to be overly guarded in their testimony.

Response Category	JUDGES						PROSECUTORS				DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST			
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.		
Strongly Agree 1	31	8%	17	8%	38	22%	17	15%	42	25%	38	35%		
Agree 2	168	44%	93	41%	79	45%	55	49%	69	40%	38	35%		
No Opinion 3	68	18%	35	15%	27	15%	14	13%	29	17%	14	13%		
Disagree 4	105	28%	79	35%	30	17%	25	22%	27	16%	19	17%		
Strongly Disagree 5	6	2%	3	1%	1	1%	1	1%	4	2%	0	0%		
Total Number of Cases	378		227		175		112		171		109			
Mean Score	2.70		2.82		2.30		2.45		2.31		2.13			

Survey Item #6  
 The physical presence and operation of additional media equipment will itself lead to greater disruption of courtroom proceedings.

Response Category	JUDGES				PROSECUTORS				DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	32	8%	18	8%	40	23%	19	17%	53	31%	30	2%
Agree 2	176	46%	87	38%	92	52%	52	46%	78	46%	56	5%
No Opinion 3	59	16%	22	10%	11	6%	4	4%	17	10%	11	1%
Disagree 4	102	27%	89	39%	30	17%	34	30%	20	12%	11	1%
Strongly Disagree 5	10	3%	11	5%	3	2%	3	3%	3	2%	1	1%
Total Number of Cases	379		227		176		112		171		109	
Mean Score	2.69		2.95		2.23		2.55		2.08		2.06	

## Survey Item #7

EMC of courtroom proceedings will cause judges to avoid unpopular positions or decisions.

Response Category	JUDGES				PROSECUTORS				DEFENSE				
	PRE		POST		PRE		POST		PRE		POST		
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	
Strongly Agree	1	31	81	14	61	18	101	12	111	76	441	59	551
Agree	2	119	321	62	271	82	471	36	321	67	391	39	361
No Opinion	3	56	151	30	131	32	181	24	211	5	31	7	71
Disagree	4	143	381	94	411	38	221	37	331	20	121	2	21
Strongly Disagree	5	29	81	27	121	5	31	3	31	3	21	1	11
Total Number of Cases		378		227		175		112		171		109	
Mean Score		3.05		3.27		2.60		2.85		1.87		1.58	

## Survey Item #8

EMC of courtroom proceedings will affect voting at the next election of elected officials represented at the proceeding.

Response Category	JUDGES				PROSECUTORS				DEFENDERS				
	PRE		POST		PRE		POST		PRE		POST		
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	
Strongly Agree	1	38	101	11	51	15	71	5	51	46	271	21	191
Agree	2	194	521	94	411	83	481	47	421	80	471	61	561
No Opinion	3	94	251	71	311	51	291	36	321	35	211	22	201
Disagree	4	44	121	47	211	24	141	22	201	8	51	5	51
Strongly Disagree	5	6	21	4	21	1	11	2	21	1	11	0	01
Total Number of Cases		376		227		174		112		170		109	
Mean Score		2.42		2.73		2.50		2.72		2.05		2.10	

Survey Item #1  
 Extended media coverage (EMC, popularly referred to as "cameras in the court") of courtroom proceedings will not detract from the decorum of the judicial process.

Response Category	JUDGES				PROSECUTORS				DEFENDERS				
	PRE		POST		PRE		POST		PRE		POST		
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	
Strongly Agree	1	20	5%	17	8%	4	2%	10	9%	2	1%	3	3%
Agree	2	114	30%	89	39%	35	20%	32	29%	25	15%	14	13%
No Opinion	3	35	9%	19	8%	5	3%	7	6%	7	4%	4	4%
Disagree	4	151	40%	76	37%	68	39%	44	40%	52	30%	36	33%
Strongly Disagree	5	55	15%	25	11%	64	36%	18	16%	85	50%	52	48%
Total Number of Cases		375		226		176		111		171		109	
Mean Score		3.29		3.01		3.87		3.25		4.13		4.10	

Survey Item #2  
 EMC of courtroom proceedings will make it more difficult to find jurors who have not been exposed to prejudicial publicity about a case.

Response Category	JUDGES				PROSECUTORS				DEFENDERS				
	PRE		POST		PRE		POST		PRE		POST		
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	
Strongly Agree	1	22	6%	9	4%	21	12%	17	15%	44	26%	36	33%
Agree	2	154	41%	75	33%	74	43%	32	29%	76	44%	45	42%
No Opinion	3	61	16%	37	16%	22	13%	15	13%	24	14%	9	8%
Disagree	4	128	34%	94	42%	52	30%	45	40%	25	15%	16	15%
Strongly Disagree	5	14	4%	11	5%	5	3%	3	3%	2	1%	2	2%
Total Number of Cases		379		226		174		112		171		108	
Mean Score		2.89		3.10		2.69		2.87		2.21		2.10	

Survey Item #1  
 EMC of courtroom proceedings will increase citizens' willingness to become involved in the judicial process.

Response Category	JUDGES				PROSECUTORS				DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	12	3%	4	2%	3	2%	1	1%	2	1%	2	2%
Agree 2	53	14%	30	13%	22	13%	13	12%	20	12%	7	6%
No Opinion 3	99	26%	61	27%	26	15%	24	21%	38	22%	18	17%
Disagree 4	177	47%	111	49%	82	47%	52	46%	70	41%	52	48%
Strongly Disagree 5	39	10%	21	9%	42	24%	22	20%	41	24%	30	28%
Total Number of Cases	380		227		175		112		171		109	
Mean Score	3.47		3.51		3.79		3.72		3.75		3.93	

Survey Item #4  
 EMC of courtroom proceedings will improve the quality of courtroom advocacy.

Response Category	JUDGES				PROSECUTORS				DEFENDERS			
	PRE		POST		PRE		POST		PRE		POST	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Strongly Agree 1	11	3%	4	2%	5	3%	4	4%	5	3%	2	2%
Agree 2	87	23%	50	22%	31	18%	20	18%	26	15%	14	13%
No Opinion 3	65	17%	35	16%	18	10%	10	9%	14	8%	8	7%
Disagree 4	169	45%	107	47%	69	39%	54	48%	69	41%	42	39%
Strongly Disagree 5	45	12%	30	13%	52	30%	24	21%	56	33%	43	39%
Total Number of Cases	377		226		175		112		170		109	
Mean Score	3.40		3.48		3.75		3.66		3.85		4.01	

APPENDIX I

Frequency Distributions and Means Pre-Post  
For Judges, Prosecutors, and Defenders on  
General Attitude Survey Items 1-16 and 18-24





WITNESS EFFECTIVE COMMUNICATON

EMC CASES			BASELINE CASES		
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	0	0%	Excellent (1.0 - 1.4)	1	6%
Very Good (1.5 - 1.9)	8	44%	Very Good (1.5 - 1.9)	6	38%
Good (2.0 - 2.4)	2	11%	Good (2.0 - 2.4)	3	19%
Average (2.5 - 2.9)	1	6%	Average (2.5 - 2.9)	1	6%
Below Average (3.0+)	7	39%	Below Average (3.0+)	5	31%



DISTRIBUTION OF MEANS BY CASE

JUDGE EFFECTIVE COMMUNICATION

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	2	11%	0	0%
Very Good (1.5 - 1.9)	8	44%	3	19%
Good (2.0 - 2.4)	7	39%	12	75%
Average (2.5 - 2.9)	0	0%	0	0%
Below Average (3.0+)	1	6%	1	6%

PLAINTIFF ATTORNEY EFFECTIVE COMMUNICATION

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	1	6%	1	6%
Very Good (1.5 - 1.9)	3	18%	1	6%
Good (2.0 - 2.4)	4	23%	1	6%
Average (2.5 - 2.9)	1	6%	1	6%
Below Average (3.0+)	8	47%	12	76%

PROSECUTOR EFFECTIVE COMMUNICATION

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	2	13%	3	19%
Very Good (1.5 - 1.9)	3	20%	3	19%
Good (2.0 - 2.4)	4	27%	6	37%
Average (2.5 - 2.9)	0	0%	0	0%
Below Average (3.0+)	6	40%	4	25%

DEFENSE ATTORNEY EFFECTIVE COMMUNICATION

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	4	22%	1	6%
Very Good (1.5 - 1.9)	6	33%	6	38%
Good (2.0 - 2.4)	7	39%	8	50%
Average (2.5 - 2.9)	0	0%	0	0%
Below Average (3.0+)	1	6%	1	6%

APPENDIX H

Frequency Distribution of Evaluator Observations

By Case Means:

Effective Communication



APPENDIX GJUDGE ATTENTIVENESS

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	6	33%	Excellent (1.0 - 1.4)	3 19%
Very Good (1.5 - 1.9)	8	44%	Very Good (1.5 - 1.9)	5 31%
Good (2.0 - 2.4)	3	17%	Good (2.0 - 2.4)	8 50%
Average (2.5 - 3.0)	1	6%	Average (2.5 - 3.0)	0 0%
Below Average (3.0+)	0	0%	Below Average (3.0+)	0 0%

JUDGE CONTROL

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	1	6%	Excellent (1.0 - 1.4)	0 0%
Very Good (1.5 - 1.9)	13	72%	Very Good (1.5 - 1.9)	4 25%
Good (2.0 - 2.4)	3	17%	Good (2.0 - 2.4)	10 63%
Average (2.5 - 2.9)	0	0%	Average (2.5 - 2.9)	1 6%
Below Average (3.0+)	1	6%	Below Average (3.0+)	1 6%



JUROR ATTENTIVENESS

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	6	35%	Excellent (1.0 - 1.4)	4 25%
Very Good (1.5 - 1.9)	3	18%	Very Good (1.5 - 1.9)	4 25%
Good (2.0 - 2.4)	2	12%	Good (2.0 - 2.4)	3 19%
Average (2.5 - 2.9)	0	0%	Average (2.5 - 2.9)	1 6%
Below Average (3.0+)	6	35%	Below Average (3.0+)	4 25%

COURTROOM CALM

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	3	17%	Excellent (1.0 - 1.4)	4 25%
Very Good (1.5 - 1.9)	10	56%	Very Good (1.5 - 1.9)	3 19%
Good (2.0 - 2.4)	3	17%	Good (2.0 - 2.4)	9 56%
Average (2.5 - 2.9)	1	6%	Average (2.5 - 2.9)	0 0%
Below Average (3.0+)	1	6%	Below Average (3.0+)	0 0%

APPENDIX G

## DISTRIBUTION OF MEANS BY CASE

JUDGE ATTENTIVENESS

	EMC CASES			BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	6	33%	Excellent (1.0 - 1.4)	3	19%
Very Good (1.5 - 1.9)	8	44%	Very Good (1.5 - 1.9)	5	31%
Good (2.0 - 2.4)	3	17%	Good (2.0 - 2.4)	8	50%
Average (2.5 - 3.0)	1	6%	Average (2.5 - 3.0)	0	0%
Below Average (3.0+)	0	0%	Below Average (3.0+)	0	0%

JUDGE CONTROL

	EMC CASES			BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	1	6%	Excellent (1.0 - 1.4)	0	0%
Very Good (1.5 - 1.9)	13	72%	Very Good (1.5 - 1.9)	4	25%
Good (2.0 - 2.4)	3	16%	Good (2.0 - 2.4)	10	63%
Average (2.5 - 2.9)	0	0%	Average (2.5 - 2.9)	1	6%
Below Average (3.0+)	1	6%	Below Average (3.0+)	1	6%

APPENDIX GJUROR ATTENTIVENESS

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	6	35%	Excellent (1.0 - 1.4)	4 25%
Very Good (1.5 - 1.9)	3	18%	Very Good (1.5 - 1.9)	4 25%
Good (2.0 - 2.4)	2	12%	Good (2.0 - 2.4)	3 19%
Average (2.5 - 2.9)	0	0%	Average (2.5 - 2.9)	1 6%
Below Average (3.0+)	6	35%	Below Average (3.0+)	4 25%

COURTROOM CALM

	EMC CASES		BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>	<u>Abs. Freq.</u>	<u>Pct.</u>
Excellent (1.0 - 1.4)	3	17%	Excellent (1.0 - 1.4)	4 25%
Very Good (1.5 - 1.9)	10	56%	Very Good (1.5 - 1.9)	3 19%
Good (2.0 - 2.4)	3	17%	Good (2.0 - 2.4)	9 56%
Average (2.5 - 2.9)	1	5%	Average (2.5 - 2.9)	0 0
Below Average (3.0+)	1	5%	Below Average (3.0+)	0 0%

APPENDIX G

Frequency Distribution of Evaluator Observations

By Case Means:

Distraction Issue Attributes



PARTY DEMOGRAPHICS AND EXPERIENCE

	SEX			AGE	
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Male	6	86%	0 - 24	0	0%
Female	1	14%	25 - 34	0	0%
			35 - 44	4	57%
			45 - 54	3	43%
<u>EDUCATION</u>					
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
0 - 8	0	0%	55+	0	0%
9 - 12	1	14%			
13 - 16	4	57%			
Graduate School	2	29%	No	3	43%
			Yes	4	57%
<u>EXPERIENCE</u>					

## APPENDIX F

JUROR DEMOGRAPHICS AND EXPERIENCE

SEX			AGE		
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Male	24	44%	0 - 24	9	15%
Female	31	56%	25 - 34	12	19%
			35 - 44	15	24%
			45 - 54	6	10%
			55+	20	32%
EDUCATION					
<u>Grades</u>	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
0 - 8	1	2%			
9 - 12	15	28%			
13 - 16	32	59%			
Graduate School	6	11%	None	40	75%
			Once Before	6	11%
			2, 3, 4	5	9%
			5+	2	4%
OCCUPATION					
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Professional/ Managerial	7	21%			
Business/Sales/ Service	2	6%			
Technical	6	18%			
Trades & Agriculture	1	3%			
Clerical	2	6%			
Housewife/ Student?					
Retired	15	46%			

JUDGE AND ATTORNEY EXPERIENCE WITH "HIGH MEDIA" CASES

	JUDGES			ATTORNEYS	
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
None	5	5%	None	9	19%
1 - 5	21	21%	1 - 5	16	33%
6 - 10	33	34%	6 - 10	9	19%
11 - 15	23	24%	11 - 15	4	8%
16+	9	9%	16+	4	8%
No Answer	7	7%	No Answer	6	13%



APPENDIX FWITNESS DEMOGRAPHICS AND EXPERIENCE

	<u>SEX</u>			<u>AGE</u>	
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Male	42	75%	0 - 24	2	4%
Female	14	25%	25 - 34	11	21%
			35 - 44	18	34%
			45 - 54	18	34%
	<u>EDUCATION</u>				
<u>Grades</u>	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
0 - 8	1	2%	55+	4	7%
9 - 12	8	15%			
13 - 16	26	49%			
Graduate School	18	34%	None	21	37%
			1 - 5	9	16%
			6 - 10	6	11%
			11 - 15	1	2%
			16+	19	34%

VOLUME OF COVERAGE

EMC CASES			BASELINE CASES		
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Once Only	2	2%	Once Only	0	0
Intermittent	33	32%	Intermittent	10	56%
Continuous	67	66%	Continuous	8	44%

IMPORTANCE RATING

EMC CASES			BASELINE CASES		
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Low Import 1	12	12%	Low Import 1	1	6%
2	16	16%	2	0	0
3	28	27%	3	2	11%
4	16	16%	4	3	17%
5	11	11%	5	8	42%
6	8	8%	6	1	6%
7	4	4%	7	1	6%
8	3	3%	8	1	6%
High Import 9	4	3%	High Import 9	1	6%

TOTAL PRESS CORPS PRESENT

	EMC CASES			BASELINE CASES	
	<u>Abs.</u> <u>Freq.</u>	<u>Pct.</u>		<u>Abs.</u> <u>Freq.</u>	<u>Pct.</u>
0 - 3	87	85%	0 - 3	13	71%
4 - 6	8	8%	4 - 6	3	17%
7 - 10	2	2%	7 - 10	1	6%
11 - 20	1	1%	11 - 20	0	0%
21+	4	4%	21+	1	6%

VOLUME AND TIME DISTRIBUTION

EMC CASES			BASELINE CASES		
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
7/1/80 to 1/31/80	31	30%	Before 7/1/80	9	50%
1/31/81 to 6/30/81	71	70%	After 7/1/80	9	50%

CASE TYPE

EMC CASES			BASELINE CASES		
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Civil	32	31%	Civil	4	22%
Criminal	70	69%	Criminal	14	78%

COURT TYPE

EMC CASES			BASELINE CASES		
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Lower	37	36%	Lower	2	11%
Superior	65	64%	Superior	16	89%

PROCEEDING TYPE

	EMC CASES			BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Arraignments	12	12%	Arraignments	0	0
Preliminary Hearings	6	6%	Preliminary Hearings	0	0
Motions	32	32%	Motions	3	17%
Trial	43	42%	Trials	14	78%
Sentencings	9	9%	Sentencings	1	5%

COVERAGE TYPE

	EMC CASES			BASELINE CASES	
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
TV Only	29	28%	Conventional	11	61
Still Camera Only	14	14%	Conventional & Sketch Artist	7	3%
TV and Still Camera	39	38%			
TV, Still Camera, and Radio	20	20%			

APPENDIX A

Rules of Court 980.2 and 980.3

Adopted March, 1980

Note: The rules were amended prior to the beginning of the experimental year (July 1, 1980) to include a party consent requirement in criminal trial level proceedings. This requirement subsequently was removed effective February 1, 1981, reverting the rules back to the status reflected in this appendix.



Rule 980.2. Experimental electronic and photographic coverage of court proceedings

(a) [Authority] The provisions of this rule and rule 980.3 are adopted pursuant to the authority granted to the Judicial Council by the Constitution, article VI, section 6, to adopt rules for court administration, practice and procedure.

(b) [Applicability] During the period that this rule is in effect, the provisions of rule 980 shall not apply to the photographing, recording for broadcasting, or broadcasting of court proceedings within the courts of the State of California if the requirements of this rule are observed. This rule shall take effect on June 1, 1980 and shall continue in effect to and including May 31, 1981.

(c) [Definitions] As used in these rules, unless the context otherwise requires:

(1) "These rules" means this rule and rule 980.3.

(2) "Proceeding" means any trial, hearing, motion, hearing on an order to show cause or petition, or any other matter held in open court which the public is entitled to attend.

(3) "Extended coverage" means any media recording or broadcasting of proceedings by the use of television, radio, photographic, or recording equipment.

(4) "Judge" means the justice, judge, judicial officer, or magistrate presiding over the proceedings in which extended coverage is or is requested to be taking place. In courts with more than one "judge" presiding over the proceedings, any decision required to be made by the "judge" shall be made by a majority of the judges.

(5) "Presiding judge" means the judge selected to perform administrative duties in a court with more than one judicial officer.

(6) "Party" means a named litigant of record who has appeared in the case.

(7) "Attorney" means the attorney of record appear-



ing for a party. A party may have only one attorney of record authorized to act on behalf of that party in the proceeding at any one time but may designate a different attorney or change attorneys at any time as permitted by law.

(8) "Trial participants" means all parties, attorneys, jurors, witnesses, court personnel and the judge or judges present during the conduct of proceedings.

(9) "Media" means any news gathering or reporting agencies and the individual persons involved, and includes newspapers, radio, television, radio and television networks, news services, magazines, trade papers, in-house publications, professional journals, or other news reporting or news gathering agencies whose function it is to inform the public or some segment thereof.

(d) [General provisions and exclusions]

(1) Nothing in this rule is intended to restrict in any way the present rights of the media to report proceedings.

(2) No proceedings shall be delayed or continued to allow for extended coverage, nor shall the requirements of extended coverage in any way affect legitimate motions for continuances or challenges to the judge.

(3) Nothing in this rule is intended, nor shall it be interpreted, to alter, modify, or change any rules of professional conduct or canons of ethics of attorneys or judges, except as provided for specifically in these rules.

(4) Extended coverage shall be conducted so as not to be distracting and not to interfere with the solemnity, decorum, and dignity which must attend the making of decisions that affect the life, liberty, or property of citizens.

(e) [Request for extended coverage]

(1) All requests for extended coverage shall be made by the media to the court or judge a reasonable time in

advance of the commencement of the extended coverage to allow compliance with all the provisions of these rules.

(2) Requests for extended coverage shall be made in writing, and shall refer to the individual proceeding with sufficient identification to assist the judge in considering the request. Requests for extended coverage on a blanket basis shall not be honored, but shall be acted upon only for the purpose of a particular individual proceeding. Where proceedings are continued other than for normal or routine recesses, weekends, or holidays, it shall be the responsibility of the media to make a separate request for later extended coverage.

(f) [Consent to extended coverage]

(1) No extended coverage shall be allowed except with the consent of the judge. Such consent shall be in writing, filed in the record of the proceedings, and recorded in the minutes of the court.

(2) The judge may, in the interests of justice, refuse, limit or terminate extended coverage if a party objects to extended coverage.

(3) The consent of the attorney for a party shall not be required, but the attorney may direct a motion to the judge to refuse, limit or terminate extended coverage. Such motion shall be directed to the discretion of the judge. The objection of the attorney for a party shall be noted in the record of the proceedings and in the minutes of the court.

(4) The judge may in the interests of justice, refuse, limit or terminate extended coverage of any witness who objects to extended coverage.

(5) The consent of jurors shall not be required for extended coverage, but such extended coverage shall be subject to the limitations and exclusions provided in subdivision (g).

(g) [Restrictions on extended coverage]

(1) There shall be no extended coverage of any pro-

[over]

ceedings which are by law closed to the public, or which may be closed to the public and which have been closed by the judge.

(2) There shall be no extended coverage of the selection of the prospective jury during voir dire.

(3) There shall be no closeup or "zoom" extended coverage of individual members of the jury while in the jury box, while within the courtroom, while in the jury deliberation room during recess, or while going to or from the deliberation room at any time.

(4) To protect the attorney-client privilege and the effective right to counsel of all trial parties, there shall be no audio coverage of conferences between attorneys and clients or parties, or between co-counsel and clients or parties, or between counsel and the judge held at the bench.

(5) There shall be no extended coverage of any conference held in the chambers of a judge.

(6) In order to preclude extended coverage of any matters presented to the court in the absence of the jury which are for the purpose of determining the admissibility of evidence, the judge may conduct a hearing in chambers.

(h) [Extended coverage media standards]

(l) Equipment and personnel

(i) Equipment from one television station or network --designated as the pooling station or network--shall be permitted access to a courtroom proceeding at one time. The pooling station or network may use portable television cameras that are silent videotape electronic cameras or, in the absence of such equipment, silent 16mm sound on film (self-blimped) cameras. One television camera, operated by one camera person, shall be admitted to record a proceeding. A second camera may be admitted for live coverage in the discretion of the judge.

(ii) One audio system for broadcast purposes

shall be permitted in a proceeding. Where possible, audio for all media shall be from audio systems present in the court. If no technically suitable audio system exists, microphones and related wiring essential for media purposes shall be unobtrusive, located in places designated in advance by the judge, and operated by one person.

(iii) One still photographer, using not more than two still cameras with not more than two lenses for each camera, shall be permitted in a proceeding subject to extended coverage. A second still photographer, using not more than two still cameras with not more than two lenses for each camera, may be admitted in the discretion of the judge.

(iv) No equipment or clothing of any extended coverage personnel shall bear any insignia or identification of the individual media or network involved in extended coverage.

(2) Sound and light criteria

(i) Only equipment that does not produce distracting sound or light shall be employed to cover judicial proceedings. Specifically, camera and audio equipment shall produce no greater sound and light than the equipment designated in Schedule A, annexed hereto, when the same is in good working order; still camera equipment shall produce no greater sound than the camera equipment designated in Schedule B, annexed hereto, when the same is in good working order. No motorized drives shall be permitted, and no moving lights, flash attachments, or sudden lighting changes shall be permitted during court proceedings.

(ii) It shall be the affirmative duty of extended coverage personnel to demonstrate to the judge adequately in advance of any proceeding that the equipment sought to be used meets the sound and light criteria enumerated herein.

(iii) Except to increase the wattage of existing courtroom lights, there shall be no modifications or additions to light equipment existing in a courtroom.

[over]

Any increases in wattage shall be with permission of the judge and if authorized, shall be installed, maintained, and removed without public expense.

(iv) No light or signal visible or audible to trial participants shall be used on any equipment during extended coverage to indicate whether it is operating.

(3) Position and movement during proceedings

(i) Extended coverage personnel and equipment shall be positioned so as to provide reasonable coverage in such location in the court facility as shall be designated by the judge. Equipment that is not a component part of a television camera, and video and sound recording equipment, shall be located outside the courtroom, unless other arrangements are approved in advance by the judge.

(ii) Extended coverage equipment shall not be placed in or removed from the courtroom except prior to or after proceedings each day, or during a recess.

(iii) All extended coverage equipment operators shall assume their assigned, fixed position within the designated area and once established in that position shall act in a manner so as not to call attention to their activities. Extended coverage equipment operators shall not be permitted to move about during the court session.

(i) [Pooling]

(1) Consent to extended coverage when it is granted shall be given impartially to all media representatives and without discrimination based upon local, national, or international coverage. If it is necessary to limit the number of media personnel or equipment in the courtroom in compliance with these rules, pooling arrangements shall be instituted to insure that all media requesting extended coverage are provided with access to extended coverage.

(2) Pooling arrangements among members of the media shall be the sole responsibility of the media and shall not require the judge or court personnel to mediate disputes. In the absence of agreement or in the event of

General Attitude Survey Pre-Post Mean Scores for  
Judges, Prosecutors and Defenders Items 1 - 27

	<u>JUDGES</u>				<u>PROSECUTORS</u>				<u>DEFENDERS</u>			
	<u>Inexp</u>		<u>Exp</u>		<u>Inexp</u>		<u>Exp</u>		<u>Inexp</u>		<u>Exp</u>	
	Pre	After Post	Pre	After Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
1	3.37	3.33	2.95	2.54	3.91	3.46	3.64	2.76	4.08	3.96	4.41	4.52
2	2.84	3.03	3.05	3.21	2.66	2.79	2.86	3.06	2.26	2.21	1.93	1.84
3	3.50	3.62	3.30	3.36	3.84	3.79	3.54	3.58	3.74	3.91	3.78	3.97
4	3.42	3.59	3.33	3.37	3.79	3.76	3.57	3.42	3.77	3.82	4.30	4.48
5	2.67	2.66	2.71	3.05	2.26	2.29	2.50	2.82	2.37	2.21	2.00	1.94
6	2.63	2.74	2.94	3.24	2.22	2.42	2.29	2.88	2.13	2.12	1.82	1.90
7	3.00	3.23	3.23	3.26	2.58	2.72	2.71	3.15	1.90	1.62	1.74	1.48
8	2.42	2.70	2.38	2.78	2.49	2.73	1.57	2.70	2.06	2.04	1.96	2.26
9	2.98	3.20	3.34	3.31	2.87	3.05	3.11	3.36	2.25	2.31	2.07	2.13
10	2.44	2.57	2.25	2.22	3.14	2.86	2.26	2.36	3.05	3.06	3.33	3.26
11	2.53	2.60	2.84	3.00	2.07	2.17	2.32	2.85	1.94	1.99	1.74	1.61
12	3.07	3.13	3.25	3.45	2.86	2.95	2.89	3.15	2.62	2.62	2.63	2.48
13	3.61	3.54	3.77	3.89	3.15	3.35	3.57	3.58	2.97	2.90	2.59	2.61
14	2.61	2.70	2.50	2.93	2.42	2.62	2.64	3.09	2.13	2.17	2.26	2.36
15	3.05	3.21	3.22	3.27	3.03	3.13	3.36	3.55	1.76	1.63	1.56	1.55
16	3.40	3.48	3.25	3.42	3.59	3.46	3.64	3.59	3.63	3.77	3.63	4.00
17	1.93	2.39	2.10	2.85	1.94	2.09	1.93	2.53	1.48	1.55	1.26	1.33
18	2.69	2.88	2.50	2.77	3.54	3.71	3.89	4.22	1.94	1.80	1.59	1.87
19	2.32	2.47	2.53	2.80	1.90	2.09	2.18	2.39	2.00	2.00	1.85	1.87
20	2.17	2.16	2.13	2.08	2.61	2.46	2.32	2.78	2.74	2.68	2.63	2.45
21	3.13	3.10	3.02	2.70	3.27	3.24	3.04	2.81	4.06	4.13	3.89	4.13
22	2.46	2.56	2.68	3.07	2.14	2.15	2.30	2.53	2.07	2.10	1.85	2.00
23	3.41	3.44	3.73	3.67	3.10	3.19	3.50	3.72	2.78	2.68	2.56	2.42
24	3.06	3.39	3.25	3.49	3.23	3.28	3.57	3.59	1.74	1.71	1.44	1.68
25	2.34	2.54	2.52	2.93	2.14	2.30	2.00	2.97	1.88	1.95	1.67	1.68
26a	2.72	2.44	2.33	2.12	2.51	2.49	2.40	1.78	3.10	3.57	3.67	3.20
26b	3.09	2.88	2.75	2.42	3.38	3.12	3.00	2.47	3.54	3.73	4.00	3.67
26c	3.22	3.03	2.92	2.61	3.78	3.40	3.32	2.63	4.18	4.23	4.56	4.37
27	3.97	4.05	4.00	4.10	3.96	4.06	4.23	4.20	3.99	3.92	3.74	3.97

