

THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

**SUPERIOR COURT
2013-CV-098**

CITY OF KEENE

V.

JAMES CLEAVELAND, ET. AL.

ORDER

The Court held a hearing on Monday, June 24, 2013, on the motion regarding **bailiff behavior and media restrictions** filed by one of the defendants, Ian Freeman. The **City of Keene**, through counsel, objected to the motion. The issues raised by this motion and at the hearing relate to the application and interpretation of the rules concerning use of media equipment in the courtroom and the courthouse.

Superior Court Rule 78 and Administrative Order 2011-50 set out the circumstances under which cameras, broadcasting equipment and recording devices can be used in courtrooms and other public areas of courthouses. Both Rule 78 and the **Administrative Order** directly apply to all proceedings in the Cheshire County Superior Court, including this case. The Administrative Order contains the following statement regarding the goals of the Superior Court:

The Superior Court acknowledges its obligation to provide open access to court proceedings and its responsibility to provide its constituents with a dispute resolution forum that is safe, dignified and free from unnecessary disruption. The court is also obligated to ensure that constituents can conduct their business and observe court operations without fear of intimidation, annoyance or embarrassment.

At the hearing, there was discussion regarding the rules that apply in the courtroom and in other public areas of the courthouse. The Court will address each separately.

Courtroom Proceedings

As set forth in ¶ 2 of the Administrative Order, "No person shall photograph, record or broadcast any court proceedings without providing advance notice to the presiding justice that he or she intends to do so." The Court notes that Mr. Freeman has complied with this provision in this case and other cases and, from the Court's perspective, has conducted himself and his equipment in Court in an appropriate manner in the courtroom.

Other Public Areas of the Courthouse

The use of cameras, broadcasting equipment and recording devices in other public areas of the courthouse is specifically addressed in ¶1 of the Administrative Order. The Clerk of Court will confer with the Sheriff's Office to set up a designated staging area within the public areas of the courthouse where cameras or audio equipment may be used in this case. Pursuant to the Administrative Order, no cameras, broadcasting equipment or other recording devices may be used outside of this designated staging area within public areas of the courthouse, other than the courtroom as discussed above.

SO ORDERED.

DATE: _____

7/1/13



JOHN C. KISSINGER
PRESIDING JUSTICE