

Rule 53. Photography, Broadcasting, Recording, and Other Disclosures

(a) Disclosures by Courthouse Personnel. All courthouse supporting personnel, including among others, marshals, court clerks, law clerks, messengers and court reporters, must not disclose to any person information relating to any pending criminal proceeding that is not part of the public records of the court without specific authorization of the court, nor may any such personnel discuss the merits or personalities involved in any such proceeding with any members of the public.

(b) Photographing, Broadcasting, Recording.

(1) Except as otherwise provided by a statute or these rules, the taking of photographs, the use of any recording device, and any form of broadcasting in the Superior Court are prohibited.

(2) Exceptions.

(A) Photographs may be taken and recording devices used at ceremonial functions and educational activities.

(B) Photographs may be taken and recording devices used in any room other than a courtroom, its adjacent anterooms, the cellblock, the corridors and the lobby, with the permission of the person in charge of the room and of the person being photographed or recorded.

(C) A judge or a magistrate judge may permit the taking of photographs or the use of recording devices for the presentation or preservation of evidence or perpetuation of the record.

(c) Release of Information by or Opinions of Counsel. Neither an attorney who has undertaken the representation of a defendant nor the attorney for the government, whether the case is in progress or is imminent, shall release or authorize the release of information not in the public record for dissemination by any means of public communication which is likely to interfere with a fair trial or otherwise prejudice the due administration of justice. No statement by any such attorney may be so disseminated containing the attorney's opinion as to guilt or innocence, as to credibility of witnesses, as to motives of the other party, or as to similar matters bearing on the conduct of the litigation.

(d) Widely Publicized or Sensational Cases. In a widely publicized or sensational criminal case, the court on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused and of the government to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses and any other matters which the court may deem appropriate in the administration of justice.

COMMENT TO 2016 AMENDMENTS

Paragraphs (a), (b)(2), (c), and (d) are retained from the former rule. They have no federal counterparts. Subparagraph (b)(2) has been revised to make it more comprehensive. Minor stylistic changes have been made to maintain consistency throughout the rules.

Subparagraph (b)(1) is similar to the federal rule, but extends the prohibitions of the rule to places outside courtrooms.

Superior Court Rule of Civil Procedure 203 addresses similar issues.