



CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY
LANE COUNTY COURTHOUSE
125 E. 8th AVENUE
EUGENE, OREGON 97401-2926

MARY ANN BEARDEN
CIRCUIT JUDGE
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MEMORANDUM

Date: November 7, 2008
To: Denae D'Arcy, KVAL News Anchor/Reporter
From: Judge Mary Ann Bearden
RE: KVAL media request for information

UTCR 3.180 addresses media access coverage of court events. The court rarely receives timely requests for camera access. A good recent example would be a high profile murder trial with a lot of public interest. This was the type of trial wherein a request for one media pool camera might have been made, but no request was made until almost the end of the trial, at which point the request was very untimely, would have caused delay, and would have been disruptive to the proceedings; that request had to be denied. Although I am the presiding judge, public access by cameras in a courtroom is not my decision, but rather the decision of the judge who is handling the case or proceeding. The only decision that is always left to the presiding judge by UTCR 3.180 is paragraph (5) pertaining to areas outside of the courtrooms. I allowed a camera in 35 day call upon prior written request under the UTCR by the Register Guard on a specific date for a specific purpose. I am aware of several other instances in Lane County in which cameras, both from the print media and television media have been allowed after proper request under the rule.

Court proceedings are unique in many ways. Except for some very narrow, legally defined, exceptions, they are open to the public. However, a judge cannot allow public access coverage to interfere with the rights of the parties to a fair trial, or to affect the presentation of evidence or the outcome of the trial. This is a decision made by the judge handling the case after receipt of a request under the rule. I understand that one of KVAL's reporters recently spoke with Alex Gardner, the District Attorney elect. Mr. Gardner correctly informed the reporter that there have been high profile cases tried in other counties with one shared, small television camera, with no additional artificial lighting, installed in a semi-permanent way, operated remotely from outside the courtroom, that could be operating very quietly so as not to disturb or interfere with the proceedings. The cost of installing a camera in a situation such as that would have to be borne by the media as we have no funds for such a project. I understand that television stations in various other jurisdictions have successfully cooperated in making similar arrangements for coverage of high profile cases.