

EXHIBIT C

Part 3 of 4

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 year³⁶ 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

³⁶People 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'd

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?

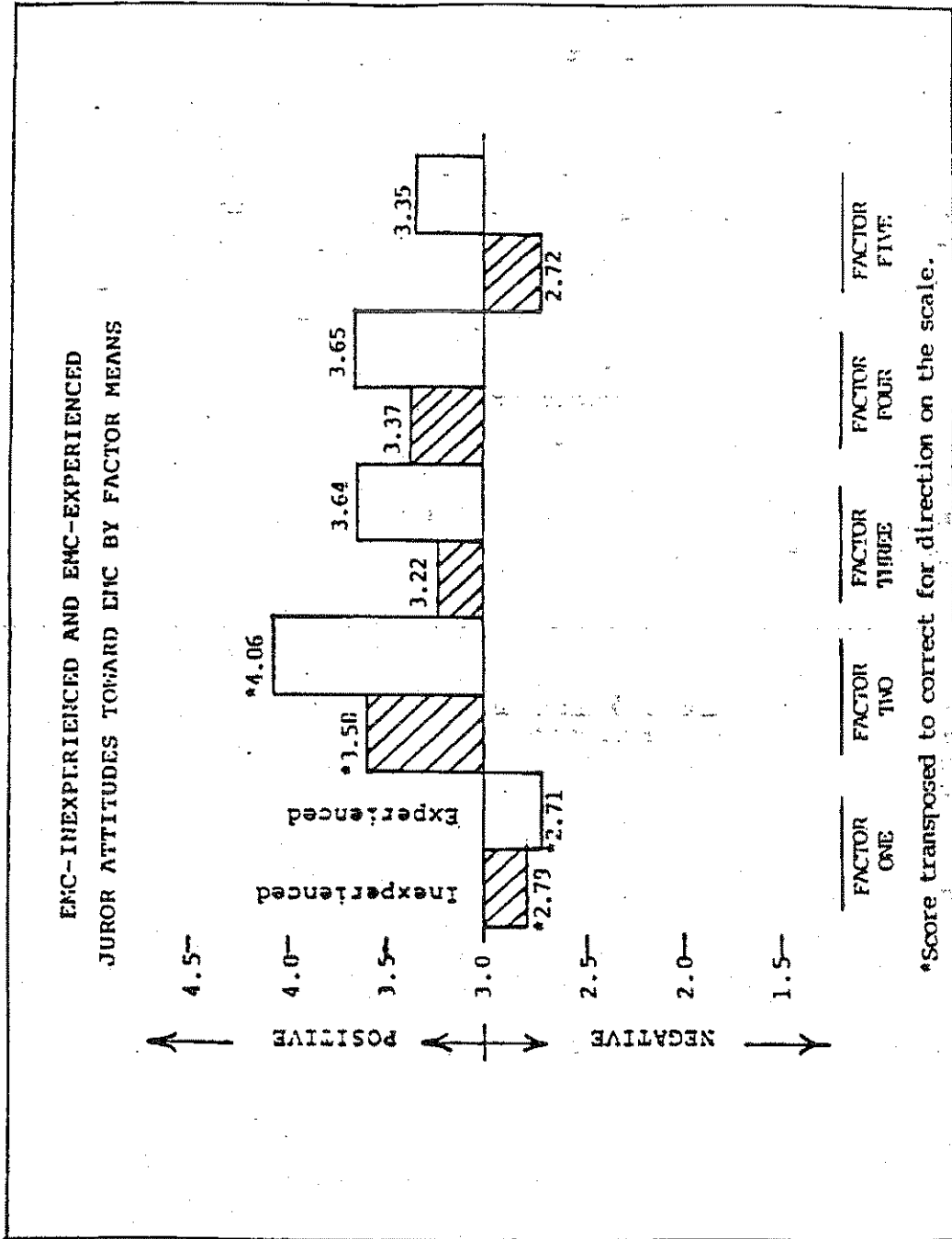
Inexperienced and EMC-Experienced Jurors by factors. The means for Factors 1 and 2 have been corrected for direction, so that a positive attitude toward EMC is consistently indicated by the larger numbers. As is obvious, EMC-Experienced Jurors show very positive attitudes toward EMC on all factors, except 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		^A 3.21	.86	0.4
EXPERIENCED	77		3.29	.88	
2. ROLE PERFORMANCE		.50			
INEXPERIENCED	909		^A 2.42	.82	0.0
EXPERIENCED	79		1.94	.77	
3. DECISION INFLUENCE		.79			
INEXPERIENCED	911		^B 3.22	.89	0.0
EXPERIENCED	79		3.64	.81	
4. GENERAL JUROR ATTITUDE		.70			
INEXPERIENCED	906		^B 3.37	.97	0.0
EXPERIENCED	78		3.65	.92	
5. DISTRACTION AND INHIBITION		.85			
INEXPERIENCED	899		^B 2.72	.88	0.0
EXPERIENCED	79		3.35	.86	

*= 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 fluctuation 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 Characteriestics



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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 lighting
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

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

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

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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 proceedings.

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.

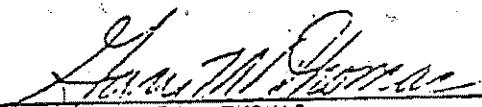
On October 30, 1980, none of the persons operating the electronic equipment gave their names or affiliation to the Clerk.

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