**S.2067**
**A.3950**

**Senator DeFrancisco**
**M. of A. Weprin**

AN ACT to amend the judiciary law, in relation to audio-visual coverage of judicial proceedings and to repeal section 218 of such law relating to audio-visual coverage of judicial proceedings

**THIS BILL IS APPROVED**

The Association of the Bar of the City of New York strongly urges the passage of S.2067/A.3950 ("the Bill"), which would permit news coverage by audio-visual means of courtroom trials in New York State. Such coverage is presently prohibited in New York by Section 52 of the New York Civil Rights Law.

Few rights are more basic in our representative democracy than the right of the public to view courtroom trials. See, e.g., Nebraska Press Ass'n v. Stuart, 427 U.S. 539 (1976); Richmond Newspaper, Inc. v. Virginia, 448 U.S. 555 (1980). Our nation trusts the administration of justice in part because it is open and the people have a right to be present. However, such a right cannot be fully realized unless the media is permitted to use modern means of technology to cover court proceedings. This is precisely what this Bill would provide. The presence of the public in the courtroom helps ensure that proceedings are fair, that judges and other public employees are performing their duties appropriately, and that criminal sentencing is consistent and commensurate. The camera merely extends that public participation.

For ten years (1987 to 1997) New York permitted the news media to cover trials by audio-visual means as part of four experiments. At the conclusion of each of these experiments, panels of distinguished experts determined that such coverage should be made permanent. See, e.g., Report of the Committee to Review Audio-Visual Coverage of Court Proceedings, *reprinted in* An Open Courtroom: Cameras in New York Courts 70 (Fordham Univ. Press 1997). However, the legislature rejected these recommendations and permitted the final experiment to "sunset." Statutory authority for such coverage has been disallowed ever since.

Thirty-four states presently permit their courtroom proceedings to be viewed by audio-visual means. Radio-Television News Directors Association & Foundation, *Cameras in the Court: A State-by-State Guide,* http://www.ftnda.ord/foi/scc/shtml. New York, as a leader in public openness, should join these states in allowing cameras in the court.

We believe that many of the concerns that opponents of courtroom cameras have raised in the past have been obviated by recent changes. Modern videographic and photographic technology makes the camera an unobtrusive presence in the courtroom. Further, while some opponents have been concerned that only the most dramatic snippets of a trial will reach the public, the existence of streaming video on the Internet and the proliferation of cable networks now allow for more complete coverage of trials. That lessens the possibility that participants will be tempted to "play to the camera" or that the public will receive a distorted view of the realities of a trial.

In short, we do not believe that the presence of cameras will alter the conduct of trials or disrupt proceedings, and the experience in other states supports that conclusion.

Both New York's Governor and the Chief Judge of the Court of Appeals have stated, unequivocally, that they favor audio-visual coverage of court proceedings. We urge the legislature to pass the Bill and further open the courtrooms of New York to the public.