



Summary of Use of Recording and Transmitting Devices in Courthouse or Courtroom

Effective **September 3, 2019**, this applies in civil division, V.R.C.P. 79.2, environmental division, V.R.E.C.P. 3, family division, V.R.F.P. 4.0(a)(2), criminal division, V.R.Cr.P. 53, and probate division, V.R.P.P. 79.2.

In a Courthouse, any person

- May possess devices
- May use devices nondisruptively
- May not use devices to communicate with a sequestered witness or to record or transmit images or sound of the sequestered witness
- May not, outside a courtroom, use devices to record or transmit images or sound of another person without express consent

In a Courtroom

Registered Media

- May use devices to orally and visually record public proceedings
- May use devices to transmit (live stream) public proceedings
- Must comply with limits on location and pooling for that courtroom

Participants

- May use devices to audio record proceedings
- May not use devices to video record or transmit

Registered Media and Participants

- May not use devices to communicate orally
- May not operate devices in a manner that emits a distracting sound
- May not use devices to record audio of bench conferences, conferences between co-counsel, or activity during a recess
- May not use devices to record audio or video of conferences between attorney and client (only still images)
- May not use devices to record or transmit activities or images of jurors, except the court may allow images that include the jury on terms that will protect the identity of jurors

Nonparticipants

- May not use devices to communicate orally or to record or transmit audio or video
- May not operate devices in a manner that emits a distracting sound
- May not use devices at all during evidentiary proceedings or when jury is present

Jurors

- May not use devices during jury selection or trial
- May not possess devices while deliberating

Court's Discretion

- For all or part of a proceeding, the court can permit, prohibit, terminate, limit, or postpone recording or transmitting based on a list of factors
- If the court waives limits of the rules, the court can include restrictions on placement and operation