

**Opening remarks of Chief Justice Mark Cady,
Iowa Supreme Court,
Senate Judiciary Subcommittee on Administrative Oversight
and the Courts
December 6, 2011**

Introduction

It is my pleasure and privilege to speak with you today about Iowa's experience with video coverage of court proceedings. First, I will address our procedures and processes. Later, I will explain what I see as the benefits of this type of coverage.

Video and Photographic Coverage of Iowa's Courts

The Iowa Judicial Branch is a leader in allowing video and audio media coverage of courts. For more than 30 years, Iowa's courts have allowed audio, photographic, and video coverage of the courts. We refer to this type of coverage as "expanded media coverage."

In 1979, following a thorough study, the Iowa Supreme Court adopted rules to allow expanded media coverage of court

proceedings in both the trial and appellate courts. These rules are carefully designed to prevent disruption of the court hearing and to safeguard the rights of litigants to a fair trial and appeal. In summary, Iowa's rules provide that the media must file a request for coverage with a designated media coordinator who files the request with the court, litigants have the right to object to such coverage, the media must pool equipment, and the rules prohibit coverage of certain sensitive subjects and segments of a hearing.

Our rules have worked very well. The rules limit the number of cameras in the courtroom, require that the cameras be stationary so as not to distract from the proceedings, and ensure that the presiding judge always has control of the process. But our judges rarely have problems with expanded media coverage. The journalists who cover the courts respect the rules and the rights of litigants.

This process works so well that it has become expected. Expanded media coverage of trials, particularly in high profile trials, is a matter of routine. Expanded media coverage of appellate hearings, however, is less common. I estimate that we might have expanded media coverage of one or two oral arguments a year.

In addition to our procedure for expanded media coverage of the courts, the Iowa Supreme Court streams all of its oral arguments online. We also archive the videos for later viewing. Our court began recording video of its oral arguments and making them available online in 2006. We stopped this practice for a couple of years due to state budget cuts in 2009. However, earlier this year, we found a way to reinstitute video coverage. This time, however, we added live online streaming of hearings.

Why allow cameras in the courts?

Now I want to turn to the benefits of video coverage of court proceedings.

As you know, the strength of our democracy, indeed any democracy, requires a well-informed citizenry. This principle holds true for each branch of government. The strength and effectiveness of our court system depends on public confidence in the courts. As former United States Supreme Court Justice Thurgood Marshall once said, “We can never forget that the only real source of power that we as judges can tap is the respect of the people.” That respect obviously depends on how well we do our job of administering justice. But, it also depends on the public’s understanding of our job and the information the public has about how we are doing our job.

So, how can the people learn about courts and court cases?

In our country, court proceedings are, as a general proposition, open to the public. As a general proposition, case records are available for public inspection. In addition, judicial decisions are written, public documents. Also, trials and hearings are for the most part open to the public, which allows people to attend court proceedings to learn about the courts firsthand. Realistically, however, most people do not have the time, the ability, or the inclination to attend a court hearing. For these reasons, we need to make it convenient for the public to stay informed about the work of the courts—take the courts to the people so to speak.

Naturally, the media is an important conduit for informing the public about court cases. Our experience in Iowa shows, however, that expanded media coverage of the courts tends to be boiled down to a few seconds of video of a high profile trial, with a report of the proceedings filtered by the reporter. The public gets a snippet of the process. Although we would like more coverage of trials and oral arguments, we believe the media in Iowa

provides a great public service. Its efforts increase the visibility of courts and court procedures.

At the same time, it has become easier for us to bring the courts directly to the people through modern information technology. With online video of court proceedings, more people will watch court proceedings. Our experience bears this out.

During the first six months of our online videos of oral arguments in 2006, our site logged a total of 5700 views of 40 oral arguments. The next year, 2007, the site had 75,000 views of our oral argument videos. During 2007–2008, the average number of views per oral argument video was 1425.

Compare the numbers of our video views to the number of people who attend our court proceedings. When the Iowa Supreme Court was discussing whether to start making videos of oral arguments available online, we wondered if many people would

take advantage of the opportunity. After all, it is a rare case when there is someone in our courtroom listening to oral arguments other than attorneys waiting to argue their case. For this reason, the strong interest in our online arguments was a nice surprise.

Let me leave you with two final observations. The first is camera coverage of Iowa court proceedings is the new normal. As I mentioned earlier, the cameras in our Supreme Court courtroom became a victim of budget cuts for a couple of years. The operation of our cameras does not cost a lot, but money has been tight. Within a short time, however, we heard many rumblings from attorneys, the public, educators, and students who missed watching our proceedings and wanted the videos reinstated. We realized our cameras had become a normal and expected component of our proceedings. It is the way we do business, and the public likes it and has grown to expect it.

My second observation is this: cameras expose the courts to what they are—a proud institution of justice. The more the public sees our courts operate, the more they like and respect the court system. This was vividly shown to me a few months ago when the Iowa Supreme Court heard oral arguments in a community outside our seat of government in Des Moines. The case involved a criminal violation of an ordinance prohibiting steel wheels on surfaced roads. The issue on appeal was whether the ordinance violated the First Amendment. Our oral arguments drew approximately 350 people from the area. Afterwards, the father of the young Mennonite boy who was the subject of the prosecution approached me and said, “Having seen your court work, I can tell this is a pretty honest thing.” Our courts are an “honest thing,” and cameras can help show this to the people.

Now, I will pause briefly so we can watch a short excerpt of one of our court’s oral argument videos. After the video, I’ll be happy to answer questions.

Thank you.