

## Maryland Judicial Ethics Committee

**Opinion Request Number:** 1975-11

**Date of Issue:** October 21, 1975

**O** Published Opinion      **G** Unpublished Opinion      **G** Unpublished Letter of Advice

### Judge May Participate in Videotaping of Juvenile Proceedings for Educational Purposes Away from Actual Courtroom

You have advised this Committee that the Committee on Juvenile and Family Law and Procedure of the Maryland Judicial Conference, working in coordination with the Juvenile Services Administration, is preparing a program for a Joint Juvenile Conference which will consider the impact of the new juvenile causes statute which became effective on 1 July 1975.

In this connection, there will be prepared video tape segments which simulate various stages of the juvenile process, including intake, informal adjustment, the adjudicatory hearing, and disposition. In the preparation of the tapes, judges, masters, prosecutors, defenders, juvenile services personnel and drama students will portray simulated situations in settings such as police headquarters and circuit courtrooms. You have asked whether the tapes so prepared can properly be used as an educational medium.

You can appreciate, we are sure, that the function of this Committee is limited to a consideration of the propriety of the participation by a judge or judges in the proposed activity.

This Committee has had occasion to consider similar inquiries in the recent past. [Opinion Request No. 1973-05], dated 16 May 1973, concluded that the participation by a juvenile court judge in a mock trial to be staged and filmed at the studios of a television station was not proscribed by the Maryland Canons of Judicial Ethics or the Maryland Rules of Judicial Ethics and that participation in an activity of this nature might even be encouraged by Maryland Canon XXII, provided that the tape was not used in support of an appeal for funds and that the broadcasting of the tape was not directly sponsored by an advertiser.

[Opinion Request No. 1973-07], dated 16 July 1973, concluded that the participation by a judge in the swearing in of a Grand Jury to be filmed by the United States Information Agency was not objectionable, provided that the making of a film in a courtroom was not prohibited by local rule.

[Opinion Request No. 1974-09], dated 27 December 1974, determined that participation by a judge in a mock trial of a defendant charged with shoplifting was not objectionable so long as the production was not filmed in a courtroom ) in this case, a courtroom in \_\_\_\_\_, and the showing of the film was not sponsored by an advertiser.

Here, we regard the participation of a judge or judges, under the circumstances and for the purposes which you have described, as entirely unobjectionable.

Your attention is invited, however, to Maryland Rule 11, which provides that

“A judge shall not permit any photograph or moving picture to be taken or radio or television broadcast, transmission, or recording during judicial proceedings, during recess or before or after proceedings, in the courtroom, or in adjoining corridors or offices.

“This rule applies to all judicial proceedings but is not applicable to investiture,

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Page 2 of 2

ceremonial, or naturalization proceedings.”\*

This Rule should be taken into account, together with any local circuit rule, some of which we believe to be written in more restrictive terms.

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\* As of the editing date [July 10, 2006], provisions as to cameras in courtrooms appear in Maryland Code, Criminal Procedure Article, § 1-201 and Maryland Rules 16-109, 16-405, and 16-406.