

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 10 2007

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

v.

I. LEWIS LIBBY,

Defendant.

Criminal No. 05-394 (RBW)

ORDER

To ensure the proceedings in this matter are conducted in an orderly manner and that both parties obtain a fair adjudication, it is hereby this 10th day, January, 2007, **ORDERED** that,

- (1) Trial of this matter will begin promptly at 9:30 a.m., Monday through Thursday. The one hour lunch recess will generally be from 12:30 p.m. to 1:30 p.m. All participants must be at counsel's table when the proceedings are scheduled to commence. The doors to the Courtroom will open at 9:00 a.m.
- (2) Consistent with the Judicial Council's Policy Guidelines, cameras of any kind (including camera telephones and laptop computer cameras), video cameras of any kind (including video telephones and video cameras connected to laptop computers), and audio recording devices of any kind are not permitted in the Courthouse.
- (3) Courtroom 16.
 - A. Reserved Seating:
 - (i) The defendant's family and close personal friends may sit on the front row of seats on the right side of the courtroom facing the bench;
 - (ii) Any defense counsel not able to sit at the defense table shall sit in the seats to the right of the table that are against the wall in the well of the courtroom;
 - (iii) Any defense counsel not able to sit at the defense table or in the well of the courtroom shall sit in any unoccupied space in the first

- row of seats on the right side of the courtroom facing the bench;
- (iv) All government counsel shall sit at the prosecutor's table on the left side of the courtroom facing the bench;
 - (v) Additional government counsel shall sit in the seats behind the government table in the well of the courtroom and in the first row of seats on the left side of the courtroom facing the bench;
 - (vi) Department of Justice Court Security Specialists shall sit in the first row of seats on the left side of the courtroom facing the bench;
 - (vii) Sketch artists may sit in the second row of seats on the left side facing the bench;
 - (viii) Attorneys for any witnesses may sit in any unoccupied space in the first row of seats on either side of the courtroom;
 - (ix) Members of the press may sit in the second, third, fourth, and fifth rows of seats behind the defendant's family on the right side of the courtroom facing the bench and in any unoccupied space on the second row of seats on the left side of the courtroom. Members of the press must display credentials if requested by court staff or the United States Marshal's Service;
 - (x) Members of the general public may occupy all remaining rows of seats. Seating for the general public at the beginning of the trial day and after each recess will be on a first come first served basis until all seating capacity is filled.
- B. Other than items authorized by this Court for counsel to possess, no other individuals are permitted to have in the courtroom cameras, cellular telephones, camera or vidco telephones, tape recording devices, laptops or other electronic devices.
- C. Paging devices that do not have a transmission capability will be permitted, but their alert signal must be on inaudible or vibration settings.
- D. Photographic, and video and audio recording or transmission of court proceedings are strictly prohibited. Any violation of this prohibition may result in the imposition of contempt sanctions against the violator individually and, if attending in the capacity of an employee or agent, against the employer or principal.
- E. No conversations or gestures that would disrupt the proceedings or distract jurors or witnesses are permitted.
- F. Any member of the general public or press who desires to view the proceedings from Courtroom 16 must be seated before the proceedings are scheduled to commence and, except in case of emergencies, may not exit

the courtroom until there is a recess. Any credentialed member of the press not seated fifteen minutes prior to the commencement of the proceedings will forfeit their seat. No member of the general public or the press will be permitted to enter the courtroom while the proceedings are in progress.

- (4) Courtroom 17 will be one of two remote locations for the audio and video transmission of the proceedings from Courtroom 16. Members of the general public and the press are authorized to access this courtroom. Courtroom cameras will be fixed on the witness, counsel, and the court, with no focus on the jury. Exhibits admitted into evidence and published to the jury will not be displayed in this courtroom due to technical inability to do so.
- A. No cameras, cellular telephones, or tape recording devices may be used in the off-site courtroom.
 - B. Photographic, and video and audio recording or transmission of court proceedings are strictly prohibited. There shall be no broadcasting from Courtroom 17. Any violation of this prohibition may result in the closing of the remote facility and the imposition of contempt sanctions against the violator individually and, if attending in the capacity of an employee or agent, against the employer or principal.
 - C. Seating in Courtroom 17 will be on a first come first served basis until all seating capacity is filled. However, only government counsel, defense counsel, and their authorized employees may sit in the well of this Courtroom.
- (5) The First Floor Media Center will be the second remote location for video and audio transmission of proceedings from Courtroom 16. Cameras will be fixed on the witness, counsel, and the court, with no focus on the jury. In addition, exhibits admitted into evidence and published to the jury will be displayed in this room.
- A. No cameras, cellular telephones, or tape recording devices may be used in the off-site courtroom. Laptop computers will be permitted for note taking purposes, live written reporting of the proceedings, or blogging only.
 - B. Photographic, and video and audio recording or transmission of court proceedings are strictly prohibited. There shall be no broadcasting from the First Floor Media Center. Any violation of this prohibition may result in the banning of all laptops from the remote facility or the closing of the facility and the imposition of contempt sanctions against the violator individually and, if attending in the capacity of an employee or agent,

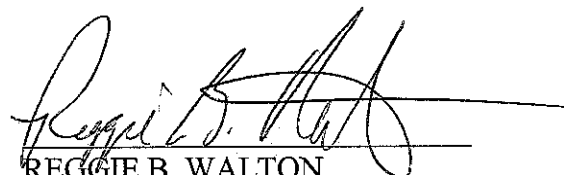
against the employer or principal.

- C. Only credentialed members of the media will be permitted to enter this room.
- (6) Sketch artists preparing drawings of court proceedings are prohibited from drawing detailed sketches of any member of the jury; however, silhouettes with no distinguishing features may be produced.
 - (7) Any member of the public or press who desires to view the proceedings from Courtroom 16, Courtroom 17, or the First Floor Media Center must comply with any requests made by any Court Security Officer or Court Staff.
 - (8) The original exhibits admitted in evidence and published to the jury will not be available to the public for copying or inspecting. The admitting party shall email a copy of any admitted exhibit that has been published to the jury and not restricted by the Court for dissemination to the media at the end of the trial day.
 - (9) Juror Contacts and Security.
 - A. Voir dire will be conducted in Courtroom 16 and will be remotely broadcast to the First Floor Media Center and Courtroom 17. During the questioning of the entire panel and during the peremptory strikes, the defendant's family members will have reserved seating in the fifth row on the left side facing the bench. Two members of the press will have reserved seating in the last row on the left side of the courtroom. During the questioning of individual jurors, the defendant's family members will have reserved seating in the first row on the right side facing the bench. Two members of the press will have reserved seating in the second row on the right side. Members of the press must display credentials upon request.
 - B. Any attempt to contact or interact with jurors, to obtain the location of their residences or job sites, or to otherwise ascertain their identities in any way is strictly prohibited.
 - C. Conversations, interviews and written communications with prospective jurors before the completion of the voir dire, and with selected jurors, including alternate jurors, before the Court has discharged the jury at the conclusion of the trial (before a verdict is reached) are prohibited.
 - D. After a verdict has been rendered and the Court has discharged the jury, any juror may consent to talk with anyone they want concerning the case;

however, they are not obligated to do so and there must not be further attempts to talk to jurors who have indicated a desire not to have such discussions.

- (10) Media.
- A. Interviews of trial participants inside the courthouse are prohibited.
 - B. Consistent with the protocol counsel has employed throughout these proceedings following the Court's order of April 13, 2006, the Court expects counsel not to make comments to the media. The Court will not tolerate any attempts to have this case tried in the media.
- (11) Any violation of any portion of this order may result in the imposition of contempt sanctions against the violator individually and, if attending in the capacity of an employee or agent, against the employer or principal.

SO ORDERED.


REGGIE B. WALTON
United States District Judge