

99.7 “FREE PRESS FAIR TRIAL” DIRECTIVES

(a) Duties of Counsel.

- 1. Statements Interfering with the Due Administration of Justice.** No attorney or law firm may release, or authorize the release of, information or opinion which a reasonable person would expect to be disseminated by any means of public communication, in connection with pending or imminent criminal litigation with which the attorney or law firm is associated, if there is reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.
- 2. Statements with Respect to a Grand Jury.** With respect to a grand jury or other pending investigation of any criminal matter, the attorney participating in or associated with the investigation may not make any extrajudicial statement which a reasonable person would expect to be disseminated, by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.
- 3. Statements Related to the Accused.** From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, no attorney or law firm associated with the prosecution or defense may release, or authorize the release of, any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication, relating to that matter and concerning:
 - A. The prior criminal record—including arrests, indictments, or other charges of crime—or the character or reputation of the accused, except that the counsel or law firm may make a factual statement of the accused’s name, age, residence, occupation, and family status and, if the accused has not been apprehended, counsel associated with the prosecution may release any information necessary to aid in the accused’s apprehension or to warn the public of any dangers the accused may present, but these prohibitions apply only when the release of such information poses a serious and imminent threat of interference with the fair administration of justice;
 - B. The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

- C. The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;
 - D. The identity, testimony, or credibility of prospective witnesses, except that the attorney or law firm may announce the identity of the victim if the announcement is not otherwise prohibited by law, and the release of any such information does not pose a serious and imminent threat of interference with the fair administration of justice;
 - E. The possibility of a plea of guilty to the offense charged or a lesser offense; or
 - F. Any opinion as to the accused's guilt or innocence or as to the merits of the case, when such an opinion would pose a serious and imminent threat of interference with the fair administration of justice.
- 4. Brief and General Statements.** Rule 99.7(a)(3) does not preclude the attorney or law firm during this period, in the proper discharge of the attorney's or the firm's official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against the accused.
- 5. Statements during Trial.** During a trial of any criminal matter, including the period of selection of the jury, no attorney or law firm associated with the prosecution or defense may give or authorize any extrajudicial statement or interview relating to the trial or the parties or issues in the trial, which a reasonable person would expect to be disseminated by means of public communication if such communication poses a serious and imminent threat of interfering with the fair administration of justice, except that the attorney or law firm may quote from or refer without comment to public records of the court in the case.
- 6. More Restrictive Rules.** This Rule does not preclude:
- A. A judge from forming or applying more restrictive rules than those above if they relate to the release of information about juvenile or other offenders;
 - B. Legislative, administrative, or investigative bodies from holding hearing or lawfully issuing reports; or

C. Any attorney from replying to charges of misconduct that are publicly made against that attorney.

- (b) **Duties of Court Personnel.** Unless the Court orders otherwise, no supporting personnel connected in any way with the District or its operation—including marshals, deputy marshals, court clerks or deputies, bailiffs, secretaries, court reporters, and employees or subcontractors retained by the court-appointed official reporters—may disclose to any person any information to a pending grand jury proceeding or criminal case that is not a part of the public records of the District. This prohibition applies specifically to divulging information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.
- (c) **Special Orders in Certain Cases.** In a widely publicized or sensational case, the Court, on motion of any party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses which might interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court deems appropriate for inclusion in such an order.