IN THE

Supreme Court of Virginia

RECORD NO. 122013

VIRGINIA BROADCASTING CORPORATION,

Appellant,

v.

COMMONWEALTH OF VIRGINIA
and
GEORGE HUGUELY,

Appellees.

BRIEF AMICUS CURIAE
OF
VIRGINIA ASSOCIATION OF BROADCASTERS

John E. Falcone VSB #17879
PETTY, LIVINGSTON, DAWSON & RICHARDS
P. O. Box 1080
Lynchburg, Virginia 24505
(434) 846-2768
(434) 847-0141 (Facsimile)
jfalcone@pldrlaw.com

Counsel for Amicus Curiae
Virginia Association of Broadcasters

LANTAGNE LEGAL PRINTING 801 East Main Street Suite 100 Richmond, Virginia 23219 (804) 644-0477
A Division of Lantagne Duplicating Services

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

STATEMENT OF THE CASE AND MATERIAL PROCEEDINGS BELOW 1

ASSIGNMENT OF ERROR 1

STATEMENT OF FACTS 2

ARGUMENT 2

I. Mootness 2

II. Standard of Review 3

III. Statutory background and legislative intent 5

IV. There is a compelling need for this Court to interpret Virginia's cameras in the courtroom statute 9

V. There has been no showing of the required "good cause" to prohibit electronic media camera coverage in the present case 13

CONCLUSION 17

CERTIFICATE 17

TABLE OF AUTHORITIES

FEDERAL CASES

Katzman v. Victoria's Secret Catalogue, 923 F. Supp. 580 (S.D.N.Y. 1996) 16

Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980) 2, 7, 8

STATE CASES

AME Finance Corp. v. Kiritsis, 281 Va. 384, 707 S.E.2d 820 (2011) ... 11, 12

Chandler v. Florida, 449 U.S. 560, 101 S. Ct. 802, 66 L. Ed. 2d 740 (1981) 6

Christian v. State Corp. Commission, 282 Va. 392, 719 S.E.2d 767 (2011) 4

Commonwealth v. Jones, 194 Va. 727, 74 S.E.2d 817 (1953) 11

Cook v. Commonwealth, 268 Va. 111, 597 S.E.2d 84 (2004) 10

Cowley v. Pulsifer, 137 Mass. 392 (1884) 7

Diehl v. Commonwealth, 9 Va. App. 191 (1989) 6, 13

Fisher v. Commonwealth, 236 Va. 403, 374 S.E.2d 46 (1988) 6, 13

Gallagher v. Com., 205 Va. 666, 139 S.E.2d 37 (1964) 10

Grattan v. Commonwealth, 278 Va. 602, 685 S.E.2d 634 (2009) 12

Johnson v. Hart, 279 Va. 617, 692 S.E.2d 239 (2010) 4

McLean Bank v. Nelson, 232 Va. 420, 350 S.E.2d 651 (1986) 10

Novak v. Commonwealth, 20 Va. App. 373 (1995) 6, 13

Petition of WMUR Channel 9, 813 A.2d 455 (N.H. 2002) 9, 16

Porter v. Commonwealth, 276 Va. 203, 661 S.E.2d 415 (2008) 12

Quantum Development Co. v. Luckett, 242 Va. 159, 409 S.E.2d 121 (1991) 4

Richmond Newspapers, Inc. v. Commonwealth, 222 Va. 574, 281 S.E.2d 915 (1981) 2

Savino v. Commonwealth, 239 Va. 534, 391 S.E.2d 276 (1990) 6, 13

Scott v. Walker, 274 Va. 209, 645 S.E.2d 278 (2007) 4

Standard Drug Co. v. General Electric Co., 202 Va. 367, 117 S.E.2d 289 (1960) 10

Stephens v. Commonwealth, 274 Va. 157, 645 S.E.2d 276 (2007) 11, 16

Stewart v. Commonwealth, 245 Va. 222 (1993) 6, 14

The Daily Press, Inc., et al. v. Commonwealth, 285 Va. 447, ___ S.E.2d ___ (2013) 3, 4, 8, 14, 15

Tilton v. Com., 196 Va. 774, 85 S.E.2d 368 (1955) 10

Vinson v. Commonwealth, 258 Va. 459 (1999) 6, 14

Walsh v. Bennett, 260 Va. 171, 530 S.E.2d 904 (2000) 12

STATUTES

Va. Code § 19.2-266 ..... *passim*

Va. Code § 8.01-680 4

ARTICLES

Chief Justice Robert F. Stephens, Kentucky Courts Go Video, 9 Am. J. Trial Advoc. 359, 361 (1986) 16

Edward Fitzpatrick, *Coming to Cable TV: Rhode Island Justice*, Providence Journal, Jan. 13, 2005 9

Radio-Television News Directors Association and Foundation, *Local Television News Study of News Directors and the General Public* (2003) 8

STATEMENT OF THE NATURE OF THE CASE AND TRIAL PROCEEDINGS

This appeal presents an issue of statutory construction that has not yet been addressed by this Court.

Appellant Virginia Broadcasting Corporation ("VBC") operates WVIR-TV based in Charlottesville, which is an NBC affiliate. VBC filed a Request for Electronic Media and/or Still Photography Coverage of Judicial Proceedings pursuant to Va. Code § 19.2-266, seeking permission to record with a television camera the sentencing hearing which was held several months after the criminal trial in *Commonwealth v. George Huguely*. The trial court, after a hearing, denied the request. VBC then filed a Motion for Reconsideration, which was also denied. This appeal by VBC relates to the trial court's denial of the request for camera access to the sentencing hearing.

ASSIGNMENT OF ERROR

The trial court erred in denying camera access to the media for the sentencing hearing without a showing of good cause, in violation of Va. Code § 19.2-266. Error preserved at pages 21-22 of transcript of July 25, 2012 hearing (Appendix pages 29-30) and in Appellant's counsel's endorsement to September 17, 2012 order (Appendix pages 45-46).

STATEMENT OF FACTS

The Amicus adopts and incorporates herein the Appellant's Statement of Facts.

ARGUMENT

I. Mootness

The sentencing hearing which is the subject of this appeal has already occurred. As in the present case, issues concerning media access to court proceedings are generally moot by the time they reach an appellate court because of the typically short duration of a trial. The United States Supreme Court, in a case concerning whether the press has a right to attend criminal trials, stated:

> The criminal trial which appellants sought to attend has long since ended, and there is thus some suggestion that the case is moot. This Court has frequently recognized, however, that its jurisdiction is not necessarily defeated by the practical termination of a contest which is short-lived by nature. . . . If the underlying dispute is "capable of repetition, yet evading review," it is not moot.
>
> More often than not, criminal trials will be of sufficiently short duration that a closure order "will evade review, or at least considered plenary review in this Court." Accordingly, we turn to the merits.

Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 563 (1980) (citations omitted); *see also Richmond Newspapers, Inc. v.*

Commonwealth, 222 Va. 574, 592, 281 S.E.2d 915, 925 (1981). As this Court stated in *Richmond Newspapers, Inc.*: "[W]hile the closure orders in these cases . . . were mooted by the termination of the criminal proceedings against the defendants, both the parties and the trial judges are entitled to a decision on the merits." *Id.* at 592. Also see this Court's recent analysis of the mootness issue in *The Daily Press, Inc., et al. v. Commonwealth*, 285 Va. 447, 451-454, ___ S.E.2d ___ (2013).

II. Standard of Review

Va. Code § 19.2-266 on its face appears to contain two conflicting standards for the trial court to use in deciding whether to permit cameras in the courtroom. The second paragraph appears to allow the court wide discretion in making the decision: "A court may *solely in its discretion* permit the taking of photographs in the courtroom . . . and the broadcasting of judicial proceedings by radio or television . . . ." (emphasis added). The next paragraph of the statute, however, embodies a "good cause" standard which implies a requirement of evidentiary support for the court's decision: "*For good cause shown*, the presiding judge may prohibit coverage in any case . . . ." (emphasis added). This disharmonious dichotomy potentially requires a reviewing court to use a hybrid standard of review.

Because this appeal involves a question of statutory construction, it involves a question of law which is reviewed by this Court de novo. *See, e.g. Christian v. State Corp. Comm'n,* 282 Va. 392, 396-97, 719 S.E.2d 767, 769 (2011). *See also, Scott v. Walker*, 274 Va. 209, 212, 645 S.E.2d 278, 289 (2007). This Court also reviews the application of law to undisputed facts de novo. *See, e.g., Johnson v. Hart,* 279 Va. 617, 623, 692 S.E.2d 239, 242 (2010). The Court's review of whether the trial court had "good cause" to prohibit the camera coverage involves the standard of Va. Code § 8.01-680, which requires the Court to examine the evidence presented below, and determine whether the lower court's judgment is "plainly wrong or without evidence to support it." In order to be upheld, the trial court's determinations of fact must have evidentiary support in the record. *Quantum Dev. Co. v. Luckett*, 242 Va. 159, 161, 409 S.E.2d 121, 122 (1991).

On an analogous issue, this Court in its recent *Daily Press* decision applied the de novo standard to a review of a trial court's order sealing criminal trial exhibits which limited the public and media's right of access. *The Daily Press, Inc.,* 285 Va. at 455, ___ S.E.2d at ___.

III. Statutory background and legislative intent

The "cameras in the courtroom" statute, Virginia Code § 19.2-266, has been part of the Virginia Code since 1992. The previous version of the statute had only addressed the Court's power to exclude persons from trial. In 1987, however, the General Assembly expanded the statute on an experimental basis to permit camera coverage of court proceedings. Six courts throughout the Commonwealth were designated for participation in the experimental program. The General Assembly clearly considered the experiment to be a success, and thereafter codified the "cameras in the courtroom" provisions as a permanent measure.

The statute sets forth specific guidelines, violations of which are punishable by contempt , designed to ensure that electronic coverage does not negatively affect the proceedings or in any way impair the parties' right to a fair trial. Coverage of certain types of proceedings (such as a hearing on a motion to suppress), certain categories of witnesses, and jurors is prohibited. The cameras and microphones may not record conversations between attorney and client, between counsel, and at the bench or in chambers. The presiding judge maintains control of the camera use at all times, and has the authority to interrupt or terminate coverage at any time.

Pursuant to the statute, a court may exercise its discretion and

prohibit or restrict camera access only upon a finding of "good cause." Va. Code §19.2-266, "Coverage Allowed" (1). As decisions of this Court and the Virginia Court of Appeals make clear, in order to satisfy the "good cause" standard a party opposing electronic coverage has the heavy burden of demonstrating *specific* prejudice and cannot meet the standard merely by making conclusory allegations of prejudice. *See, e.g., Novak v. Commonwealth*, 20 Va. App. 373 (1995):

> . . . a decision to permit cameras in the courtroom rests with the sound discretion of the trial court, Code § 19.2-266, and "[a]bsent a showing of prejudice of constitutional dimensions," *Chandler v. Florida,* 449 U.S. 560, 582, 101 S. Ct. 802, 813, 66 L. Ed. 2d 740 (1981), the mere presence of cameras does not result in an unfair trial. *See Savino v. Commonwealth,* 239 Va. 534, 547 n.4, 391 S.E.2d 276, 283 (1990); *Fisher v. Commonwealth,* 236 Va. 403, 410 n.2, 374 S.E.2d 46, 50 (1988). Defendant failed to demonstrate "good cause" to exclude the cameras and offered no authority for his constitutional arguments. *See* Code § 19.2-266. We, therefore, conclude that the trial court properly allowed cameras in the courtroom during the proceedings.

20 Va. App. at 390-391. *See also, Diehl v. Commonwealth*, 9 Va. App. 191, 198 (1989); *Stewart v. Commonwealth*, 245 Va. 222, 232-33 (1993); *Vinson v. Commonwealth,* 258 Va. 459, 470 (1999). Some of the above-cited decisions of this Court involved capital murder charges. It is significant that no judgment in Virginia has ever been reversed because a judge allowed cameras in the courtroom pursuant to the statute.

The Virginia General Assembly crafted § 19.2-266 with the long

historical tradition of public trials in the United States in mind. Justice Oliver Wendell Holmes was reflecting the tradition dating back to British common law when he opined in 1884 that "[i]t is desirable that the trial of causes should take place under the public eye . . . that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed." *Cowley v. Pulsifer*, 137 Mass. 392, 394 (1884). A century later, in *Richmond Newspapers, Inc. v. Virginia*, 448 U. S. 555 (1980), the United States Supreme Court acknowledged the long tradition of open trials and reiterated its importance. As Justice Brennan noted in his concurrence, the judicial process is a pivotal part of our form of government:

> Open trials assure the public that procedural rights are respected, and that justice is afforded equally. Closed trials breed suspicion of prejudice and arbitrariness, which in turn spawns disrespect for law. Public access is essential, therefore, if trial adjudication is to achieve the objective of maintaining public confidence in the administration of justice.

Id. at 595. Acknowledging the reality that most citizens today learn about the progress of trials not by attending themselves but through the news media, the Supreme Court in *Richmond Newspapers* recognized the need for access to trials by media representatives who serve as surrogates for the public. 448 U.S. at 572-573.

This Court recently reiterated the importance of the surrogate role:

> The benefits of public access to criminal proceedings have been recognized since before the Magna Carta. Such access ensures that proceedings are conducted fairly, discourages perjury, safeguards against secret bias or partiality, and imparts legitimacy to the decisions of our judiciary. See *Richmond Newspapers, Inc.,* 448 U.S. at 569-70. Yet, to work effectively, public access must be contemporaneous - the public must be able to scrutinize the judicial process as it takes place. Newspapers, such as Daily Press, serve as "surrogates for the public." *Id.* at 573. They are "the first rough draft of history," providing immediate descriptions of events as they unfold. However, the newsworthiness of a particular story is often fleeting. To delay or postpone disclosure undermines the benefits of public scrutiny and may have the same result as complete suppression.

The Daily Press, Inc., 285 Va. at 453, __ S.E.2d at __ (footnotes omitted).

Although both print and electronic media serve that important surrogate role, only the electronic media have the ability to provide the public with the visual and aural approximation of witnessing a trial in person without actual physical attendance. The audiovisual media have evolved into modern society's primary source of information. Television reaches more adults daily than any other medium, and most Americans receive their news from television as opposed to newspapers. Radio-Television News Directors Association and Foundation, *Local Television News Study of News Directors and the General Public* (2003).

As the Chief Judge of the Rhode Island Supreme Court explained in deciding to permit broadcast of live trials on statewide cable television,

"Even though we resolve over 230,000 cases a year in state courts, most Rhode Islanders never get to see the inside of a courtroom." Edward Fitzpatrick, *Coming to Cable TV: Rhode Island Justice*, Providence Journal, Jan. 13, 2005 (quoting Chief Judge Frank J. Williams). The Supreme Court of New Hampshire, in encouraging access to audiovisual recording in its trial courts, also recognized that "Television broadcasts are important ways by which citizens receive news." *Petition of WMUR Channel 9*, 813 A.2d 455, 459 (N.H. 2002). The Virginia General Assembly, through the enactment of Va. Code §19.2-266, has acknowledged this reality and sanctioned meeting the public need for information about judicial proceedings through the vehicle of permitting their recording and broadcast.

IV. There is a compelling need for this Court to interpret Virginia's cameras in the courtroom statute.

As discussed in the Standard of Review section of this brief, Va. Code § 19.2-266 contains two apparently conflicting standards for the trial court to use in deciding whether to permit cameras in the courtroom. Amicus Virginia Association of Broadcasters has been intimately involved with the cameras in the courtroom portion of the statute from its inception in the court experiment of 1987-1992, and has monitored its application

throughout the Commonwealth since then. The VAB has advocated in numerous Virginia courts for a clear application of the "good cause" standard which requires a court to base any denial of camera access on evidence in the record, and to articulate the good cause in an order. We have encountered starkly inconsistent approaches to this statute among the courts around the Commonwealth, with some courts arbitrarily denying camera access with no evidentiary foundation, as in the present case. A compelling need exists for this Court to harmonize the conflicting standards in the statute.

This Court's familiar rules of statutory interpretation should apply. The Court has often held that it is an "elementary rule of statutory construction that every provision in or part of a statute shall be given effect if possible." *Tilton v. Com.*, 196 Va. 774, 784, 85 S.E.2d 368, 374 (1955) ; *Standard Drug Co. v. General Electric Co.*, 202 Va. 367, 117 S.E.2d 289 (1960) ; *Gallagher v. Com.*, 205 Va. 666, 139 S.E.2d 37 (1964). Words in a statute should be interpreted, if possible, to avoid rendering words superfluous. *Cook v. Commonwealth*, 268 Va. 111, 114, 597 S.E.2d 84, 86 (2004); *McLean Bank v. Nelson*, 232 Va. 420, 427, 350 S.E. 2d 651, 656 (1986); *Gallagher v. Commonwealth*, 205 Va. 666, 669, 139 S.E. 2d 37, 39 (1964). A statute should be construed so as to give effect to its component

parts. Its meaning should not be derived from single words isolated from the true purpose of the Act. *Commonwealth v. Jones*, 194 Va. 727, 731, 74 S.E.2d 817, 820 (1953).

The Court has previously analyzed the contours of a "good cause" standard contained in statutes and its Rules. In *Stephens v. Commonwealth*, 274 Va. 157, 645 S.E.2d 276 (2007), a prison inmate appealed a trial court's denial of his petition for a name change pursuant to a statute that contained a good cause standard. The trial court's ruling failed to make any finding with regard to the good cause standard. This Court opined that although a good cause standard invests the trial court with discretion, "to be a proper exercise of discretion to determine under subsection (A) [of Va. Code § 8.01-217] that an application lacks good cause, a circuit court's determination to that effect must be supported by evidence in the record." *Id.* at 162. Because the trial court failed to address the good cause standard, and there was no evidentiary support for denial in the record, this Court held that the trial court had abused its discretion and reversed its judgment. *Id.* at 162.

Most recently, in *AME Fin. Corp. v. Kiritsis*, 281 Va. 384, 707 S.E.2d 820 (2011), the Court addressed the "good cause" standard contained in Rule 3:19(b) relating to relief from a default judgment. After reiterating its

dictum in *Stephens* that a good cause standard invests the trial court with discretion, this Court emphasized another of its earlier statements:

> [A]n appellate court should not simply rubber stamp every discretionary decision of a trial court. To the contrary, we have an obligation to review the record and, upon doing so, to reverse the judgment of the trial court if we find a clear abuse of discretion.
>
> The determination whether a trial court has abused its discretion is fact-specific.

Id. at 393 (citing *Walsh v. Bennett*, 260 Va. 171, 175, 530 S.E.2d 904, 907 (2000). Furthermore, "'The abuse-of-discretion standard [also] includes review to determine that the discretion was not guided by erroneous legal conclusions.' " *Grattan v. Commonwealth*, 278 Va. 602, 620, 685 S.E.2d 634, 644 (2009) (quoting *Porter v. Commonwealth*, 276 Va. 203, 260, 661 S.E.2d 415, 445 (2008)) (internal quotation marks omitted)." 281 Va. at 393.

From these principles, it seems clear that the good cause standard of the cameras in the courtroom statute requires any denial of camera access to be supported by clear evidence contained in the record, with the evidentiary basis for denial articulated by the trial court. The good cause standard cannot be read as superfluous, and the trial court does not have unbridled discretion in denying access.

V. There has been no showing of the required "good cause" to prohibit electronic media camera coverage in the present case.

Applying the principles which this Court enunciated in *Stephens* and *AME Fin. Corp.*, it is clear that the trial court in the present case failed to satisfy the good cause standard required to prohibit camera coverage of the sentencing hearing. As the record indicates, at the July 25, 2012 hearing on the media's request for camera access to the sentencing, *no evidence whatsoever* was presented, and the court merely heard the arguments of counsel. Counsel for the Commonwealth and the defense expressed their opposition to camera coverage, but offered only speculation and conclusory allegations of potential prejudice, with no evidence.

The Virginia appellate decisions dealing with cameras in the courtroom consistently indicate that a party opposing electronic coverage has the heavy burden of demonstrating *specific* prejudice and cannot meet the "good cause" standard required by §19.2-266 merely by making conclusory allegations of prejudice. *See, e.g., Savino v. Commonwealth,* 239 Va. 534, 547 n.4, 391 S.E.2d 276, 283 (1990); *Fisher v. Commonwealth,* 236 Va. 403, 410 n.2, 374 S.E.2d 46, 50 (1988); *Novak v. Commonwealth*, 20 Va. App. 373, 390-391. *Diehl v. Commonwealth*, 9 Va.

App. 191, 198 (1989); *Stewart v. Commonwealth*, 245 Va. 222, 232-33 (1993); *Vinson v. Commonwealth,* 258 Va. 459, 470 (1999). As this Court emphasized in its recent *Daily Press* decision, ". . . courts are required to justify any decision to close *with specific reasons and findings on the record.*" *The Daily Press, Inc.,* 285 Va. at 455, __ S.E.2d at __ (emphasis added).

At the camera access hearing, the trial court implicitly acknowledged the speculative nature of the opposition to camera coverage. Referring to the witnesses who would appear at the sentencing hearing, the court stated: ". . . but the question is if they know they're on camera or likely to be on camera in the courtroom, to what extent is that going to be a factor? I – we can't know that." App. 32, lines 15-18. The rationale articulated by the court for denying camera access was as follows: "And I just think on balance that to take a chance that – that we would add, sort of, fuel to the fire with respect to the intensity of coverage by allowing graphic images out there to the public, online, on television, wherever they're going to be, on balance it's not in – in the interest of justice. And I know that's not in accord with a lot of what other courts do . . . ." App. 32-33, lines 21-25, 1-3. As this Court characterized the trial court's closure ruling in *Daily Press*: "These rationales were speculative and not supported by particularized

factual findings." *The Daily Press, Inc.,* 285 Va. at 455, __ S.E.2d at __.

The trial court in the present case furthermore ignored the reality of current technology. The modern video camera used in courtrooms today is surprisingly small, and does not require supplemental lighting beyond the existing ambient light in most courtrooms. Only minimal wiring is required for its use. The camera is also extremely quiet, with none of the whirring and buzzing of the older generation of video equipment. The modern video cameras are, in fact, quieter than most still cameras. The camera is kept stationary on a tripod, and is not moved around the courtroom. It is very unlikely to distract a juror or witness, although no jurors would have been involved in the present case because it was a post-trial sentencing hearing without any jury.

In addition to being physically unobtrusive, cameras in the courtroom have little or no psychological impact on witnesses, jurors, or other trial participants. Television has become ubiquitous in modern life, and video cameras similar in size to those now used in courtrooms are routinely used by families, tourists, and others at virtually every event and occasion. Video is no longer an intimidating medium.

In summarizing various states' studies showing at most a *de minimis* effect of cameras on courtroom proceedings, the Supreme Court of New

Hampshire commented, "these States have found that the psychological effect of cameras in the courtroom on trial participants is no greater than when reporters wait outside on the courthouse steps with cameras." *Petition of WMUR Channel 9*, 813 A.2d at 460. The National Center for State Courts assessed a system by which Kentucky courts have employed manual and automated video camera systems in place of many court reporters since the early 1980's. The Center found that "the automated video system is much less distracting than a court reporter." Chief Justice Robert F. Stephens, *Kentucky Courts Go Video*, 9 Am. J. Trial Advoc. 359, 361 (1986). *See also, Katzman v. Victoria's Secret Catalogue*, 923 F. Supp. 580, 582 (S.D.N.Y. 1996) ("The [television] equipment is no more distracting in appearance than reporters with notebooks or artists with sketch pads.").

In its ruling prohibiting camera coverage in the present case, the trial court made no finding of good cause, engaged in speculation, and, in fact, ignored the good cause standard in § 19.2-266. As in the *Stephens* case, such a failure to adhere to the good cause standard "was clearly an abuse of discretion requiring reversal . . . ." 274 Va. at 162.

CONCLUSION

Because the record contains no evidence to support any finding of good cause to prohibit camera coverage of the sentencing hearing, and the trial court abused its discretion by prohibiting camera coverage, the Virginia Association of Broadcasters requests this Court to reverse the trial court's denial of such coverage. As the sentencing hearing has already occurred, no remand is required.

CERTIFICATE

Amicus certifies that there has been compliance with Rule 5:26, and states as follows:

1. The appellant is Virginia Broadcasting Corporation. The appellees are the Commonwealth of Virginia and defendant George Huguely. Counsel for each party are as follows:

Appellant: Gregory S. Duncan (VSB # 26692)
412 East Jefferson St.
Charlottesville, Virginia 22902
434-979-8556

Appellee: Warner D. Chapman (VSB # 19082)
P.O. Box 911
Charlottesville, VA 22902
434-970-3176

Appellee: Frances McQ. Lawrence (VSB # 14754)
416 Park St.
Charlottesville, VA 22902
434-296-7135

2. Three copies of this Brief Amicus Curiae have been mailed to all counsel on May 10TH, 2013 by first-class mail, postage prepaid.

VIRGINIA ASSOCIATION OF BROADCASTERS

By _____
Counsel

John E. Falcone (VSB # 17879)
PETTY, LIVINGSTON, DAWSON & RICHARDS
P.O. Box 1080
Lynchburg, Virginia 24505
phone: 434-846-2768
fax: 434-847-0141
jfalcone@pldrlaw.com