

6.3 Preserving Grand Jury Secrecy.

(a) Courthouse Decorum.

When a grand jury convenes, no one may be in the courthouse to observe or monitor persons who enter and leave the grand jury chambers. This rule does not apply to (1) grand jurors; (2) witnesses; (3) government attorneys, agents, and employees; (4) court personnel; (5) private attorneys with clients called to appear as witnesses at a grand jury session in progress or about to begin; and (6) others that the court specifically authorizes to be present.

(b) Grand Jury Files.

(1) Maintained Under Seal.

Records that the clerk maintains in the grand jury docket are restricted documents, maintained under seal, and available for review or unsealed only upon a judge's order. This rule applies to: grand jury subpoenas; transcripts of testimony; the clerk's docket of grand jury proceedings; and motions and orders relating to grand jury subpoenas, true bills, and no bills.

(2) Access; Witness's Attorney.

An attorney of record for a person subpoenaed to appear or produce documents at a grand jury proceeding may move for an order allowing access to a copy of the grand jury subpoena served on the client and the documents relating to that subpoena.

(c) Free Press-Fair Trial Provisions.

(1) Attorneys.

An attorney participating in or associated with the investigation may not make an extrajudicial statement that a reasonable person would expect to be disseminated, by any means of public communication, that goes beyond the public record or is not necessary to: inform the public the investigation is underway or to describe the investigation's general scope; obtain assistance in a suspect's apprehension; warn the public of any danger; or otherwise aid in the investigation.

(2) Court Personnel.

No court personnel, including employees or subcontractors retained by court reporters, may disclose to any person, without the court's authorization, information outside the court's public records relating to a pending grand jury proceeding or a criminal case.

(d) Contact with Grand Jurors.

(1) By Defendant or Witness.

Without the court's leave, no actual or potential defendant or witness, or attorney or other person acting on the defendant's or witness's behalf, may contact or speak with any actual or potential grand juror about grand jury service.

(2) By the Government.

Without the court's leave, no government attorney or person acting on the attorney's behalf may contact or speak with any grand juror or potential grand juror about grand jury service. However, contacts may be made on the record during grand jury proceedings in connection with the administration of the grand jury.