

Judicial Wellness, Workplace Conduct and Broadcast Policies in Federal Appeals Courts

Fix the Court | November 22, 2019 (updates since 6/3/19 **in bold**; previous sheet at TinyURL.com/CircuitSheet0619)

	Judicial wellness committee?	Workplace conduct committee?	Audio policy for oral argument	Video policy for oral argument
1st	Wellness committee established in 2018	Announced creation of committee, director of workplace relations hire in Mar. 2019	Same-day audio	Not allowed
2nd	Does not have a wellness committee	Does not have its own committee but "is working with the Chief Justice's [national] group" (12/20/18 e-mail to FTC)	Same-day audio; has livestreamed audio twice (Aug. and Oct. 2019), both for Trump tax cases	Has allowed C-SPAN to film ~1 arg./yr. since end of 1996 pilot; most recent, Mar. 2019 on Trump blocking Twitter users
3rd	Wellness committee established in 2017	Announced creation of committee, director of workplace relations hire in Sept. 2019	Same-day audio	Since Jan. 2017 policy change, 58 args. recorded; most recent was Oct. 16, 2019
4th	Creation of a wellness committee "remains on the table under active consideration" (6/4/19 e-mail to FTC)	Director of workplace relations was hired in Oct. 2019; workplace conduct committee was established around then, as well	Audio posted within 24 hours; allowed live audio for two 2017 travel ban cases; FTC has requested live audio for Dec. 12 emoluments <i>en banc</i>	Not allowed
5th	Chief Judge Stewart created a Judicial Impairment Protocol Committee in 2017	Stewart has "appointed committee to make recommendations in area of workplace conduct" (12/19/18 e-mail to FTC)	Same-day audio; most recently rejected live audio request for Oct. 2019 death penalty but did release audio within an hour of argument	Not allowed
6th	Was studying health and wellness issues in 2017 but no updates since	Does not have its own workplace conduct committee	Same-day audio	Not allowed
7th	Has informal policy where judges monitor each others' health, and wellness is a panel topic at conferences	Chief Judge Wood appointed a workplace conduct committee in Dec. 2017	Same-day audio	Has filmed two args., last in Nov. 2018; most recently rejected Nov. 2019 FTC request to record appeal of monetary award to exonerated prisoner
8th	Chief Judge Smith created a Judicial Council Wellness Committee in 2018	Expected "to be ready early next year" (11/7/19 email to FTC)	Same-day audio; clerk said circuit would consider live if AO provided funding	Not allowed
9th	Created first appeals court wellness committee in 2000	Created a working group on workplace conduct in Feb. 2018	Routinely allows live audio	Routinely allows live video
10th	Created a Judicial Health and Assistance Committee in 2009 based on 9th Circuit's wellness committee model	"Has not formed its own working group" but is tapping into national one through 10th Circuit participation (12/19/18 e-mail to FTC)	Began releasing audio online within two days of arg. in Jan. 2018; now posts same-day (7/24/19 e-mail to FTC)	Not allowed
11th	No response to Fix the Court inquiry	Does not have its own workplace conduct committee	Same-day audio; most recently rejected live audio request for two Nov. 2019 death penalty arguments	Not allowed
D.C.	Has advisory committee to address aging-related issues	Created its own workplace conduct group in May 2018	As of Sept. 2018, permits live audio for all cases not under seal	Has closed-circuit cameras in courtroom but hasn't broadcast cases
Fed.	Has occupational health nurse on site but no formal committee	Hired a former clerk in 2018 to serve as EDR coordinator and made an associate GC the director of workplace relations	Same-day audio	Has closed-circuit cameras in courtroom but hasn't broadcast cases
S.C.	No official wellness policy	Does not have its own committee	End-of-week audio	Not allowed