

# *Mostly Sunny With a Chance of Zoom*



**CORONAVIRUS PANDEMIC**

**GLOBALLY**

TOTAL CASES  
**1,715,143**

DEATHS  
**103,874**

**IN THE UNITED STATES**

TOTAL CASES  
**501,680**

DEATHS  
**18,780**

SOURCE: JOHN HOPKINS UNIVERSITY

**HAPPENING NOW**

**KANSAS SUPREME COURT HEARING ARGUMENTS ON CHURCH LIMITS**

**LIVE CNN**

10:28 AM ET

**NEWSROOM**

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OR ► DURING CALL LAST MONTH, 13 SENATORS VOICED THEIR FRUSTRATION

**In Spite of the Pandemic,  
State Supreme Courts Let the Sunshine In**

**Fix the Court**  
April 17, 2020

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**FIX THE COURT**

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# *Mostly Sunny with a Chance of Zoom:*

## **In Spite of the Pandemic, State Supreme Courts Lets the Sunshine In**

*Fix the Court*

April 17, 2020

See a detailed 50-state-court chart [here](#). Read about each state's top court on pp. 10-17.

### **A Time Like No Other**

Every court in the country – municipal, county, state, federal – has been impacted by the coronavirus pandemic. The U.S. Supreme Court initially postponed its March and April arguments and then announced on April 13 that it would hear half of them via teleconference next month, with arguments for the other half pushed to the fall. Other federal appeals courts, as well as state appeals courts, have experimented with a range of audio- and videoconferencing options while deciding the bulk of their cases on the briefs and without argument.

Federal and state trial courts are under even greater pressure to keep the wheels of justice spinning and are working through several remote options, from videoconferencing pleas and evidentiary hearings to reducing pretrial detention to putting off jury trials until the fall (or longer).

**In this report, we take a look at one level of the justice system – the top appeals court in each state – to see if they're availing themselves of modern technology in order to sustain their public-facing work during the pandemic.**

We believe there's a powerful message being sent to the public when a state supreme continues hearing arguments in the midst of a crisis. With the rest of the country adapting to working remotely and employing platforms that simulate face-to-face meetings, these courts should be no different.

**We were pleased to find that 22 state supreme courts to date have heard arguments while practicing social distancing, and another 11 are expected to join them when they conduct remote hearings in the coming days. That's 66% of top state courts.**

Supreme courts in Kansas, Michigan, North Dakota, Texas and West Virginia used Zoom to livestream hearings; the Tennessee and Minnesota Supreme Courts used Cisco WebEx; the Supreme Court of California used BlueJeans; Vermont's used Facebook Live; West Virginia's streamed video via its YouTube channel; and the top courts in Alaska, Arizona, Illinois, New Mexico and New York used their existing video infrastructure, embedded in their websites, to stream argument video live.

At the other end of the spectrum, some states are hardly making a go at adapting to present circumstances. The Delaware Supreme Court canceled its March, April and May arguments. The New Hampshire

Supreme Court canceled its arguments. The Maine Supreme Judicial Court has decided that all spring arguments will be pushed to the fall.

## **States Courts Remain Beacons of Broadcast Access**

In total, 15 of 50 state courts of last resort have adapted to the cancelation of traditional in-person hearings by conducting remote<sup>1</sup> arguments that were video-streamed live to the public – Alaska, Arizona, California, Illinois, Kansas, Michigan, Minnesota, New Jersey, New Mexico, New York, North Dakota, Tennessee, Texas, Vermont, West Virginia.

Another five conducted remote arguments that were audio-streamed live to the public: Massachusetts, Missouri, Nebraska, Ohio and Virginia.

In eight states' top courts – Colorado, Florida, Georgia, Louisiana, Maryland, Oregon, Washington and Wisconsin – we expect live argument video, streamed remotely, for arguments scheduled in the coming weeks. And in three states – Connecticut, South Dakota and Wyoming – we expect live or delayed audio from upcoming arguments that will be conducted remotely.

The remaining 17 have either canceled arguments or have yet to release plans on whether arguments will be held at all this spring.

**We gave each state court points based on these results, which is discussed beginning on page 6.**

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<sup>1</sup> What we counted as “remote”:

- If at least one judge appeared outside the courtroom during a post-March 13 argument and was conferenced in via audio or video connection that was then streamed to the public via the video or audio platform the court typically uses to record or broadcast its arguments (Alaska, Massachusetts, Missouri, Nebraska, New Mexico, Ohio)
- If all the court's judges remained in the courtroom but practiced social distancing inside it and livestreamed its arguments via typical or remote platform (Arizona, Illinois, New York)
- If the court used a popular online platform like Facebook Live, Vimeo, WebEx, YouTube or Zoom to conduct arguments that were then livestreamed to the public (California, Kansas, Michigan, Minnesota, New Jersey, North Dakota, Tennessee, Texas, Vermont, West Virginia, Virginia)

We watched arguments in Tennessee and Alaska where two judges were in the courtroom and the rest appeared remotely; in New Mexico where four judges were in the courtroom and one appeared remotely; in Arizona and New York, where all the judges sat in the courtroom but were sitting much farther apart than normal and livestreamed their proceedings. Bottom line: this is looking like a “50 states, 50 solutions” kind of situation, and though we believe Dr. Fauci would prefer if every judge and attorney appeared remotely, we're not going to split hairs, so long as social distancing was practiced in some way and an argument was livestreamed to the public in some way.

Before the pandemic, 33 state supreme courts typically livestreamed arguments video, 10 typically livestreamed argument audio and the rest had a mishmash of broadcast policies. Those are detailed on page 7.

That's a better record than federal appeals courts – before the pandemic only one typically livestreamed argument video (Ninth Circuit), only one typically livestreamed argument audio (D.C. Circuit), three permitted periodic argument video recordings (Second, Third and Seventh Circuit) and two permitted periodic argument audio livestreaming (Second and Fourth Circuits).

Since the start of the pandemic, eight have permitted livestreaming: the Second, Fourth, Seventh, Eighth, Ninth, Eleventh, D.C., and Federal Circuits.

Before evaluating each of the state courts in turn, it's worth considering, can't most of the cases currently before state supreme courts be decided on the briefs and without argument? Yes. But as we've learned over the past few years, the value of maintaining publicly identifiable social norms (i.e., oral arguments in this case) should not be underestimated. And with modern technology allowing us to continue practicing these norms at a safe distance, courts should lead and not demur.

**Deciding March and maybe even April cases on the briefs is understandable; but outright canceling arguments into the summer makes raises questions about courts' commitment to their public exercises.**

## **Why We're Releasing the Report Now**

We are releasing this report now, five weeks after the March 13 national state of emergency declaration, for several reasons. First, we realize it takes time for each state's judiciary to determine an appropriate response. That's even more true for supreme courts that are responsible for setting policy not only for themselves but also for trial and appeals court statewide.

Second, some states just don't hear arguments that often. It's been difficult to try to judge state courts that hear arguments every month against those that hear arguments every other month or even less frequently. By now, we have a general sense of what nearly every state court has done and will be doing with respect to arguments scheduled for March, April and May.

Finally, we decided not to make too strong a value judgment on how remote arguments have been conducted over the last few months, save with respect to real-time public access.

**We unequivocally believe that remote arguments should be accessible to the public live, but we also trust judges on state supreme courts to conduct proceedings as they see fit.**

Some states conducting remote arguments have permitted attorneys to present arguments uninterrupted for several minutes, while others began with judges' questions from the outset. Sometimes, judges ask questions in order of seniority, and sometimes, judges stayed on mute throughout the whole exercise. And as we mentioned, among the states that have livestreamed remote arguments to date, several different platforms have been used.

**That said, the same general (i.e., non-pandemic) rules apply: live audio is preferable to same-day or end-of-week audio; live video is preferable to live audio, and all arguments should be archived online in an easy-to-play or downloadable form.**

### **And the Winners Are...**

Nine state supreme courts received perfect scores of seven points, meaning they provided live video before the COVID-19 pandemic, they continue to provide live video for arguments conducted remotely, and the video stream remains available after the argument has concluded. Those courts are located in Alaska, Arizona, California, Illinois, Kansas, Michigan, Minnesota, New Jersey and Texas.

Fourteen top state courts received six points, meaning the video stream is no longer available after the argument's conclusion, or that the court only provides only live audio (either before or during the COVID-19 pandemic). It could also mean that a court hasn't held any arguments since the pandemic, but is planning to livestream the video when they're held.


On the other end of the spectrum, Rhode Island received zero points for providing no virtual access to arguments, and canceling those scheduled for April. Alabama and Oklahoma closely followed with one point each.

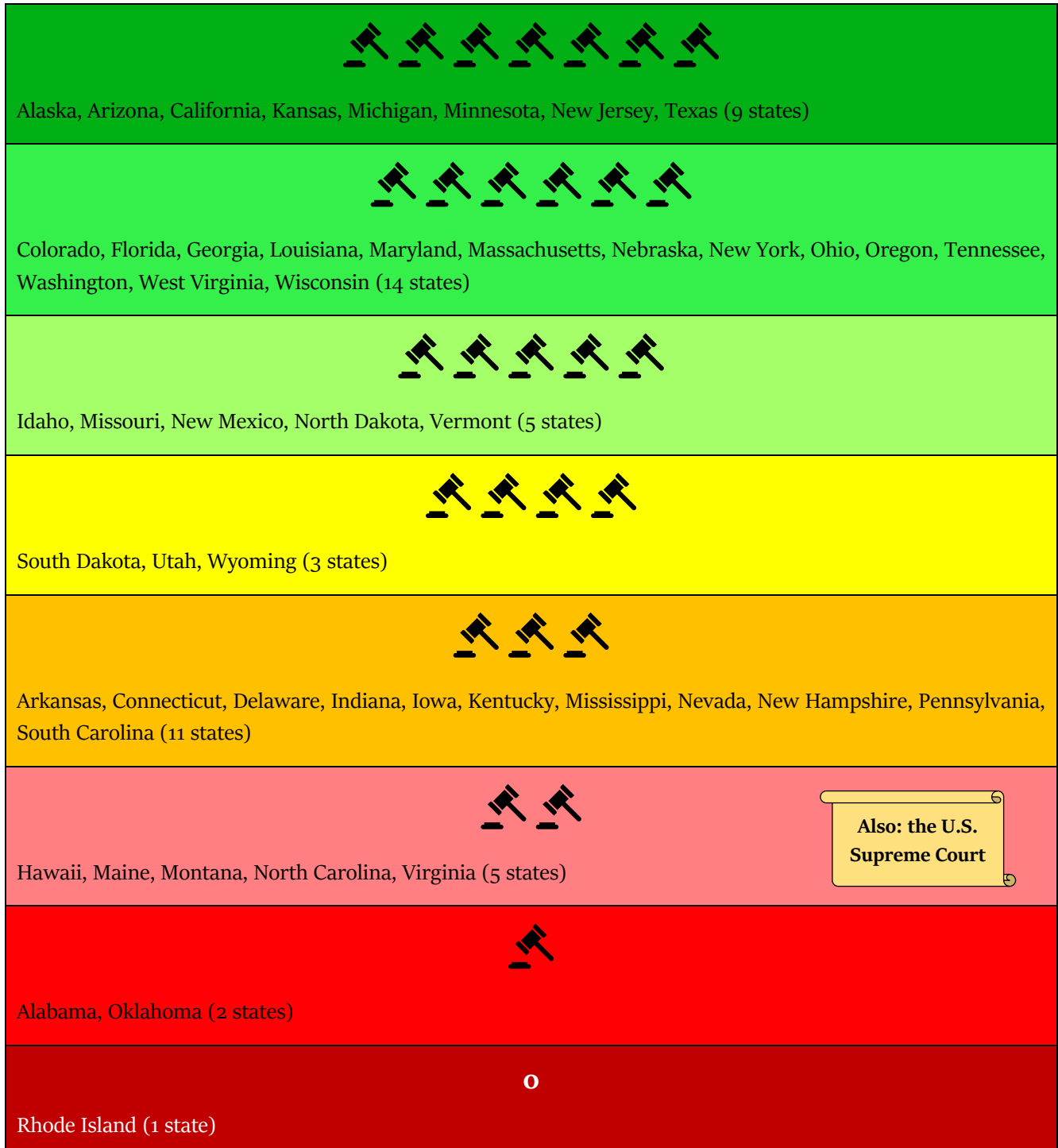
**Overall, we were impressed with the level of transparency afforded by state courts. More states received five or more points (28) than received three or fewer (19).**

By way of comparison, the U.S. Supreme Court would have received 0 points for its end of week audio, and 2 points for rescheduling oral arguments and providing live audio, for a grand total of 2. The U.S. Supreme Court's score of 2 points is less than 42 states.

A chart showing the point totals for each state can be found on the next page.

# A Chart That Shows the Point Breakdown in a Colorful Way

One  = one point



## Points for Broadcast Access Before the Pandemic

### 3 points (33 states)

Alaska (Live video)  
Arizona (Live video)  
Arkansas (Live video)  
California (Live video)  
Colorado (Live video)  
Delaware (Live video)  
Florida (Live video)  
Georgia (Live video)  
Idaho (Live video)  
Illinois (Live video)  
Indiana (Live video)  
Iowa (Live video)  
Kansas (Live video)  
Kentucky (Live video)  
Louisiana (Live video)  
Maryland (Live video)  
Massachusetts (Live video)

Michigan (Live video)  
Minnesota (Live video)  
Mississippi (Live video)  
Nebraska (Live video)  
Nevada (Live video)  
New Hampshire (Live video)  
New Jersey (Live video)  
New York (Live video)  
Ohio (Live video)  
Oregon (Live video)  
Pennsylvania (Live video)  
South Carolina (Live video)  
Texas (Live video)  
Washington (Live video)  
West Virginia (Live video)  
Wisconsin (Live video)

### 2 points (12 states)

Connecticut (Live audio)  
Hawaii (Live audio)  
Maine (Live audio)  
Missouri (Live audio)  
Montana (Live audio)  
North Carolina (Live video on occasion)

North Dakota (Live audio)  
South Dakota (Live audio)  
Tennessee (Delayed video)  
Utah (Live audio)  
Vermont (Live audio or live video on occasion)  
Wyoming (Live audio)

### 1 point

Alabama (Livestream available on request)  
New Mexico (Same-day audio)  
Oklahoma (Live video in rare circumstances)

### 0 points

Rhode Island (No recordings to speak of)  
Virginia (End of week audio)



## Points for Broadcast Access During the Pandemic

(States whose top courts have yet to hear arguments since national emergency declaration are in italics)

### 4 points (11 states)

Alaska (Live video archived)

Arizona (Live video archived)

California (Live video archived)

Illinois (Live video archived)

Kansas (Live video archived)

Michigan (Live video archived)

Minnesota (Live video archived)

New Jersey (Live video archived)

New Mexico (Live video archived)

Tennessee (Live video archived)

Texas (Live video archived)

### 3 points (16 states)

*Colorado* (Likely live video next sitting)

*Florida* (Confirmed live video next sitting)

*Georgia* (Confirmed live video next sitting)

*Louisiana* (Likely live video next sitting)

*Maryland* (Likely live video next sitting)

Massachusetts (Live audio archived)

Missouri (Live audio archived)

Nebraska (Live audio archived)

New York (Live video)

North Dakota (Held one video argument via Zoom

[only audio archived]; otherwise, live audio archived)

Ohio (Live audio archived)

*Oregon* (Confirmed live video next sitting)

Vermont (Live video)

*Washington* (Confirmed live video next sitting)

West Virginia (Live video)

*Wisconsin* (Confirmed live video next sitting)

### 2 points (5 states)

Idaho (Delayed audio archived)

*South Dakota* (Likely live video next sitting)

Utah (Delayed audio archived)

Virginia (Live audio)

*Wyoming* (Likely live audio next sitting)

### 1 point (1 states)

*Connecticut* (Delayed audio)

### 0 points (17 states)

*Alabama* (Next argument June, no decision)

*Arkansas* (No upcoming arguments)

*Delaware* (Arguments canceled except by request)

*Hawaii* (Arguments canceled)

*Indiana* (Arguments postponed through April)

*Iowa* (Arguments canceled)

*Kentucky* (Arguments canceled)

*Maine* (Arguments canceled)

*Mississippi* (Arguments canceled or postponed)

*Montana* (Arguments canceled)

*Nevada* (Arguments canceled or postponed)

*New Hampshire* (Arguments canceled or postponed)

*North Carolina* (Arguments canceled or postponed)

*Oklahoma* (No arguments scheduled)

*Pennsylvania* (Arguments canceled)

*Rhode Island* (Arguments canceled)

*South Carolina* (Arguments canceled)

# A Guide to Broadcast Access in All 50 State Supreme Courts, Both Before and During the Pandemic

THE PAST: How do state supreme courts typically broadcast their oral arguments?
0 points: End-of-week audio or worse
1 point: Same-day audio, end-of-week video or video with written consent
2 points: Live audio or same-day video
3: Live video

THE PRESENT: What are courts doing about their arguments in light of the pandemic?
0 points: Didn't reschedule arguments
1 point: (Re)scheduled arguments took place remotely
2 points: (Re)scheduled arguments took place remotely with live audio
3 points: (Re)scheduled arguments took place remotely with live video
A court gets an extra point if a link to (re)scheduled arguments remain online

## Alabama (1/0)

The Alabama Supreme Court allows livestreams when prior written request is met with approval. Oral argument recordings can be purchased afterward. (1) The court's next scheduled argument isn't until June 3 and we were told there has been no decision made on whether it will be broadcast live (0).

## Alaska (3/4)

The Alaska Supreme Court typically livestreams argument video (3). The court held arguments on March 25 and 26 and April 7, all of which were livestreamed (3+1), with two justices sitting in the courtroom and the other justices and attorneys participating remotely, and no further arguments are scheduled until June at the earliest.

## Arizona (3/4)

The Arizona Supreme Court typically livestreams argument video (3). The court held arguments on April 14 (*screenshot at right*) and 16, which were livestreamed (3+1), with the justices in court and attorneys appearing by videoconference.



*Arizona Chief Justice Robert Brutinel (via [Cisco WebEx](#), Apr. 14): "Before we start the hearing, I'd like to thank all of you for working with us during these pretty unprecedented times to hold oral argument by videoconference. I think none of us would like this to become the new normal, but it's important that we be able to continue the work of the courts, so thank you for accommodating us."*

## Arkansas (3/0)

The Arkansas Supreme Court typically livestreams argument video (3). The court has canceled arguments through April and according to their website there are none "upcoming" (0).

## California (3/4)

The Supreme Court of California typically livestreams argument video (3). The court held arguments on April 7 and 8, all of which were livestreamed via BlueJeans and included a trial run the week prior (3+1).

### Colorado (3/3)

The Colorado Supreme Court typically livestreams argument video (3). The court cancelled April arguments and will hold remote arguments in May, which, based on an e-mail exchange with a court official, we'd expect to be livestreamed (3).

### Connecticut (2/1)

The Connecticut Supreme Court typically livestreams argument audio (2). The court canceled March arguments, but will hold oral arguments remotely starting April 27 with the audio being made available shortly after their conclusion (1).

### Delaware (3/0)

The Delaware Supreme Court typically livestreams argument video (3). The court canceled March, April, and May argument and the cases will be decided on the briefs, unless attorneys file a motion requesting argument (0).

### Florida (3/3)

The Florida Supreme Court typically livestreams argument video (3). The court postponed arguments through May but plans to hold its first virtual oral argument remotely via Zoom on May 6 and will stream it live (3).

### Georgia (3/3)

The Georgia Supreme Court typically livestreams argument video (3). The court canceled March arguments but will hold oral arguments via videoconference the week of April 20 and will stream them live (3).

### Hawaii (2/0)

The Hawaii Supreme Court typically livestreams argument audio (2). The court has canceled March and April argument but has not yet canceled arguments in May. It is unclear how those arguments will be conducted (0).

### Idaho (3/2)

The Idaho Supreme Court typically livestreams argument video (3). The court held argument on April 13 via Zoom, however the recording was made available shortly after and is archived(1+1).

### Illinois (3/4)

The Illinois Supreme Court typically livestreams argument video (3). The court held and livestreamed argument on March 17 and 18 as an alternative to in person attendance (3+1). No arguments were scheduled in April, and those scheduled in May remain on the docket.

### Indiana (3/0)

The Indiana Supreme Court typically livestreams argument video (3). The court held and livestreamed argument on March 19, without any apparent social distancing measures, and they have since postponed April arguments. There has been no announcement for arguments scheduled for May (0).

### Iowa (3/0)

The Iowa Supreme Court typically livestreams argument video (3). The court's public information office indicates that all cases on the docket from the date of the national emergency declaration until the end of current term (March

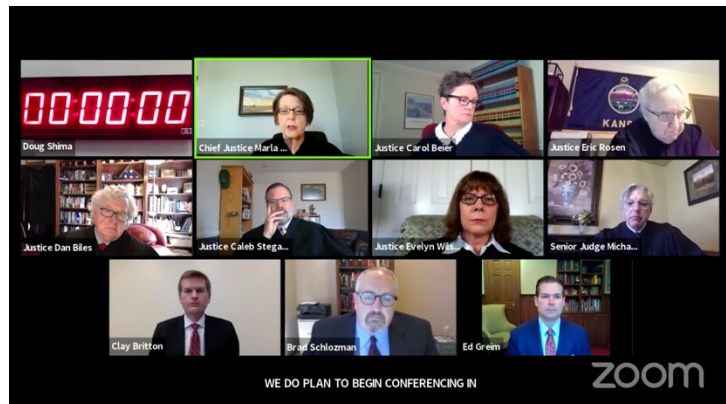
13-June 30) have been submitted on the briefs (0). One attorney in a March 11 livestreamed argument did appear remotely, but the sound and video quality were not great.

### Kansas (3/4)

The Kansas Supreme Court typically livestreams argument video (3). The court held argument on April 11 via Zoom (screenshot at right), which was livestreamed (3+1), and it appears that cases will be considered in May, though it is unclear if arguments will be held for those cases.

### Kentucky (3/0)

The Kentucky Supreme Court typically livestreams argument video (3). The court canceled March arguments, has not scheduled April or June arguments and typically does not hear arguments during the month of May (0).



*Kansas Chief Justice Marla Luckert (via Zoom, Apr. 11):  
“Welcome to this special hearing of the Kansas Supreme Court.  
Today is a historic day, as we hear arguments for the first time  
via videoconferencing.”*

### Louisiana (3/3)

The Louisiana Supreme Court typically livestreams argument video (3). Louisiana may have been the only state supreme court to have had arguments scheduled on the day the national emergency was declared (March 13). As such, the March sitting (March 13-16) was postponed until May. Though it's unclear if those arguments will be livestreamed, a press release touting the “justices [...] ability to work remotely” makes it seem likely (3).

### Maine (2/0)

The Maine Supreme Judicial Court typically livestreams argument audio (2). March arguments were heard before the 13th, arguments in April will be decided on the briefs, and no oral arguments will be conducted in May. It's unclear what the court will do after May, though in cases in which both parties want an argument, that may be scheduled in September or later (0).

### Maryland (3/3)

The Maryland Court of Appeals typically livestreams argument video (3). Arguments scheduled for April 2-3 have been rescheduled for May 12-13 and will occur "by videoconferencing or other electronic means" (3). Arguments scheduled for April 30 and May 1 and 4 have been postponed indefinitely.

### Massachusetts (3/3)

The Massachusetts Supreme Judicial Court typically livestreams argument video (3). The March sitting was concluded by the 13th, and the April 6-10 sitting went forward with live audio via teleconference. The court also heard two emergency arguments on COVID-related prisoner release on March 31. Argument audio is streamed live, and the link remains online (2+1).

### Michigan (3/4)

The Michigan Supreme Court typically livestreams argument video (3). The March sitting was concluded by the 13th. Arguments scheduled for April 15 and 22 will be conducted via Zoom, and will have live video (3+1).

### Minnesota (3/4)

The Minnesota Supreme Court typically livestreams argument video (3). Virtual arguments took place on April 1 via Cisco WebEx (*screenshot at right*), and video was streamed live from the court's website (3+1).



*Minnesota Chief Justice Lorie Gildea (via [Cisco WebEx](#), Apr. 1): “Consistent with the court’s commitment to accountability and transparency, this argument is being livestreamed through our website. Also a recording will be posted. [...] As we serve the people of Minnesota, we want the people to continue to have access to the court’s proceedings.”*

### Mississippi (3/0)

The Mississippi Supreme Court typically livestreams argument video (3). Oral arguments scheduled on March 13 or later have been postponed or submitted on the briefs. Going forward, it's unclear if or how the May 21 arguments will go forward (0).

### Missouri (2/3)

The Supreme Court of Missouri typically livestreams argument audio (2). The March sitting was concluded by the 13th. Arguments on April 14, and those scheduled for April 22, were remote, submitted on the briefs or postponed. Virtual arguments streamed audio live (2+1).

### Montana (2/0)

The Montana Supreme Court typically livestreams argument audio, though it sometimes livestreams video (2). There was no sitting scheduled for March. The April 18 and 30 arguments have been canceled. It is unclear if the May arguments will go forward or not (0).

### Nebraska (3/3)

The Nebraska Supreme Court typically livestreams argument video (3). The March sitting was concluded by the 13th, but for the April sitting, which began March 31, arguments were conducted virtually or canceled. Live audio stream of the arguments was provided (2+1).

### Nevada (3/0)

The Supreme Court of Nevada typically livestreams argument video (3). The March sitting was concluded by the 13th, and oral arguments after have been canceled going forward. It is unclear if and when they will be rescheduled, and what form that might take (0).

### New Hampshire (3/0)

The New Hampshire Supreme Court typically livestreams argument video (3). The March sitting was concluded by the 13th, and oral arguments scheduled for April 9, 14 and 22 have been canceled. It is unclear if and when they will be rescheduled, and what form that might take (0).

### New Jersey (3/4)

The Supreme Court of New Jersey typically livestreams argument video (3). Arguments on March 16 and 17 took place in the courtroom, albeit with judges and spectators practicing social distancing. Arguments on March 30 (*screenshot at right*) and 31 took place remotely, and the video was livestreamed (3+1).



*New Jersey attorney Russell Macnow (center) at the start of his March 30 [argument](#): “Justices, I hope that this argument finds you, the court staff, and counsel well and safe.”*

### New Mexico (1/4)

The New Mexico Supreme Court typically provides oral argument recordings within 24 hours (1). The March sitting was concluded by the 13th, and no arguments were scheduled for April, save an emergency hearing conducted on April 14 over the state’s upcoming primary election may be all mail-in ballots which was video livestreamed and archived (3+1).

### New York (3/3)

The New York Appeals Court typically livestreams argument video (3). Socially distanced arguments took place on March 17 and were livestreamed but not archived (3). Arguments for the April/May sitting have been canceled.

### North Carolina (2/0)

The Supreme Court of North Carolina provides a livestream of argument video in rare circumstances (2). Arguments scheduled for March 25 were submitted on briefs. Future arguments have been postponed at least through June 1 (0).

### North Dakota (2/3)

The North Dakota Supreme Court typically livestreams argument audio (2). The court has held oral arguments on numerous dates: March 23 and 24 via Zoom videoconference, and eight days in April via GotoMeeting. Virtual access was made available for litigants and public - live audio via the court's website (2+1).

### Ohio (3/3)

The Ohio Supreme Court typically livestreams argument video (3). Virtual oral arguments took place April 7 and 8, and audio was streamed live (2+1).

### Oklahoma (1/0)

The Oklahoma Supreme Court has allowed a livestream of argument video in extremely rare circumstances (1). No arguments were scheduled in March or April. Oklahoma’s top court is famous for almost never scheduling oral arguments, and this fact doesn’t seem to be changing in any way amid a pandemic (0).

### Oregon (3/3)

The Oregon Supreme Court typically livestreams argument video (3). The next argument is scheduled for June 16. No arguments will occur in April, and May cases are being submitted on the briefs. According Oregon Supreme

Court staff, “the Court does plan to broadcast the oral argument set for June 16, and we anticipate that it will be accessible as normal” (3).

#### Pennsylvania (3/0)

The Supreme Court of Pennsylvania typically livestreams argument video (3). Oral arguments scheduled for April 20-24 were canceled. The next arguments are scheduled for May 18-22, and it’s unclear how they’ll be handled (0).

#### Rhode Island (0/0)

Based on our research, the Rhode Island Supreme Court does seem to provide any type of virtual access to its arguments (0). April arguments were canceled but may be rescheduled for hearing at a later date, though it’s unlikely (0).

#### South Carolina (3/0)

The Supreme Court of South Carolina typically livestreams argument video (3). No arguments were scheduled between March 11 and April 21, though an order says that arguments for now “are canceled.” In the next month the court “will consider alternate methods of conducting the arguments or hearing, such as video conferencing or telephone conferencing, to minimize the risk to the participants,” according to its website, but no such arguments have been scheduled (0).

#### South Dakota (2/2)

The South Dakota Supreme Court typically livestreams argument audio (2). Arguments initially scheduled for March "have been continued to the April term," according to the court’s website. A handful of cases will be argued during the sitting that runs April 20-22, and it appears they will be streamed via the court’s typical live audio feed (2).

#### Tennessee (2/4)

The Tennessee Supreme Court does often permit video coverage of its arguments, though not typically live coverage (2). March arguments were postponed, and the court heard one argument via [videoconference](#) on April 1 (*screenshot at right*; 3+1), which was a first. The other three arguments scheduled for that day were submitted on the briefs. As of April 14, no additional Supreme Court arguments have been scheduled.



*Tennessee Chief Justice Jeff Bivins (bottom right, via [Zoom](#), Apr. 1): “We’re all making history together here today. This is the first time that the Tennessee Supreme Court has ever conducted an oral argument by videoconference. So I think we’re being a part of an innovative system that we’re having to adapt to with everything that’s going on today. [...] Please understand, we’re very understanding in this. We’re not expecting it to be perfect. [...] But, this is a way we can keep our justice system moving forward today, and we just have to find a way because we can’t left everything grind to a halt.”*

### Texas (3/4)

The Supreme Court of Texas typically livestreams argument video (3). The court postponed its March arguments to April. On April 8 (*screenshot at right*), the court heard three arguments via [videoconference](#) using Zoom, all of which were livestreamed (3+1), and it plans to next hold arguments on April 22, which will also be livestreamed via Zoom.

### Utah (2/2)

The Utah Supreme Court typically livestreams argument audio (2). The two post-emergency arguments on the court's docket, slated for March 24, were canceled. Four cases have been argued so far this month - two each on April 8 and 10 - over videoconference, the audio of which was posted soon after (1+1).

### Vermont (2/3)

The Vermont Supreme Court sometimes offers live argument audio to the public and sometimes livestreams argument video on the court's Facebook page (2). The court did not hear arguments in March. Arguments heard April 14-15 were livestreamed on Facebook but were not archived (3).

### Virginia (0/2)

The Supreme Court of Virginia - like the U.S. Supreme Court from Oct. 2010 to Mar. 2020 - offers only end-of-week audio (0). No arguments were scheduled between Feb. 28 and Apr. 14, and hearings during the April 14-17 session took place via audio conference on Vimeo's Livestream.com, with the public granted live audio access (2).

### Washington (3/3)

The Washington Supreme Court typically livestreams argument video (3). Arguments scheduled for March 17 and 19 were postponed, and arguments beginning April 23 will be held via videoconference and livestreamed via TV Washington, the state's public affairs television station (3).

### West Virginia (3/3)

The West Virginia Supreme Court of Appeals typically livestreams argument video (3) Its March 17, 18, 24 and 25 arguments have been postponed. Arguments scheduled for its April 14-15 session were either submitted on the briefs or occurred via videoconference, with a live feed on the court's YouTube page (3). Other cases scheduled for that sitting are being continued.



*Texas Chief Justice Nathan Hecht: (via [Zoom](#), Apr. 8): “The COVID-19 pandemic has required many adjustments of the justice system. Social distancing and group size restrictions, as well as potential hardships on counsel of travel to Austin, do not allow us to hold argument in the courtroom. Rather than submit cases without argument, we’ve decided to proceed through remote connections. Court staff has made every effort to prepare us and counsel, but of course, there may be glitches, which will require patience. Otherwise, we will proceed in the same manner as we would in person. The arguments are being livestreamed.”*



### Wisconsin (3/3)

The Wisconsin Supreme Court typically livestreams argument audio on the court's website; live video is streamed on Wisconsin Eye website (3). The court's March 18 and 30 and April 1 arguments were canceled, its April 20-30 arguments will occur via livestreamed videoconference (3).

### Wyoming (2/2)

The Wyoming Supreme Court typically livestreams argument audio (2). The court's March and April arguments were canceled, and its next arguments, scheduled for May 12-14, will likely be broadcast via live audio (2), though a final decision has yet to be made.

## **If We Missed Anything**

We realize that state supreme courts are not only (we hope) streaming arguments in real time, they're also deciding in real time – under immense pressure, not only due to their jobs, but also given the stress we're all feeling these days – about what to do with their dockets.

So, if we missed anything above, or if something has changed since press time, please let us know at [Info@FixTheCourt.com](mailto:Info@FixTheCourt.com).