



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

November 16, 2020

Via Email Transmission

Mr. Gabe Roth
(on behalf of Fix the Court
National Press Photographers Association
News Media Alliance
Radio Television Digital News Association
Reporters Committee for Freedom of the Press
Society of Professional Journalists)

Dear Mr. Roth:

Thank you for your letter of November 3, 2020, regarding public access to election-related federal court hearings. Ensuring public access to court proceedings is and remains a priority for the Judiciary, especially during the COVID-19 pandemic when courthouse access may be limited in order to protect the health and safety of the public and court staff. To this end, in March the Judicial Conference approved a temporary exception to its broadcasting policy to authorize judges to use teleconference technology to provide the public and media with live audio access to civil proceedings. For several months, courts throughout the country have been using teleconferencing platforms, including the conference lines and virtual meeting platforms you mention in your letter to provide the public and media with audio access to court proceedings.

To help courts and judges implement this temporary exception, the Administrative Office (AO) has provided guidance and support on the use of teleconference access, including most recently, how to establish high-volume audio connectivity in an effort to maximize remote public access to the anticipated increase in election-related proceedings.

Nevertheless, in some cases, because of an unprecedented number of people seeking to listen to the audio, technical or bandwidth issues may arise. The AO has been working closely with courts to identify the causes of these technical issues and expeditiously find solutions to resolve them. Toward that end, we have expanded the remote technical guidance we previously provided to courts and asked courts to, when

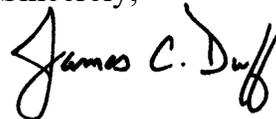
Mr. Gabe Roth

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possible, notify the AO in advance of a high demand proceeding so they can discuss options and assistance. If technical difficulties arise during a proceeding that significantly interfere with public access, courts have been advised that they may wish to consider pausing the proceeding until access can be restored. Of course, if such a decision becomes necessary, it will be made by the presiding judge. Furthermore, each court has the authority to use a teleconferencing platform or service that best meets their local needs. It is not appropriate for the AO to promote or endorse one product or vendor over any other. With respect to your suggestion about streaming hearings on YouTube, I am sure you are aware that live audio access to oral arguments is already widely available in many of the courts of appeals. Judiciary policy prohibits audio streaming broadcasting of district court proceedings, however, and this is not an available option. Earlier this year, however, the Judicial Conference approved a pilot program permitting participating pilot courts to livestream audio of civil proceedings of public interest with the consent of the parties. The pilot is expected to begin in early 2021.

Public and media access to judicial proceedings is an important element of our judicial process. While the COVID-19 pandemic presents new challenges, it does not diminish our commitment to this principle. Thank you for sharing your concerns.

Sincerely,

A handwritten signature in black ink that reads "James C. Duff". The signature is written in a cursive style with a large, stylized "J" and "D".

James C. Duff
Director

cc: Circuit Executives