



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

HONORABLE ROSLYNN R. MAUSKOPF
Director

WASHINGTON, D.C. 20544

February 8, 2021

Mr. Gabe Roth
Executive Director
Fix the Court
902 Broadway, 7th floor
New York, NY, 10010

Dear Mr. Roth:

I write in response to your January 25, 2021 email to former Administrative Office Director James C. Duff and Judge Audrey G. Fleissig, Chair of the Judicial Conference's Court Administration and Case Management Committee, requesting that cases stemming from the January 6th attacks on the U.S. Capitol be livestreamed, and that Public Access to Court Electronic Records (PACER) fees for access to records in those cases be waived.

Since the onset of the COVID-19 pandemic, and pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136, 134 Stat. 281, the Judicial Conference has authorized district courts to provide remote public access to court proceedings via teleconferencing technology while entry to courthouses is restricted due to the pandemic. Thus, any member of the public or media who wishes to observe criminal proceedings—including those related to the January 6th attack on the U.S. Capitol—has access either in person if the courthouse is open or via the conferencing platform in use by the court where the matter is pending if courthouse access is restricted.

With respect to your suggestion that the Judiciary should “permit media to take the livestream feeds and post or embed them on their own websites,” and “permit media to use pictures and sound from these proceedings in subsequent reporting,” Federal Rule of Criminal Procedure 53 prohibits the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom except as otherwise provided by statute or the Federal Rules. While the CARES Act allows courts to provide public access to proceedings, it does not authorize livestreaming, photographing, or recording of criminal proceedings.

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With regard to waiving PACER fees for access to cases involving the January 6th attacks on the U.S. Capitol, the Administrative Office does not have authority to grant waivers, but it does recommend that courts post information, which may include case filings, in high-profile cases on court websites.

In response to your requests, I will ask my staff to ensure that adequate technical support is provided to courts handling the Capitol attack cases, and I will remind courts of the authorization to provide remote public access to hearings while courthouse access is restricted due to the pandemic.

Thank you for your suggestions.

Sincerely,

A handwritten signature in black ink that reads "Roslynn R. Mauskopf". The signature is written in a cursive, flowing style.

Roslynn R. Mauskopf
Director

cc: Honorable Audrey G. Fleissig