



Broadcast Policies in Federal Courts and Select State Courts

Supreme Court

Pre-pandemic policy (through Feb. 2020): **Week's-end release** of oral argument audio on SupremeCourt.gov

Exception: Since 2000, the Court released argument audio on the afternoon of argument day 27 times, or less than 2% of the time

Pandemic-era policy (May 2020-May 2021): **Argument audio livestreamed** via media pool (e.g., C-SPAN)

Post-pandemic policy (Oct. 2021-ff.): **No announcement** has been made

U.S. Courts of Appeals

Pre-pandemic policy: Circuits generally released argument audio on their websites within 24 hours of argument's conclusion

Exceptions:

- Since 2015, the Ninth Circuit has livestreamed video of all arguments
- Since 2018, the D.C. Circuit has livestreamed audio of all arguments
- Since 2017, the Third Circuit has video-recorded, though not livestreamed, a significant portion of its arguments
- The Second and Seventh permitted video-recording, though not livestreaming, on rare occasions
- The Fourth Circuit permitted livestreamed audio of arguments on rare occasions (>1%)

Pandemic-era policy: **All circuits have, at the least, livestreamed argument audio**

Exceptions: The Ninth (all arguments) and Eleventh Circuit (some arguments) have livestreamed argument video; the Third Circuit has video-recorded 14 arguments

Post-pandemic policy: No announcement has been made in any circuit.

U.S. District Courts

Pre-pandemic policy: Audio and video recording were generally not permitted

Exceptions: Three courts that participated in a cameras pilot program may record video (N.D. Calif., W.D. Wash., D. Guam)

Pandemic-era policy: The Judicial Conference of the United States approved the use of video and teleconferencing for certain criminal and civil proceedings, with judges generally having the discretion as to how to use the newfound access, either via videoconference apps, call-in lines, links to audio livestreams, etc.

Post-pandemic policy: Unclear, though the Conference began a two-year live audio pilot program in 15 district courts earlier this year. Historically, pilot programs — this is no. 3 — have been a way for the Conference to say it's "studying" broadcast access but in practice dodge the question for a couple of years and then release post-pilot findings that oppose broader adoption.

State Supreme Courts

Pre-pandemic policy: States courts of last resort were generally more permissive on broadcast than their federal counterparts

Pandemic-era policy: Per a Fix the Court survey conducted May 5, 2021, 41 of 50 courts were livestreaming video, up from 35 in its previous survey (June 2020), with six more livestreaming audio, bringing the total livestreaming to 47, up from 43 last year.

Remote live video (29 states): Alaska, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Kansas, Maryland, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin

In-person live video (12): Arizona, Indiana, Illinois, Iowa, Kentucky, Louisiana, Massachusetts, Mississippi, Nebraska, New York, South Carolina, West Virginia

Remote live audio (6): Maine, Missouri, Rhode Island, South Dakota, Virginia, Wyoming