

Appendix C: Judicial Conference Policy Regarding the Broadcast of Court Proceedings

Judicial Conference policy does not allow courtroom proceedings in civil and criminal proceedings in the district courts to be broadcast, televised, recorded, or photographed for the purpose of public dissemination. JCUS Proceedings, Sept. 1994, at 46–47. However, in March 1996, the Judicial Conference adopted a policy that allows each court of appeals to determine whether appellate proceedings before it will be broadcast. JCUS Proceedings, Mar. 1996, at 17.

The Judicial Conference, at its September 1996 meeting (JCUS Proceedings, Sept. 1996, at 54), adopted the following policy to reflect the Judicial Conference policy decisions of September 1994 (JCUS Proceedings, Sept. 1994, at 46) and March 1996 (JCUS Proceedings, Mar. 1996, at 17).

A judge may authorize broadcasting, televising, recording, or taking photographs in the courtroom and in adjacent areas during investitive, naturalization, or other ceremonial proceedings. A judge may authorize such activities in the courtroom or adjacent areas during other proceedings, or recesses between such other proceedings, only:

- (a) for the presentation of evidence;
- (b) for the perpetuation of the record of the proceedings;
- (c) for security purposes;
- (d) for other purposes of judicial administration;
- (e) for the photographing, recording, or broadcasting of appellate arguments; or
- (f) in accordance with pilot programs approved by the Judiciary Conference (e.g., JCUS-SEP10, pp. 11–12).

Guide to Judiciary Policy, vol. 10, ch. 4, § 420.

The Guide to Judiciary Policy’s commentary provides that with the exception of ceremonial proceedings and appellate proceedings, Conference policy does not authorize the contemporaneous transmission of photographs, recordings, or broadcasts of proceedings from the courtroom to the public beyond the courthouse walls. The Judicial Conference remains of the view that it would not be appropriate to require all non-ceremonial proceedings to be subject to media broadcasting. Also, except in connection with the enumerated exceptions, the Conference policy does not authorize audio or video taping in the courtroom for the purpose of subsequent public dissemination. Where an audio or video taping is used to perpetuate the official record, that record will be available to the public and the media to the same extent that an official transcript record is currently available to them.