

Judiciary Authorizes Video/Audio Access During COVID-19 Pandemic

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In order to address health and safety concerns in federal courthouses and courtrooms, the Judicial Conference of the United States has temporarily approved the use of video and teleconferencing for certain criminal proceedings and access via teleconferencing for civil proceedings during the COVID-19 national emergency.

With regard to criminal proceedings, the Judicial Conference, the administrative policy-making body for the federal courts, found on March 29, pursuant to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), that “emergency conditions due to the national emergency declared by the President with respect to COVID-19 will materially affect the functioning of the federal courts generally ...”. [Under the CARES Act](#)

[\(/web/20200411173218/https://www.uscourts.gov/file/27896/download\)](http://web.archive.org/web/20200411173218/https://www.uscourts.gov/file/27896/download) (pdf), this finding allows chief district judges, under certain circumstances and with the consent of the defendant, to temporarily authorize the use of video or telephone conferencing for certain criminal proceedings during the COVID-19 national emergency.

The CARES Act provides that the authorization of video and telephone conferencing will end 30 days after the date on which the national emergency ends, or the date when the Judicial Conference finds that the federal courts are no longer materially affected, whichever is earlier.

The Executive Committee of the Judicial Conference, acting on an expedited basis on behalf of the Conference, on March 29 approved a temporary exception to the Conference broadcast/cameras policy to allow a judge to authorize the use of teleconferencing to provide the public and media audio access to court proceedings. This exception may be applied when public access to the federal courthouse is restricted due to health and safety concerns during the COVID-19 pandemic, and the authorization will expire when the Judicial Conference finds that emergency conditions are no longer materially affecting the functioning of federal courts.

With respect to the possible use of teleconference and videoconference technology to provide the public and the media with access to criminal proceedings, the Administrative Office of the U.S. Courts is evaluating this issue in light of [Federal Rule of Criminal Procedure 53](#) [\(/http://web.archive.org/web/20200411173218/https://www.law.cornell.edu/rules/frcrmp/rule_53\)](http://web.archive.org/web/20200411173218/https://www.law.cornell.edu/rules/frcrmp/rule_53) and the CARES Act and will be providing additional guidance in the near future.

The 26-member [Judicial Conference of the United States](#) [\(/web/20200411173218/https://www.uscourts.gov/about-federal-courts/governance-judicial-](http://web.archive.org/web/20200411173218/https://www.uscourts.gov/about-federal-courts/governance-judicial-)

[conference/about-judicial-conference](#)) is composed of the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade.

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