

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

APR 16 2020

JAMES N. HATTEN, Clerk
By: *gmo* Deputy Clerk

IN THE MATTER OF:

ADMINISTRATIVE ORDER 20-03

**AUTHORIZING MEDIA AND PUBLIC
ACCESS TO VIDEO CONFERENCE AND
TELEPHONE CONFERENCE
PROCEEDINGS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY COVID-19**

ORDER

Judicial Conference policy generally prohibits the broadcasting of proceedings in federal trial courts. The Executive Committee of the Judicial Conference, however, acting on behalf of the Judicial Conference on an expedited basis, approved a temporary exception to this policy to allow a judge to authorize the use of teleconference technology to provide the public and the media access to court proceedings while public access to federal courthouses generally, or with respect to a particular district, is restricted due to health and safety concerns during the COVID-19 pandemic. This authorization will expire upon a finding by the Judicial Conference that the emergency conditions due to the emergency declared by the President with respect to COVID-19 are no longer materially affecting the functioning of the federal courts generally or a particular district.

In addition, Congress passed the CARES Act in response to courts closing or limiting operations due to the COVID-19 pandemic and provided an electronic

means for courts to continue holding certain criminal proceedings. This authorization presumably includes the ability of courts to include usual participants in and observers of such proceedings by remote means. This would include not only defendants, lawyers, probation officers, and court personnel, but also others who normally participate in or observe such criminal proceedings, including victims, family members, the public, and the press. Accordingly, allowing these categories of people to participate in or observe criminal proceedings conducted by video or telephone conference is authorized by the CARES Act and does not violate Rule 53 of the Federal Rules of Criminal Procedure.

Rule 53 also provides, however, that courts must not permit the taking of photographs or the broadcasting of judicial proceedings. Because those activities are not authorized by the CARES Act, they remain prohibited by Rule 53; and the court prohibits the recording by anyone other than court staff of any court proceeding.

Recognizing the above and the state of emergency existing throughout the Northern District of Georgia and the State of Georgia as a result of the coronavirus pandemic and desiring to facilitate public and media access to the telephone and video proceedings of the Court, it is hereby **ORDERED** that the Clerk will establish procedures to provide to members of the public and media, to the extent practical, a means to access proceedings held by video conference, telephone conference, or similar remote means. Persons receiving remote access to proceedings are prohibited


from photographing, recording, and rebroadcasting court proceedings, including proceedings held by video conferencing or telephone conferencing. This prohibition includes not only recording audio and/or video of a remote proceeding but also capturing screenshots or making any other visual copy of any part of the proceeding. Violation of these prohibitions may result in sanctions, including restricted access to future hearings, denial of access to future hearings, or any other sanctions deemed necessary by the court.

In addition to the prohibitions listed above, members of the public and media who access telephone and video proceedings must adhere to all instructions published by the Clerk or conveyed by the presiding judge to ensure their attendance does not disrupt the proceedings. Such instructions, at a minimum, will require that all attendees who are observing but not participating in the proceeding will mute their devices when joining the hearing.

The Court recognizes that the public and the press have a qualified First Amendment right of access to certain court proceedings and that the use of video conferencing and/or telephone conferencing may implicate that right. Nonetheless, in light of the emergency conditions caused by COVID-19, the Court finds that these revised procedures are necessary and must be implemented to prevent the spread of the COVID-19 disease.

The authorization addressed herein for public access to civil and criminal proceedings taking place through remote means expires when the emergency declared under the CARES Act ends.

SO ORDERED, this 16 day of April, 2020.



THOMAS W. THRASH, JR.
CHIEF UNITED STATES DISTRICT JUDGE