

United States Court of Appeals for the Third Circuit

NEWS RELEASE

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U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT TO MAKE ORAL ARGUMENT VIDEOS AVAILABLE TO THE PUBLIC

PHILADELPHIA, PA – Chief Judge D. Brooks Smith has announced that the United States Court of Appeals for the Third Circuit will begin posting video recordings of its oral argument proceedings to the Court’s website, starting in January 2017. The Third Circuit Court of Appeals is headquartered in Philadelphia and considers appeals from federal courts in Pennsylvania, New Jersey, Delaware, and the U.S. Virgin Islands, as well as federal agencies.

The Third Circuit becomes the second federal appeals court in the nation to make oral argument videos publicly available. Federal judiciary policy leaves the decision whether to broadcast appellate court proceedings to the discretion of each regional court of appeals. In announcing the Third Circuit’s decision, Chief Judge Smith noted: “Our Court is committed to making the appellate judicial process more accessible to the general public.” Chief Judge Smith added: “Beyond the principle of openness, we see the availability of video recordings of our oral arguments as a contribution to civics education of the citizenry at large.”

In 2014, Judge Theodore A. McKee, then the Chief Judge of the Third Circuit, initiated a study within the Court of the issue of broadcasting its oral arguments. Judge McKee remarked of this decision: “I am hopeful that the study will result in changes that will help educate the general public about the operation and substance of the judicial system, as well as legal principles that are not always appreciated or understood.”

The Court has decided to make videos of oral arguments in select cases available on the Court's website, www.ca3.uscourts.gov. The Court also has adopted a set of rules, which are part of its Internal Operating Procedures, to govern the process for posting video recordings. The Internal Operating Procedures are available to the public on the Court's website.

Lawyers representing the appellant and the appellee will be asked to file a brief summary of the case when they receive notice that the case has been scheduled for oral argument. Both summaries will be posted to the Court's website prior to the argument date. The Court will continue its long-standing practice of posting audio recordings of all cases to its website shortly after the conclusion of arguments for the day. The Court now also will post video recordings of those cases that are deemed to be of significant interest to the public, the bar, or the academic community. To assist the Court in this determination, counsel will be asked when providing the summary of the case whether or not they recommend that a video be posted. The decision whether to post a video will rest within the sole discretion of the judges hearing oral argument and will be determined after oral argument takes place. Counsel will be notified if the video is to be posted and given another opportunity to present objections to such posting.

Chief Judge Smith expressed the hope that the public will "take advantage of the opportunity, if they are unable to attend court sessions in person, to view these video recordings and learn more about the important issues which are addressed everyday by federal judges. Making these videos available opens a window through which the public will see the essential role that our federal judiciary plays in ensuring equal justice for all."

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