

SURVEY OF CIRCUIT RULES AND PRACTICES
as of May 29, 2018

Whether the court has a local rule or practice regarding public access to oral argument audio/video recordings.

Note: When a circuit permits the purchase of an oral argument recording, the price is uniformly \$31, consistent with the Court of Appeals Miscellaneous Fee Schedule at 28 U.S.C. § 1913.

1	A recording of an oral argument is available on the court's website at 2:00 p.m. on the day of oral argument, and remains available online for 30 days. A CD of an oral argument recording may also be purchased. IOP VIII.D.
2	Since the Fall Of 2016, the court has been posting the audio recording or oral arguments an hour or so after argument concludes. A CD of an oral argument recording may be purchased.
3	Oral argument recordings are made available on the court's website in MP3 format. A CD of an oral argument recording (for oral arguments beginning in 2006) may also be purchased using an order form. The court now posts videos of oral argument upon direction by the panel. When counsel receive Notices of Oral Argument, they are asked to provide short case summaries indicating whether they are in favor of video being posted. If counsel do not favor posting, a letter of explanation is filed and then submitted to the panel prior to argument. After oral arguments, the panel notifies the Clerk's Office of any case arguments that should be posted. The Clerk's Office issues a Text Order in cases selected for posting and counsel are given 24 hours to object. If objections are filed, they are submitted to the panel with a proposed order. If there are no objections from counsel, or if the panel decides to post despite objection, the video will be posted.
4	The court's audio files are available online from May 2011 to date. The recordings are posted by the next business day following oral argument (immediately after argument in cases of public interest). Recordings for arguments held between September 2002 and May 2011 may be purchased on CD for \$31.

5	<p>Since May 2008, recordings of oral arguments are posted to the “Oral Argument Recordings Page” on the court’s website before the close of business on the day of the argument, and thereafter remain available via a search function.</p>
6	<p>The court does not stream arguments. The court posts all oral argument recordings, with the exception of sealed cases, on the court’s web site either the day of, or following the argument.</p>
7	<p>A recording of an oral argument is available on the court’s website on the afternoon of the day of oral argument. There is presently no limitation on the length of time the recording remains available online. See Operating Procedure 11 for Video Recording Policy.</p>
8	<p>Recordings of oral arguments have been available on the court’s website since 2000, and these recordings are still available on the website in MP3 format. In 2008, oral argument records were added to the website as podcasts. Recently, oral argument recordings were made available as free podcasts on iTunes. A CD of an oral argument may also be purchased. IOP III.K.5. Since CM/ECF went live in 2007, a digital recording is also attached to the docket sheet in the argued and submitted event, where the recording appears within one or two hours after the case has been argued. The digital recording is accessible through PACER.</p>
9	<p>Since January of 2015, every oral argument is live streamed and then made available on video. Audio and video files are posted by noon the day after argument. Neither audio nor video files are ever removed. Audio files from May 2003 and after are available. A small number of videos for notable cases from May 2010 through the end of 2014 are posted. All En Banc oral arguments held since September of 2010 are available on video.</p>
10	<p>Local Rule 24.1(E)(1). Recordings of oral argument hearings are posted on the court’s website the same day as the argument (effective January 2018) “unless the court directs otherwise”. The court does not stream audio or video, nor offer still-video.</p>
11	<p>A CD of an oral argument recording for arguments held after August 1, 2012 is available upon request and payment of the fee prescribed by the Judicial Conference of the United States in the Court of Appeals Miscellaneous Fee Schedule at 28 U.S.C. § 1913. 11th Cir. I.O.P. 16 to Fed.R.App.P.34. The court has also adopted FRAP 34, IOP 17, which states:</p> <p>17. <u>Posting of Oral Argument Recordings on the Website</u>: Recordings of oral arguments held after April 1, 2017 are available on the court’s website. Recordings are posted as soon as practicable after the date of argument. The court makes not representations about the quality of the posted recordings.</p>

DC	Recordings of oral arguments are available at no cost on the court's website beginning at 2:00 pm the day of argument. And, beginning in November 2017, the court began live audio streaming of oral arguments upon request of any interested person. The court ended up doing live audio streaming in about 30 cases. An archive of recordings of past arguments is also available on the website. Beginning in September 2018, the court will begin live audio streaming all arguments (except where the argument might involve discussion of sealed or classified matters).
Fed.	“Recordings of oral arguments are available at no cost on the court’s website (Practice Note 34), typically by early afternoon the day of argument. Additionally, oral argument recordings are available upon request and payment of the fee prescribed by the Judicial Conference of the United States in the Court of Appeals Miscellaneous Fee Schedule at 28 U.S.C.1913.”