



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Office of the District Court Executive

LAURA TAYLOR SWAIN
Chief Judge

EDWARD A. FRIEDLAND
District Court Executive

MEMORANDUM

TO: Members of the Media and Public
FROM: Edward Friedland, District Executive
DATE: November 3, 2021
SUBJECT: Telephone Access for Criminal Proceedings

Please be advised that, effective Monday, November 1, 2021, there is no longer public access by telephone for **in-court criminal proceedings, including trials**. The Court had previously provided such access on a case-by-case basis pursuant to the CARES Act due to the substantial restrictions on in-person attendance during much of the COVID-19 pandemic. But given that the public can now access in-person proceedings relatively freely, and the Court can provide overflow courtrooms as needed, continuing to provide remote public access to in-person proceedings is inconsistent with Federal Rule of Criminal Procedure 53 (which provides, in relevant part, that “[e]xcept as otherwise provided by a statute or these rules, the court must not permit . . . the broadcasting of judicial proceedings from the courtroom”).

To ensure compliance with the First Amendment and common law rights of access to judicial proceedings, however, the Court may continue to provide public access by telephone to all criminal proceedings held remotely pursuant to the CARES Act, on a case-by-case basis. In such cases, the Court may include the access information in any order scheduling a remote proceeding. Further, consistent with Rule 53 as well as the Court’s standing orders and local rules, members of the media and the public are advised that no recording or rebroadcasting of the proceedings is permitted.

Finally, **remote public access for in-court civil proceedings is still authorized** and may be provided on a case-by-case basis. No recording or rebroadcasting of such proceedings is permitted.

Please feel free to reach out with any questions.