

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VIDEO AND TELECONFERENCING FOR
CRIMINAL PROCEEDINGS UNDER THE
CARES ACT AND PUBLIC AND MEDIA ACCESS
TO CIVIL AND CRIMINAL PROCEEDINGS

GENERAL ORDER NO. 165

WHEREAS, on March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), which authorized the Judicial Conference of the United States to provide authority to Chief District Judges to permit the use of video or audio conference to conduct certain criminal proceedings, and the President signed the CARES Act into law;

WHEREAS, on March 29, 2020, the Judicial Conference of the United States made the appropriate findings as required under the CARES Act, finding specifically that emergency conditions continue to exist due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. § 1601, *et seq.*) with respect to COVID-19 and those emergency conditions have materially affected and will materially affect the functioning of the federal courts generally;

WHEREAS, on March 30, 2020, the Court issued a General Order permitting the judges in this District to conduct certain criminal proceedings by videoconference, or, where videoconference is not reasonably available, by telephone, as set forth in the CARES Act, for a period of ninety (90) days, and that authorization has been extended by thirteen subsequent General Orders, the most recent of which (General Order No. 164) was issued on April 3, 2023;

WHEREAS, 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;

WHEREAS, on April 10, 2023, the President signed into law H. J. Res. 7, which terminates

the national emergency related to the COVID-19 pandemic;

WHEREAS, the *Guide to Judiciary Policy*, Vol. 10, Ch. 4, known as the “Cameras in the Courtroom” policy, provides that neither civil nor criminal courtroom proceedings in the district courts may be broadcast, televised, recorded, or photographed for the purpose of public dissemination;

WHEREAS, the Judicial Conference has approved a temporary exception to the Cameras in the Courtroom policy which has allowed the use of teleconferencing technology to provide audio-only remote access to district court proceedings for the public and the media during the COVID-19 pandemic;

WHEREAS, the temporary exception to the Cameras in the Courtroom Policy will continue to be available with respect to civil and bankruptcy proceedings until 120 days after the Judicial Conference finds that the 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;

WHEREAS, on July 14, 2021, the Court issued a General Order (General Order No. 148) that, among other things, allows for civil and criminal hearings to be conducted on a videoconference line or, where one is not reasonably available, a toll-free teleconference line, and provides that such line will be available to members of the public and the media, to the extent possible;

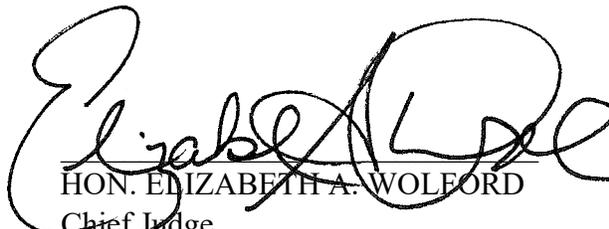
IT IS HEREBY ORDERED that the authority granted under General Order No. 164 shall terminate on May 10, 2023, which is the last day of the covered emergency period;

IT IS FURTHER ORDERED that, after May 10, 2023, criminal proceedings may be conducted on a videoconference or teleconference line only to the extent authorized by the Federal Rules of Criminal Procedure, including Federal Rule of Criminal Procedure 53, and consistent with the Cameras in the Courtroom policy;

IT IS FURTHER ORDERED that until 120 days after the Judicial Conference finds that the 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 or as otherwise ordered by the Court, civil proceedings may continue to be conducted on a videoconference line, or where one is not reasonably available, a toll-free teleconference line, and that the line will be available to members of the public and the media, to the extent practicable. Members of the public and the media may listen to the proceedings but not participate in them. Members of the public and media are strictly prohibited from recording or broadcasting any proceeding, in whole or in part, in any fashion. *See* Loc. R. Civ. P. 83.5. Failure to comply with the above restriction on recording or broadcasting may result in a contempt finding. The presiding judge has the final, discretionary authority to grant or deny any specific request to appear in person.

IT IS SO ORDERED.

Dated: April 20, 2023
Rochester, New York



HON. ELIZABETH A. WOLFORD
Chief Judge
United States District Court