

114TH CONGRESS
1ST SESSION

H. R. 3723

To provide for media coverage of Federal appellate court proceedings, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2015

Mr. NADLER (for himself, Mr. CONNOLLY, Mr. QUIGLEY, and Mr. POE of
Texas) introduced the following bill; which was referred to the Committee
on the Judiciary

A BILL

To provide for media coverage of Federal appellate court
proceedings, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Eyes on the Courts
5 Act of 2015”.

6 **SEC. 2. MEDIA COVERAGE IN FEDERAL APPELLATE COURT**
7 **PROCEEDINGS.**

8 (a) DEFINITIONS.—In this section:

9 (1) PRESIDING JUDGE.—The term “presiding
10 judge” means the judge presiding over a proceeding

1 in an appellate court of the United States. In pro-
2 ceedings in which more than 1 judge participates,
3 the presiding judge shall be the senior active judge
4 so participating or, in the case of a circuit court of
5 appeals, the senior active circuit judge so partici-
6 pating, except that—

7 (A) in en banc sittings of any United
8 States circuit court of appeals, the presiding
9 judge shall be the chief judge of the circuit
10 whenever the chief judge participates; and

11 (B) in en banc sittings of the Supreme
12 Court of the United States, the presiding judge
13 shall be the Chief Justice whenever the Chief
14 Justice participates.

15 (2) APPELLATE COURT OF THE UNITED
16 STATES.—The term “appellate court of the United
17 States” means any United States circuit court of ap-
18 peals and the Supreme Court of the United States.

19 (b) MEDIA COVERAGE OF COURT PROCEEDINGS.—

20 (1) IN GENERAL.—The presiding judge in a
21 proceeding of an appellate court of the United
22 States shall permit the photographing, electronic re-
23 cording, broadcasting, televising, or streaming in
24 real time or near-real time on the Internet of that
25 proceeding to or for the public, unless—

1 (A) the presiding judge determines in writ-
2 ing, on the motion of any party to the pro-
3 ceeding or sua sponte, that allowing such
4 photographing, recording, broadcasting, tele-
5 vising, or streaming would violate the due proc-
6 ess rights of a party to the proceeding or is oth-
7 erwise not in the interests of justice; and

8 (B) the determination under paragraph (1)
9 is published at least 72 hours before the pro-
10 ceeding begins.

11 (2) INTERLOCUTORY APPEALS BARRED.—The
12 determination of a presiding judge under paragraph
13 (1)(A) may not be challenged through an interlocu-
14 tory appeal.

15 (3) GUIDELINES.—The Judicial Conference of
16 the United States may promulgate guidelines with
17 respect to the management and administration of
18 photographing, recording, broadcasting, televising,
19 or streaming described under paragraph (1).

20 (4) PROCEDURES.—In the interests of justice
21 and fairness, the presiding judge of each appellate
22 court of the United States may promulgate rules
23 and disciplinary measures for the courtroom use of
24 any form of media or media equipment and the ac-
25 quisition or distribution of any of the images or

1 sounds obtained in the courtroom. The presiding
2 judge may also require written acknowledgment of
3 the rules by anyone individually or on behalf of any
4 entity before being allowed to acquire any images or
5 sounds from the courtroom.

6 (c) EFFECTIVE DATE.—This Act shall apply with re-
7 spect to any proceeding in an appellate court of the United
8 States that begins on or after the end of the 14-day period
9 beginning on the date of the enactment of this Act.

○