



5 December 2016

Honorable Tim Tymkovich  
US Courts of Appeals, Tenth Circuit  
1823 Stout Street  
Denver, CO 80257

Dear Mr. Tymkovich,

As the Executive Director of Free Law Project, a non-profit dedicated to providing free access to primary legal materials, I write to encourage the court to join all the other circuit courts and the Supreme Court in providing free online access to oral argument recordings.<sup>1</sup> At present acquiring these recordings is governed by local rule 34.1 (E)(1), which requires a motion be filed to receive a single oral argument recording. As I'm sure you are aware, this process hampers access to this information, keeping the public removed from the workings of the court, and preventing study of court proceedings by legal practitioners, students, and researchers.

At Free Law Project, we collect oral argument audio from the circuit courts that provide it, and we make it available on our website so that people can easily search for recordings, download them in bulk, or listen to them as podcasts or on our website. We currently have more than 850,000 minutes of audio from more than 24,000 oral arguments going back to 1969.<sup>2</sup> Another provider of oral argument audio, the Oyez Project, attracts around five million users annually.<sup>3</sup> There is great demand for this information, and Free Law Project is eager to fulfill that demand, if the court provides a way.

I see two possible ways that the court could make oral argument audio available:

1. **On Your Website.** All of the other circuit courts and the Supreme Court will soon make recordings of their oral argument audio freely available on their websites. This is the best way to make the content available, and the one we hope the court will adopt.
2. **Via a Rules Waiver.** If the above is not an expedient way forward, we ask that the court consider furnishing Free Law Project with a rules waiver, allowing us to acquire the historical and future oral argument recordings of the court without filing a motion for each

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1 The 11<sup>th</sup> Circuit just informed me via email that they have begun revising their rules and expect to begin placing recordings on their website in the next six months. All other circuit courts already place recordings on their websites.

2 <https://www.courtlistener.com/audio/>

3 <http://blogs.wsj.com/law/2016/02/01/future-of-oyez-supreme-court-archive-hangs-in-the-balance/>



case. We would be delighted to serve as a repository for this data so that others may acquire it without the court needing to upgrade its rules, and we have deep experience hosting similar repositories.

At Free Law Project, we attempt to serve both the judiciary and the public, and our initiative to provide oral argument recordings is special because it often does both. The public benefits by being able to study and understand the workings of numerous courts. The judiciary benefits when this study results in practitioners with deeper understandings of the law and of the court itself. Of course, everybody benefits from more transparency.

Oral argument recordings are a product of the courts that have seen incredible demand. I hope that as Chief Judge you will choose to meet that demand, joining the other circuit courts and the Supreme Court that provide this data for free on their website. If that is not possible, I hope that you will consider providing these oral argument recordings to Free Law Project via a rules waiver for our organization.

If you wish to discuss this further, I would be happy to do so at your convenience.

Thank you for your consideration,

Michael Lissner  
Executive Director