ARTIFICIAL ORAL ARGUMENTS

BRIAN R. DOWNING*

ABSTRACT
(Playable GenAI Video Clip from 2025 Term)[1]

The United States Supreme Court resists placing cameras in its courtroom. As techniques from film and TV to internet video streaming developed over the 20th and 21st centuries, the Supreme Court forcefully resisted all efforts to adopt these technologies for its oral arguments. It fought off a petitioning media and an interested public for nearly a century. But this debate no longer matters. Video depictions of Supreme Court oral arguments are no longer in the Court's control.

New generative artificial intelligence technology can generate video of the Justices, in their courtroom, synched to their real live audio. Existing public data is all that is needed to depict a Supreme Court oral argument. The cases need not be new, nor the Justices living. Simple still images of Justices and written argument transcripts are all that is necessary to recreate oral arguments with modern AI video and audio generation techniques.

This Article explores artificial oral argument technology and its consequences for the Court and public. As a legal matter, there is little the Court can do to enjoin the publishing of artificial oral arguments. As a normative matter, the benefits to the public and the bar are substantial. The Court will face institutional disruption, but it need not have a negative impact long-term. In the end, the Court will be better off by simply offering the real thing itself.

*Assistant Professor of Law, University of Mississippi School of Law. The author would like to thank Jerry Goldman and the participants and commentors at the AALS Sh[ai]rk Tank and the University of Mississippi's Research and Activity Showcase for their insights.

1. Brian R. Downing, Downing – Sotomayor GenAI.MP4, https://tinyurl.com/artificialoralargs (Playable GenAI Video Clip from 2025 Term, Google Drive) (last modified Jan. 29, 2026) (on file with author).

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Introduction

There is a longstanding debate as to whether the United States Supreme Court should allow cameras in the courtroom.[2] This debate is raised in confirmation hearings for nominated Justices.[3] Organizations like C-SPAN regularly petition for cameras in the courtroom, to no avail.[4] The Supreme

2. *See* Kyle C. Kopko & Erin Krause, *Shooting From the Hip: Concealed Cameras in the United States Supreme Court*, 99 JUDICATURE 60, 61 (2015), https://judicature.duke.edu/wp-content/uploads/sites/3/2022/04/SCOTUSphotos_Autumn2015.pdf [https://perma.cc/4C2H-VZVD].

3. *See generally Confirmation Hearing on the Nomination of Hon. Sonia Sotomayor, to Be an Associate Justice of the Supreme Court of the United States: Hearing on S. 503 Before the S. Comm. on the Judiciary*, 111th Cong. (2009) [hereinafter *Sonia Sotomayor Confirmation Hearing*]; *The Nomination of Elena Kagan to Be an Associate Justice of the Supreme Court of the United States: Hearing on S. 1044 Before the S. Comm. on the Judiciary*, 111th Cong. (2010) [hereinafter *Elena Kagan Nomination Hearing*].

4. Tony Mauro, *C-SPAN and the Supreme Court's Big Step Toward Live Broadcast of Arguments*, FREEDOM F., https://www.freedomforum.org/c-span-and-the-supreme-courts-big-step-toward-live-broadcast-of-arguments/ [https://perma.cc/7SA8-W47K] (last visited Apr. 17, 2026) ("In 1988, C-SPAN made its first formal request to the Supreme Court, offering to televise the court's oral arguments live and gavel to gavel. 'We believe our public service mission requires as much and we are pleased to be able to make this promise,' then-CEO Brian Lamb said in a letter to

Court Justices simply will not allow it any time soon.[5] But this debate, framed as a resistant Supreme Court holding strong against an interested media and public, no longer matters. We do not need real cameras in the courtroom. Generative artificial intelligence video techniques can recreate the proceedings for us.[6]

New generative artificial intelligence technologies can take video samples of the Justices in other contexts and combine them with oral argument audio. The output is an AI-recreation of the proceedings using the Justices' likenesses and courtroom imagery, synched to the real argument audio. As this technology is already widely used in other contexts, it will come to the Supreme Court.

The cases need not be current, nor the Justices living, to recreate oral arguments. Both current and historic cases could be recreated with as little as still imagery and an oral argument transcript.[7] Of course, all these techniques will be imperfect.[8] Artificial oral arguments have good support in law but mixed normative consequences.[9] This Article will explore both angles.

Section I will explain the history of the Court's adoption of technology to publish oral arguments. The Court was slow to offer any recordings of oral arguments well past the radio and TV eras. The COVID-19 pandemic acted as a catalyst for new transparency in the Court, but it did not cause the Court to take the leap to video, even as oral arguments moved temporarily to video calls.

Section II notes the ways the public and media entities compensate for the slow moves of the Supreme Court, including generating annotated YouTube videos with increasing sophistication and automation.

Section III will describe how new AI technologies can build on prior efforts to place a virtual camera in the Supreme Court. Samples of AI reconstructions will also be provided.

Section IV will discuss the legal challenges of artificial oral arguments, including state and federal anti-deepfake legislation, state publicity rights, and platform policy conflicts.

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then-Chief Justice William Rehnquist. 'We also hope that we will be called upon to fulfill it.' The call did not come, and to this day, neither C-SPAN nor any other media organizations and transparency advocates have succeeded in coaxing the high court to allow video broadcast of the court's proceedings.").

5. *On Cameras in Supreme Court, Souter Says, "Over My Dead Body*," N.Y. TIMES (Mar. 30, 1996), https://www.nytimes.com/1996/03/30/us/on-cameras-in-supreme-court-souter-says-over-my-dead-body.html [https://perma.cc/9DK3-SCH7].

6. *See generally* discussion *infra* Section III.B.

7. *See generally* discussion *infra* Section III.B.

8. *See generally* Lyrissa Lidsky & Andrew Daves, *Inevitable Errors: Defamation by Hallucination in AI Reasoning Models*, 6 J. FREE SPEECH L. 477 (2025).

9. *See infra* Parts IV–V.

Section V will contemplate the normative issues with AI oral arguments, including the challenges to the Supreme Court's manicured internal culture, the behavior of advocates, and the public educational benefits of providing an engaging new method for educating the public on the Supreme Court, in cases new and old. Artificial oral arguments may, in the end, cause the Court to simply give in to offering the real thing.

I. THE SUPREME COURT'S APPROACH TO AUDIO/VIDEO

The U.S. Supreme Court was not pleased when audio-visual content from its oral arguments made its way to the public eye.[10] In October 1932, Fortune magazine published images of the Court in session, leading to the issuance of a photography ban.[11] Audio-visual capture is banned in the Supreme Court's courtroom to this day.[12] When the Supreme Court adopted the Federal Rules of Criminal Procedure for the federal court system in 1946, it contained a similar ban, also still in place today.[13]

The Court did increase its transparency after the photography ban, but very slowly. During the October 1955 Term, the Court began recording oral arguments.[14] These argument tapes were technically available to the general public starting in 1969, but only via National Archives request.[15] Even oral argument transcripts were not printed and offered to the public until 1968, the year prior.[16]

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10. Kopko & Krause, *supra* note 2, at 63–64.

11. *Id.* ("As a result of the publication of a photograph of the court on the bench, taken with a concealed camera, an official ban was ordered yesterday on all interior pictures of the Supreme Court in session.").

12. *Visitor Guidelines*, SUP. CT. U.S. https://www.supremecourt.gov/visiting/visitorguidelines.aspx? [https://perma.cc/KSB8-Y68L] (last visited Apr. 17, 2026) ("Photography and audio/video recording is not permitted inside the Courtroom at any time.").

13. *See* FED. R. CRIM. P. 53 ("Except as otherwise provided by a statute or these rules, the court must not permit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom."); *History of Cameras, Broadcasting, and Remote Public Access in Courts*, U.S. CTS., https://www.uscourts.gov/court-records/access-court-proceedings/remote-public-access-proceedings/history-cameras-broadcasting-and-remote-public-access-courts [https://perma.cc/BJ6N-XJ3N] (last visited Apr. 17, 2026). The Supreme Court promulgates rules for the federal courts under the Rules Enabling Act. *See* 28 U.S.C. § 2071(a)-(f).

14. *U.S. Supreme Court Oral Arguments*, NAT'L ARCHIVES, https://www.archives.gov/research/court-records/oral-arguments [https://perma.cc/HWB8-95U8] (last visited Apr. 17, 2026).

15. *Voice-Cloning Technology Bringing Supreme Court's* Brown v. Board of Education *Decision to 'Life*,*'* WTTW NEWS (May 15, 2024), https://news.wttw.com/2024/05/15/voice-cloning-technology-bringing-supreme-court-s-brown-v-board-education-decision-life [https://perma.cc/9SQC-W9CL] ("While the court began recording arguments in 1955, virtually no one heard them until 1969, when they were made available through the National Archives for scholarly and legal research.").

16. *U.S. Supreme Court Oral Arguments*, *supra* note 14.

The real breakthrough in oral argument transparency came with the founding of what became known as the Oyez Project.[17] Oyez, originally under the umbrella of Northwestern University, worked throughout the 1990s to 2000s to digitize historical oral argument audio.[18] In 2011, Oyez completed the data collection phase of its audio archives project.[19] As of today, it continues to distribute new oral argument audio and related Supreme Court materials.[20]

While Oyez was in the midst of making limited oral argument audio available in the 1990s, Justices of the Court made it clear that they were not interested in increasing oral argument transparency. In 1996, Justice David Souter famously noted to a House Appropriations subcommittee that "the day you see a camera come into our courtroom, it's going to roll over my dead body."[21] Justice Souter expressed reservations about courtroom video across both state and federal court systems, as informed by his experience with cameras at the New Hampshire Supreme Court.[22]

The federal courts were nonetheless beginning to experiment with video at the district court and court of appeals levels. A three-year pilot program from 1991 to 1994 in six district courts and two courts of appeals yielded largely positive results from participant judges and attorneys.[23] Although the

17. *See* OYEZ, https://www.oyez.org/ [https://perma.cc/A9D3-EJBM] (last visited Apr. 17, 2026).

18. *See The History of Oyez*, OYEZ, https://www.oyez.org/history [https://perma.cc/QRG3-ZHS8] (last visited Apr. 17, 2026). *See generally* Nora Collins, *An Interview with Jerry Goldman, Founder of the Oyez Project*, SCOTUSBLOG (Mar. 12, 2026), last updated March 13, 2026, https://www.scotusblog.com/2026/03/an-interview-with-jerry-goldman-founder-of-the-oyez-project/ [https://perma.cc/XQ8A-TE49] (describing the history of Oyez and current projects).

19. *The History of Oyez, supra* note 18.

20. *See id.* ("Today, all audio recorded in the Court since October 1955 has been digitized. All arguments and opinion announcements were transcribed, speakers were identified, and the audio signal was aligned to the sentence level. This amounts to more than 14,000 hours of audio, or 66+ million words."); *see also* Matt Sundquist, *Recording Arguments at the Court, Part I*, SCOTUSBLOG (Feb. 4, 2010), https://www.scotusblog.com/2010/02/recording-arguments-at-the-court-part-i/ [https://perma.cc/USA9-TGVX] (interviewing Professor Jerry Goldman, creator and director of the Oyez Project).

21. C-SPAN, *U.S. Supreme Court Appropriations*, at 1:15:12–1:15:17 (C-SPAN, Mar. 28, 1996), https://www.c-span.org/program/house-committee/us-supreme-court-appropriations/141096 (video of Souter's House Appropriations testimony); *see also On Cameras in Supreme Court, Souter Says, "Over My Dead Body," supra* note 5 (contemporary news coverage of Souter's comments).

22. *See* C-SPAN, *supra* note 21, at 1:15:27–1:19:22 (describing his opposition to cameras in the federal courts, as the "cameras certainly affected [his] behavior" as a Justice in the New Hampshire Supreme Court).

23. *See* MOLLY TREADWAY JOHNSON & CAROL KRAFKA, FED. JUD. CTR., ELECTRONIC MEDIA COVERAGE OF FEDERAL CIVIL PROCEEDINGS: AN EVALUATION OF THE PILOT PROGRAM IN SIX DISTRICT COURTS AND TWO COURTS OF APPEALS 7 (1994), https://www.fjc.gov/sites/default/files/2012/elecmediacov.pdf (noting the report covers the period from July 1, 1991 to June 30, 1993, not the final year of the pilot program) [https://perma.cc/R6M8-92WE].

pilot ended without a change in audio/video policies, the Second and Ninth Circuits adopted rules to allow camera coverage, with the Third Circuit joining in 2017.[24] Additionally, all courts of appeals provide audio recordings available to the public.[25]

As the courts of appeals continued with video and audio experiments, newer Justices to the Supreme Court expressed greater willingness to start filming oral arguments, at least when facing their confirmation vote. Nominee Sonia Sotomayor stated she would be a "new voice" in Court discussions of video, based upon her positive experiences with video in the lower courts.[26] A year later, nominee Elena Kagan was more effusive in her praise for filmed oral arguments. Kagan stated that she expressed her view on camera coverage during her time as Solicitor General, emphasizing it would be a "terrific thing to have cameras in the courtroom."[27]

The Justices' statements in their confirmation hearings did not translate into changes in Supreme Court video policies.[28] Instead, the Court slowly added audio options. In 2010, the Court began releasing audio of oral arguments at the end of argument weeks.[29] Due to "extraordinary public interest," the Court experimented with same-day audio for the Affordable Care Act cases in 2012.[30] It was not until the COVID-19 pandemic of 2020 that the Court decided to make live audio streams of arguments its standard practice.[31] This is the level of transparency offered to this day.

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24. *See History of Cameras, Broadcasting, and Remote Public Access in Courts*, *supra* note 13.

25. *Id.* (noting "all courts of appeals have livestreamed audio of appellate oral arguments and made audio recordings of oral arguments available to the public").

26. *Sonia Sotomayor Confirmation Hearing*, *supra* note 3, at 83.

27. *Elena Kagan Nominee Hearing*, *supra* note 3, at 83.

28. *See Justices' Comments Cast More Doubts on Supreme Court Cameras*, NAT'L CONST. CTR. (Feb. 4, 2015), https://constitutioncenter.org/blog/justices-comments-cast-more-doubts-on-supreme-court-cameras [https://perma.cc/2TXF-MA96] (quoting Justice Sonia Sotomayor's statement that she is "moving more closely to saying . . . it might be a bad idea" to have cameras in the courtroom); *see also id.* (quoting Justice Elena Kagan's statement that Congress is not "a great advertisement" for the use of cameras by the Supreme Court).

29. Press Release, Sup. Ct. U.S. (Sep. 28, 2010), https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_09-28-10 [https://perma.cc/VHT2-Q3SD].

30. Press Release, Sup. Ct. U.S. (Mar. 16, 2012), https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_03-16-12 [https://perma.cc/M8Q7-KMGP]; *see also High Court Allows Release of* Bush-Gore *Hearing Tapes*, REPS. COMM. FREEDOM PRESS (Dec. 4, 2000), https://www.rcfp.org/high-court-allows-release-bush-gore-hearing-tapes/ [https://perma.cc/EQ43-VPA7] (noting the Court experimented with same-day audio once before, for *Bush v. Gore's* oral argument in 2000).

31. *See* Press Release, Sup. Ct. U.S. (Apr. 13, 2020), https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_04-13-20? [https://perma.cc/G4L5-KPBD]. *See generally* Margaret D. McGaughey, *Remote Oral Arguments in the Age of Coronavirus: A Blip on the Screen or a Permanent Fixture?*, 21 J. APP. PRAC. &

II. CURRENT ORAL ARGUMENT COVERAGE

In the absence of any video option for Supreme Court oral arguments, other players stepped in to enhance oral arguments with visual aids. Oyez matches oral argument transcripts to the audio and highlights the Justice currently speaking.[32] The YouTube account SCOTUSOralArgument posts videos of argument transcripts synced to audio in a similar fashion.[33] C-SPAN and major news networks will also sync speaking Justices to audio on particularly notable cases, even enhancing them with artist sketches.[34]

None of these options come close to actual live video of the Court, leading to more creative options in some quarters. In 2014, John Oliver's Last Week Tonight program on HBO examined the Supreme Court's refusal to provide oral argument video and provided the audience with footage of the Justices as dogs, synched to argument audio, as a substitute.[35] A more serious, but still somewhat comical, offering of video of oral arguments comes from animator Daniel Meeks in the form of SCOTUS-Toons.[36] Meeks developed software to "automatically create animated videos" based upon the Court's audio posts starting in 2018.[37] Meeks posts his animated videos on YouTube shortly after the arguments.[38]

Both Meeks and Oyez also find historical oral arguments to re-create with extra care. Oyez released *Brown* Revisited in 2024.[39] It re-creates

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PROCESS 163 (2021) (discussing the effect of COVID-based remote appellate arguments via judge and lawyer interviews).

32. *See, e.g.*, Barrett v. United States, OYEZ, https://www.oyez.org/cases/2025/24-5774 [https://perma.cc/U37P-R3CS] (last visited Apr. 18, 2026) (the oral argument transcript experience is under "Media").

33. *See* Supreme Court Oral Argument Transcripts (@SCOTUSOralArgument), YOUTUBE, https://www.youtube.com/@SCOTUSOralArgument [https://perma.cc/9WP7-83BY] (last visited Apr. 18, 2026).

34. *See, e.g.*, PBS NEWSHOUR, *Day 3 of Supreme Court Hearings on The Affordable Care Act - Pt. 1*, (YouTube, Mar. 29, 2012), https://www.youtube.com/watch?v=obMfA9t9KiA.

35. *See* Jacob Gershman, *John Oliver Features All-Dog Supreme Court in Critique of Camera Ban*, WALL ST. J., (Oct. 20, 2014, at 12:58 ET), http://blogs.wsj.com/law/2014/10/20/john-oliver-features-all-dog-supreme-court-in-critique-of-camera-ban/ [https://perma.cc/5N7B-9J46]; *see also* Last Week Tonight, *Supreme Court Dogs: Last Week Tonight with John Oliver (HBO)* (YouTube, Oct. 20, 2014), https://www.youtube.com/watch?v=fJ9prhPV2PI (showing the video of the episode that is available on YouTube).

36. *See* Daniel Lee Meeks, http://www.danielleemeeks.com/animation.php [https://perma.cc/VP3M-GNR6] (last visited Apr. 18, 2026).

37. *See id.*

38. *See* Daniel Lee Meeks (@DanilelLeeMeeks), *SCOTUS-Toons*, YOUTUBE, https://www.youtube.com/channel/UC-hTNobvl0o0vsPBF1J1BfA [https://perma.cc/BW2H-RAJU] (last visited Apr. 18, 2026).

39. *See* Brown v. Board of Education *(1954)*, OYEZ, https://brown.oyez.org/ [https://perma.cc/ALD8-MXR7] (last visited Apr. 18, 2026); *see also* Erin Karter, *Bringing* Brown v. Board of Education *to life on Its 70th Anniversary*, N.W. NOW (May 15, 2024), https://news.northwestern.edu/stories/2024/05/hear-thurgood-marshall-earl-warren-and-others-for-the-first-time-in-brown-v-board-of-education-revisited [https://perma.cc/457S-CF9M] (explaining

sections of the oral arguments leading to the *Brown v. Board of Education* decision using actors and AI voice techniques.[40] Meeks selects various notable Supreme Court arguments and applies his animation techniques to create cartoon versions.[41] These efforts were valuable for bringing oral arguments to modern audiences. But they did not have a life-like video component.

In 2026, oral argument re-creation took a major step forward. The production team behind *Brown Revisited* created GenAI videos of moments from recent oral arguments.[42] Led by Jerry Goldman, founder of Oyez, the goal is to make Supreme Court oral arguments "public for everybody" as if they were in the courtroom.[43] These videos are stylized to make clear that the video is artificially generated,[44] but they do show life-like gestures and mild reactions by the Justices and advocates.

Even with these advances, we do not get to see the Justices' actual reactions to arguments. We do not learn how our nation's top advocates combine physical cues with mental agility to make their advocacy compelling. We listen, like a 1930s radio show, or imagine our Justices as animated characters. This is currently the best we can do until the Supreme Court places actual cameras in their courtroom. The next section describes the basic features of GenAI video and a simple model for how Supreme Court videos can be constructed.

III. GENERATIVE AI VIDEO

This section provides background on Generative AI video techniques before describing specific methods used to create artificial oral arguments.

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for the 70th anniversary of the Brown v. Board of Education decision, "*Brown* Revisited," was created which "brings to life the oral arguments and opinion in the voices of the original figures who changed American history using voice-cloning technology combined with actor performances and innovative visual design").

40. *See About the Project: Discover How the Project Team Reconstructed the Oral Arguments and Opinion from* Brown v. Board of Education *Using Human Actors and Artificial Intelligence*, OYEZ, https://brown.oyez.org/about [https://perma.cc/FQ5V-RSC4] (last visited Apr. 18, 2026); Karter, *supra* note 39. *See generally* Brown v. Bd. of Educ., 347 U.S. 483 (1954).

41. *See, e.g.*, DANIEL MEEKS, Texas v. Johnson | *Flag Burning* | *1st Amendment* | *SCOTUS-Toons (1989-03-21)* (YouTube, Aug. 26, 2025), https://www.youtube.com/watch?v=x1xynQ4DOGA.

42. *See On The Docket - Experience the Supreme Court Like Never Before*, ONTHEDOCKET, https://onthedocket.org/ [https://perma.cc/9RY7-NMGF] (last visited July. 26, 2026).

43. Nina Totenberg, *AI Brings Supreme Court Decisions to Life*, NPR (Feb. 11, 2026, at 18:59 ET), https://www.npr.org/2026/02/11/nx-s1-5711607/supreme-court-ai [https://perma.cc/S4YB-PNSN].

44. *Id.* (noting that Goldman's team "opted for slightly cartoonizing the video, and clearly marking it AI generated so viewers would know what was real—the audio—and what was not—the video.").

A. GENAI BASICS

Generative AI ("GenAI") video techniques are improving in notable ways by the day. GenAI, in the video context, re-creates user prompts (e.g., "make me a video of a cat flying a plane") in order to generate "derived synthetic content" (a fake cat is created by the AI model and is shown ably piloting a 737).[45] The term "derived" is used in the definition because GenAI video, like AI text conversations, trains on large datasets to create realistic content.[46] The results are often described as "deepfakes."[47] Analysis of large corpuses of books makes chat conversations with AI seem human-like.[48] Similarly, training on millions of videos makes GenAI videos seem like filmed motion pictures.[49]

Technology companies are in fierce competition to be the best generator of synthetic video.[50] In September 2025, OpenAI released a GenAI video app called Sora, the successor to its original 2024 video offering.[51] It displayed

45. *See generally Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, WHITE HOUSE (Oct. 30, 2023), https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/ [https://perma.cc/S5ET-FYLW] (defining generative AI as a part of a Biden Executive Order).

46. *See, e.g.*, *Video Generation Models as World Simulators*, OPENAI (Feb. 15, 2024), https://openai.com/index/video-generation-models-as-world-simulators/ [https://perma.cc/KB2E-USFF] (noting in a technical report that OpenAI performs "large-scale training of generative models on video data" creating a "promising path towards building general purpose simulators of the physical world").

47. *See* Meredith Somers, *Deepfakes, Explained*, MIT MGMT. SLOAN SCH. (July 21, 2020), https://mitsloan.mit.edu/ideas-made-to-matter/deepfakes-explained [https://perma.cc/6G73-44L5]. *See generally* Bobby Chesney & Danielle Citron, *Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security*, 107 CALIF. L. REV. 1753 (2019); Katrina Geddes, *Ocularcentrism and Deepfakes: Should Seeing Be Believing?*, 31 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 1042 (2021) (discussing legal challenges presented by deepfakes); Jennifer E. Rothman, *Reframing Deepfakes*, 49 COLUM. J.L. & ARTS 685 (2026) (categorizing deepfake types and appropriate regulation).

48. *See generally* Tom B. Brown et al., *Language Models Are Few-Shot Learners*, 33 ADVANCES IN NEURAL INFO. PROCESSING SYS. 1877 (2020), https://proceedings.neurips.cc/paper/2020/hash/1457c0d6bfcb4967418bfb8ac142f64a-Abstract.html [https://perma.cc/VW2D-TDZD] (describing how books corpora trained Chat-GPT).

49. *See* Will Douglas Heaven, *How Do AI Models Generate Videos?*, MIT TECH. REV. (Sep. 12, 2025), https://www.technologyreview.com/2025/09/12/1123562/how-do-ai-models-generate-videos/ [https://perma.cc/L69A-GCQA] (noting "during training, an AI video model gets shown millions of images in various stages of pixelation. It learns how those images change each time new pixels are thrown at them and, thus, how to undo those changes" (citation modified));*Video Generation Models as World Simulators*, *supra* note 46.

50. *See* Naomi Nix, *Meta Unveils AI Video Model, as Tech Giants Race to Produce Hollywood-Style* Clips, WASH. POST (Oct. 4, 2024), https://www.washingtonpost.com/technology/2024/10/04/meta-ai-text-to-video/ [https://perma.cc/C58M-TRTP] (noting the competition between OpenAI, Meta, and YouTube "to create AI models that can generate video is heating up").

51. *Sora 2 Is Here*, OPENAI (Sep. 30, 2025), https://openai.com/index/sora-2/ [https://perma.cc/22WW-28Z9].

significant improvements over the 2024 model in interpreting user requests and generating realistic results.[52] It also had a novel facial scanning feature, letting users and their friends put their likenesses in videos.[53] Two weeks later, Google released an update to its GenAI video model, Veo, which gave individuals more creative control.[54] Evaluators found Google's update even more impressive than Sora at generating realistic but synthetic video content.[55] Sora later announced it will shut down as a separate application, though OpenAI will continue to generate video for other purposes.[56] Other companies also compete to be the best synthetic video generator.[57]

B. CREATING ARTIFICIAL ORAL ARGUMENTS

Google's Veo 3.1 model generated the video at the beginning of this Article. The model received still images of Justice Sonia Sotomayor and Justice Elena Kagan from the most recent official press photograph after Justice Ketanji Brown Jackson joined in 2022.[58]

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52. *See id.*

53. *See generally* Hayden Field, *OpenAI's New Social Video App Will Let You Deepfake Your Friends*, THE VERGE (Sep. 30, 2025, at 12:06 CT), https://www.theverge.com/ai-artificial-intelligence/788786/openais-new-ai-sora-ios-social-video-app-will-let-you-deepfake-your-friends [https://perma.cc/A9BS-ELFR] ("Sora users can give their friends or everyone permission to create 'cameos' with their own likeness using the new video model, which is dubbed Sora 2." (citation modified)).

54. Jess Gallegos & Thomas Iljic, *Introducing Veo 3.1 and Advanced Capabilities in Flow*, GOOGLE: BLOG (Oct. 15, 2025), https://blog.google/technology/ai/veo-updates-flow/ [https://perma.cc/X56D-Q35G].

55. *Sora 2 vs Veo 3.1: Which Is the Best AI Video Generator?*, COMETAPI (Oct. 21, 2025), https://www.cometapi.com/en/sora-2-vs-veo-3-1-which-is-the-best-ai-video-generator/ [https://perma.cc/46Y5-5CWB]; Ryan Morrison, *Sora 2 vs Veo 3.1: I Tested Both AI Video Generators with 7 Audio Prompts — Here's the Winner*, TOM'S GUIDE (Nov. 8, 2025), https://www.tomsguide.com/ai/ai-image-video/sora-2-vs-veo-3-1-i-tested-both-ai-video-generators-with-7-audio-prompts-heres-the-winner [https://perma.cc/FAC4-UZ5Z].

56. Cade Metz, *OpenAI Is Shutting Down Sora, Its A.I. Video Generator*, N.Y. TIMES (Mar. 24, 2026), https://www.nytimes.com/2026/03/24/technology/openai-shutting-down-sora.html [https://perma.cc/8JFA-8GC5] (noting OpenAI will still use video generation for projects such as "teaching skills to robots.").

57. *See, e.g.*, Will Douglas Heaven, *The Original Startup Behind Stable Diffusion Has Launched a Generative AI for Video*, MIT TECH. REV. (Feb. 6, 2023), https://www.technologyreview.com/2023/02/06/1067897/runway-stable-diffusion-gen-1-generative-ai-for-video/ [https://perma.cc/2848-EBD8]; Nix, *supra* note 50; *ByteDance Joins OpenAI's Sora Rivals with AI Video App Launch*, REUTERS (Aug. 6, 2024, at 6:32 CT), https://www.reuters.com/technology/artificial-intelligence/bytedance-joins-openais-sora-rivals-with-ai-video-app-launch-2024-08-06/ [https://perma.cc/P56C-C9ZT]; Stephen Nellis, *Adobe Launches AI Video Tool to Compete with OpenAI*, REUTERS (Feb. 12, 2025, at 8:12 CT), https://www.reuters.com/technology/artificial-intelligence/adobe-launches-ai-video-tool-compete-with-openai-2025-02-12/ [https://perma.cc/Y34E-QGLG].

58. *See generally About the Court: Justices*, SUP. CT. U.S., https://www.supremecourt.gov/about/justices.aspx [https://perma.cc/9WAK-GVZ5] (last visited Apr. 18, 2026) (official photograph of the Justices, taken by Fred Schilling).



Cropped versions of the photo were fed into Google's Veo 3.1 video creator, called Flow.



Flow then received text from the official transcript of *Hain Celestial Group v. Palmquist*, a case argued before the Court on November 4, 2025. From a single still image cropped to a given Justice, Flow animated the Justice speaking to the transcript text provided. The video was then matched to the official oral argument audio using Apple's iMovie video editor.[59] The result is a GenAI video of the Justices speaking as if the *Hain Celestial Group* oral argument was filmed.[60]

59. *See* Oral Argument – Audio, Hain Celestial Group v. Palmquist, https://www.supremecourt.gov/oral_arguments/audio/2025/24-724 [https://perma.cc/2LZU-7B74] (last visited Apr. 18, 2026); *iMovie App*, APP STORE, https://apps.apple.com/us/app/imovie/id408981434?mt=12 [https://perma.cc/G3EK-NE5U] (last visited Apr. 18, 2026).

60. Downing, *supra* note 1.

IV. LEGAL CHALLENGES

AI companies face serious legal threats for their methods of training models and generating content.[61] Copyright risks are particularly acute.[62] But our focus will be on the end user's potential liability in the U.S. for creating GenAI videos of Supreme Court oral arguments using the techniques outlined above.[63] Creating GenAI oral arguments presents far less legal risk across deepfake and right of publicity laws. Artificial oral arguments are more likely to be blocked by platform content policies than be stopped by state or federal laws.

A. DEEPFAKE LEGISLATION

1. State Laws

State laws regulating deepfakes come in three main varieties.[64] The first is election-related deception.[65] The second is sexual imagery.[66] The third area is the focus of this section: deepfake regulation for general online uses. This broad category includes the creative generation of entertaining deepfakes in

61. *See generally Status of All 57 Copyright Lawsuits v. AI (Oct. 26, 2025): Apple Hit with 3 Lawsuits.*, X (Oct. 26, 2025), https://chatgptiseatingtheworld.com/2025/10/26/status-of-all-56-copyright-lawsuits-v-ai-oct-26-2025-apple-hit-with-3-lawsuits/ [https://perma.cc/6X56-Z8U2] (explaining Professor Ed Lee tracks current AI litigation and updates the results regularly).

62. *See generally* BJ Ard, *Copyright's Latent Space: Generative AI and the Limits of Fair Use*, 110 CORN. L. REV. 509 (2025) (discussing copyright risks created by GenAI content).

63. For our purposes, we will assume source imagery for GenAI video is not subject to a restrictive license, or uses of materials with a restrictive license are transformative under U.S. Copyright law. This is a contested notion, but consistent with early caselaw. *See* Bartz v. Anthropic PBC, 787 F. Supp. 3d 1007, 1022 (N.D. Cal. 2025) ("[T]he purpose and character of using copyrighted works to train LLMs to generate new text was quintessentially transformative."); Kadrey v. Meta Platforms, Inc., 788 F. Supp. 3d 1026, 1044 (N.D. Cal. 2025) ("There is no serious question that Meta's use of the plaintiffs' books [for training AI] . . . was highly transformative.").

64. *See Deceptive Audio or Visual Media ("Deepfakes") 2024 Legislation*, NAT'L CONF. ST. LEGIS., https://www.ncsl.org/technology-and-communication/deceptive-audio-or-visual-media-deepfakes-2024-legislation? [https://perma.cc/EB72-2A3R] (last visited Apr. 19, 2026) (noting states focus on regulating pornography and election deepfakes, with growing regulation of general online impersonation); *see also* Edvinas Meskys et al., *Regulating Deep-Fakes: Legal and Ethical Considerations*, 15 J. INTELL. PROP. L. & PRAC. 24, 24 (2020) (describing four conceptual categories of deepfakes, regulated or not: pornography, political campaigns, commercial uses, and creative deepfakes).

65. *See generally Deepfakes in Elections and Campaigns*, NAT'L CONF. ST. LEGIS., https://www.ncsl.org/elections-and-campaigns/artificial-intelligence-ai-in-elections-and-campaigns [https://perma.cc/7HL2-PM2Q] (last visited Apr. 19, 2026) (noting in a survey "[t]wenty-nine states have enacted laws regulating the use of deepfakes in political messaging").

66. *See generally Tracker: State Legislation on Intimate Deepfakes*, PUB. CITIZEN, https://www.citizen.org/article/tracker-intimate-deepfakes-state-legislation/ [https://perma.cc/JE57-U5Z4] (last visited Apr. 19, 2026) (noting in a survey forty-seven states enacted laws or have pending legislation regulating AI-generated non-consensual sexual deepfakes that cover everyone).

the Sora app.[67] It also includes the generation of artificial oral arguments for public education.

State regulation targeting generic deepfakes tends to frame misuse as "online impersonation."[68] Wrongful impersonation requires an intent to deceive or harm.[69] Disclosure of GenAI use can help avoid liability.[70] Educational use is also explicitly carved out from liability in many states.[71]

Washington's online impersonation statute is instructive.[72] It creates a civil claim when a person impersonates "another actual person on a social networking website."[73] Impersonation must be intentional and without consent.[74] The impersonator must specifically intend to deceive and do so for an improper purpose.[75] The impersonation must result in injury.[76] The online impersonation statute imports the liability exemptions from the state's right of publicity statute, including impersonations for educational and public interest purposes.[77]

An artificial oral argument is unlikely to run afoul of any state's anti-deepfake/online impersonation statute. Rather than intend to deceive, the goal of portraying the Court's oral arguments is to educate the public on matters of deep public interest. Even if that intent were in doubt, simple disclosure of GenAI use would defeat liability.

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67. *See generally Sora 2 Is Here*, *supra* note 51 (showing videos which include "sophisticated background soundscapes, speech, and sound effects with a high degree of realism").

68. *See generally Deceptive Audio or Visual Media ("Deepfakes") 2024 Legislation*, *supra* note 67 ("As social media sites and email became commonplace, lawmakers in at least 17 states enacted laws that specifically refer to online impersonation done with an intent to intimidate, bully, threaten or harass a person through social media sites, email or other electronic or online communications.").

69. *Id.*

70. *See, e.g.*, CAL. ELEC. CODE § 20012(b)(1) (2025) (exempting disclosed GenAI uses from violating election deepfake restrictions).

71. *See, e.g.*, WASH. REV. CODE ANN. § 4.24.790(4)(a) (2025); N.Y. RIGHT OF PUBLICITY C.R. L. § (2)(d)(i) (McKinney 2025) (exempting post-mortem educational uses from right of publicity violations and use of post-mortem digital replicas for "political or newsworthy value" even if there is a "degree of fictionalization"); LA. STAT. ANN. § 470.5(2) (2022) (exempting educational uses from a misappropriation of identity statute).

72. *See* WASH. REV. CODE ANN. § 4.24.790.

73. *Id.* § 4.24.790(2)(a).

74. *Id.* § 4.24.790(2)(b).

75. *See id.* § 4.24.790(2)(c) (explaining the individual "intended to deceive or mislead for the purpose of harassing, threatening, intimidating, humiliating, or defrauding another").

76. *Id.* § 4.24.790(2)(d) (defining an injury "may include injury to reputation or humiliation, injury to professional or financial standing, or physical harm").

77. *Id.* § 4.24.790(4)(a) (stating does not apply to impersonation particularly regarding "matters of cultural, historical, political, religious, educational, newsworthy, or public interest including, but not limited to, use in works of art, commentary, satire, and parody" (citing WASH. REV. CODE ANN. § 63.60.070)).

2. Proposed Federal Laws

The NO FAKES Act ("NO FAKES") is recently proposed federal legislation regulating deepfakes.[78] As proposed in the House, NO FAKES bars making public "digital replicas" of individuals, living or dead, without their consent.[79] This highlights that individuals have an unassignable property right in their voice or visual likeness.[80] It also creates a notice and takedown regime for platforms informed of unauthorized digital replicas.[81]

Like state deepfake regulation, NO FAKES contains important exceptions.[82] Key for our purposes is the exception for digital replicas "produced or used in a bona fide news, public affairs, or sports broadcast or account."[83] Scholarship and commentary uses are also protected.[84] Artificial oral arguments, depicting public figures discussing newsworthy legal issues, fall firmly within these exceptions.

Prior to NO FAKES, the House evaluated narrower federal legislation called the DEEPFAKES Accountability Act ("DEEPFAKES").[85] DEEPFAKES creates a disclosure requirement for public deepfakes.[86] Failure to disclose deepfake use with culpable intent creates criminal and civil liability.[87] Similar to state online impersonation laws, this legislation protects deepfakes that a reasonable person would not mistake as real, even if the creator does not disclose GenAI use.[88] Thus, it is also unlikely to create liability for artificial oral arguments if passed.

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78. *See* NO FAKES Act of 2025, H.R. 2794, 119th Cong. (2025).

79. *Id.* § 2(a)(2)-(3), 2(c)(2)(A). A few states have similar digital replica laws. *See generally U.S. AI Law Tracker – All States*, ORRICK: AI L. CTR., https://ai-law-center.orrick.com/us-ai-law-tracker-see-all-states/ [https://perma.cc/8F87-CZL7] (last visited Apr. 19, 2026) (chose "AI Scope" from dropdown; then choose "AI Likeness" for current state laws). California enacted a similar law for deceased individuals only. *See* CAL. CIV. CODE § 3344.1(a)(1)(A), (a)(2)(A)(i) (2025).

80. H.R. 2794 § 2(b). Note that an individual can license their digital replication right in ten-year increments. *Id.* § 2(b)(2)(B)(i)(I).

81. *See id.* § 2(d). The takedown regime is based upon the Digital Millenium Copyright Act. *See also Proposed Legislation Reflects Growing Concern Over "Deep Fakes": What Companies Need to Know* O'MELVENY, https://www.omm.com/insights/alerts-publications/proposed-legislation-reflects-growing-concern-over-deep-fakes-what-companies-need-to-know/ [https://perma.cc/ZK9V-TS7P] (last visited Apr. 19, 2026) ("The bill establishes a takedown procedure similar to the Digital Millenium Copyright Act (DMCA) for online services to avoid liability under the proposed law.").

82. *See* H.R. 2794 § 2(c)(4)-(5).

83. *Id.* § 2(c)(5)(A)(i).

84. *Id.* § 2(c)(5)(A)(iii). NO FAKES also provides a more limited exemption for documentary uses. *See id.* § 2(c)(5)(A)(ii).

85. *See* DEEPFAKES Accountability Act, H.R. 5586, 118th Cong. (2023).

86. *See id.* §1041(a), (c)-(e).

87. *See id.* § 1041(f)(1)-(2).

88. *See id.* § 1041(j)(1)(E).

B. RIGHT OF PUBLICITY

Right of publicity laws protect against unauthorized commercial exploitation of the name and likeness of individuals.[89] They are an outgrowth of identified gaps in privacy and unfair competition law that long predate GenAI.[90] Right of publicity laws are nonetheless salient to deepfakes of oral arguments because they create a right to control the use of one's identity.

As noted in the Restatement (Third) of Unfair Competition, commercial use in right of publicity does not ordinarily include "news reporting" or "commentary."[91] Tennessee's 2024 Ensuring Likeness, Voice, and Image Security Act of 2024 (ELVIS Act) is a useful example.[92] The ELVIS Act updated Tennessee's right of publicity law.[93] It is considered a particularly aggressive effort to protect individual likeness rights.[94] Yet even it states that there can be fair uses of an individual's name or likeness without permission.[95] The ELVIS Act states that, to the "extent such use is protected by the First Amendment," the typical news and commentary exemptions apply.[96] It also notes that a use is not commercial merely because it is funded by paid advertising.[97] Cases on artistic depictions of real people and events show strong First Amendment protection to portrayals, even without consent.[98]

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89. RESTATEMENT (THIRD) OF UNFAIR COMPETITION § 46(a)-(b) (1995).

90. *See generally* Melville B. Nimmer, *The Right of Publicity*, 19 L. & CONTEMP. PROBS. 203 (1954) (explaining the foundational right of publicity treatment); Jennifer E. Rothman, *The Right of Publicity's Intellectual Property Turn*, 42 COLUM. J.L. & ARTS 277 (2019) (critiquing Nimmer's framing of right of publicity and noting closer privacy roots than Nimmer credits).

91. RESTATEMENT (THIRD) OF UNFAIR COMPETITION § 47(a), (c) (1995).

92. TENN. CODE ANN. § 47-25-1101 (2024).

93. *See The King Is Back (in the Digital Era) | The ELVIS Act, Generative AI and Right of Publicity*, PROSKAUER, https://www.proskauer.com/blog/the-king-is-back-in-the-digital-era-the-elvis-act-generative-ai-and-right-of-publicity [https://perma.cc/4LUL-4KRP] (last visited Apr. 18, 2026) (noting the ELVIS Act is an "expansion of the Tennessee right of publicity statute to include protections for musicians' and others' voices from the misuse of AI").

94. *See generally* Sarah Luppen Fowler & John D. Fowler, *Why Tennessee's ELVIS Act Is the King of Artificial Intelligence Protections*, 27 VAND. J. ENT. & TECH. L. 259 (2024) (detailing the novel protections of Tennessee's AI-influenced right of publicity law based upon the desires of the Elvis estate).

95. TENN. CODE ANN. § 47-25-1107 (2024).

96. *See id.* § 47-25-1107(a)(1) (permitting use of name or likeness "[i]n connection with any news, public affairs, or sports broadcast or account").

97. *Id.* § 47-25-1107(b) ("Rather it shall be a question of fact whether or not the use of the complainant individual's name, photograph, voice, or likeness was so directly connected with the commercial sponsorship or with the paid advertising as to constitute a use for purposes of advertising or solicitation.").

98. *See generally* De Havilland v. FX Networks, LLC, 21 Cal. App. 5th 845 (Cal. Ct. App. 2018) (protecting portrayal of Olivia de Havilland by Catherine Zeta Jones under the First Amendment despite lack of De Havilland's consent).

Thus, even the most aggressive and modernized versions of state right of publicity laws would not bar the dissemination of artificial oral arguments. Nor would they consider the deepfakes commercial simply because they happened to be posted on an advertising platform like YouTube. Platforms and their policies are discussed next.

C. PLATFORM POLICIES

Barriers to dissemination of artificial oral arguments can come from tech platform policies. Though not strictly legal barriers, platform policies deeply shape what content the public is allowed to see.[99] Major platforms have a variety of policies regarding GenAI video. YouTube, TikTok, and Sora are three of the most prominent platforms for deepfakes.

YouTube's approach to GenAI video focuses on disclosure.[100] If deepfake video is labeled as such, and does not otherwise violate community guidelines, it is permitted.[101] GenAI depictions of individuals are subject to case-by-case evaluation, including whether there is "parody, satire, or public interest value."[102] Even content that directly violates the guidelines may be subject to an educational exception.[103] In practice, prominent public figures are portrayed on YouTube in an unfavorable light without content removal.[104] YouTube currently hosts On The Docket's GenAI oral argument

99. *See generally* Kate Klonick, *The New Governors: The People, Rules, and Processes Governing Online Speech*, 131 HARV. L. REV. 1598 (2018) (detailing the development and influence of digital platform policies).

100. *See* Jennifer Flannery O'Connor & Emily Moxley, *Our Approach to Responsible AI Innovation*, YOUTUBE: BLOG (Nov. 14, 2023), https://blog.youtube/inside-youtube/our-approach-to-responsible-ai-innovation/ [https://perma.cc/FW36-3XFL] ("Specifically, we'll require creators to disclose when they've created altered or synthetic content that is realistic, including using AI tools. When creators upload content, we will have new options for them to select to indicate that it contains realistic altered or synthetic material. For example, this could be an AI-generated video that realistically depicts an event that never happened, or content showing someone saying or doing something they didn't actually do.").

101. *See id.* ("There are also some areas where a label alone may not be enough to mitigate the risk of harm, and some synthetic media, regardless of whether it's labeled, will be removed from our platform if it violates our Community Guidelines. For example, a synthetically created video that shows realistic violence may still be removed if its goal is to shock or disgust viewers.").

102. *Protecting Your Identity*, YOUTUBE HELP, https://support.google.com/youtube/answer/2801895?hl=en [https://perma.cc/4CGG-2PNS] (last visited Apr. 18, 2026).

103. *How YouTube Evaluates Educational, Documentary, Scientific & Artistic (EDSA) Content*, YOUTUBE HELP, https://support.google.com/youtube/answer/6345162 [https://perma.cc/L73E-KA7K] (last visited Apr. 18, 2026).

104. *See, e.g.*, Sassy Justice (@SassyJustice), YOUTUBE, https://www.youtube.com/@SassyJustice [https://perma.cc/B8V3-746Q] (last visited Apr. 18, 2026) (South Park creators' deepfake studio portraying Donald Trump).

snippets with a watermark and an "[a]ltered or fully generated" content disclosure.[105]

TikTok also permits deepfake video.[106] However, the platform has a labeling rule.[107] It considers labeling particularly important if an individual is depicted "doing something they didn't do, for example, dancing" or "saying something they didn't say."[108] It only bars deepfakes in three circumstances: nonconsensual depictions of minors, crisis events, and certain uses of public figures.[109] The banned uses of public figures cited are "being bullied, making an endorsement, or being endorsed."[110] It also allows users to manage how much GenAI content they see.[111]

Sora presents a more complex case, as it promotes advanced GenAI video creation, not simply hosting.[112] Sora will be shutting down in 2026, but its policies are instructive for potential future social GenAI services.[113] Its content policies are more conservative, banning both nonconsensual "[c]ontent that recreates the likeness of living public figures" and "deceased public figures" if protected by law.[114] This appears to be more conservative than Google's Veo GenAI platform, which only bans depicting individuals "in order to deceive."[115] The artificial oral argument samples of Justices Sotomayor and Kagan used Google's video generation platform.[116] The

105. *See, e.g.*, On The Docket, *U.S. Solicitor General D. John Sauer Delivers the Opening Statement in* Trump v. Barbara, (YouTube, Apr. 1, 2026), https://www.youtube.com/watch?v=7SjVLI2oerU [https://perma.cc/EY9F-CGXB].

106. *See About AI-Generated Content*, TIKTOK, https://support.tiktok.com/en/using-tiktok/creating-videos/ai-generated-content [https://perma.cc/ZP37-RDLD]. It hosts On The Docket's videos at https://www.tiktok.com/@onthedocket.scotus. *See id.*

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. Aisha Malik, *TikTok Will Let You Choose How Much AI-Generated Content You Want to See*, TECHCRUNCH (Nov. 18, 2025, at 9:01 PT), https://techcrunch.com/2025/11/18/tiktok-now-lets-you-choose-how-much-ai-generated-content-you-want-to-see/ [https://perma.cc/RCR6-E7CF].

112. *See Sora 2 Is Here*, *supra* note 51.

113. Metz, *supra* note 56.

114. *Creating Content on Sora in Line with Our Policies*, https://openai.com/policies/creating-sora-videos-in-line-with-our-policies/ [https://perma.cc/NK5E-T7KX] (last visited Apr. 18, 2026).

115. *See Generative AI Prohibited Use Policy*, GOOGLE: PRIV. & TERMS https://policies.google.com/terms/generative-ai/use-policy [https://perma.cc/GFF8-P2K5] (last visited Apr. 18, 2026).

116. *See generally* discussion *supra* Section III.B.

videos appear to be consistent with its policies.[117] But they would violate Sora's policies as currently stated.[118]

Existing and proposed deepfake regulation will not prohibit the creation of GenAI versions of Supreme Court oral arguments. Platform policies for most services also permit the creation and posting of such videos. Argument videos will be on particularly solid ground if GenAI use is disclosed. In short, neither the Court nor parties interested in keeping video out of the public sphere can stop dissemination. But just because we can make video versions of oral arguments does not mean we should. The next section explores the effects of artificial oral arguments.

V. NORMATIVE EFFECTS

Re-creating Supreme Court oral arguments will change how the public views the Court. The Justices will probably not enjoy the change.[119] Whether it be camera policies or statutory interpretation, disrupting the status quo is disfavored at the Court.[120] Care needs to be taken.[121] But technology eventually catches up with the Court, whether they like it or not.[122] We should confront its consequences. This section discusses the trade-offs in forcing the Court onto our screens. Impacts will be felt in public education, media coverage, and internal Court dynamics.

A. PUBLIC EDUCATION

The educational effects of "televising" Supreme Court arguments are positive and profound. Even scholars critical of deepfakes recognize their

117. *See generally Generative AI Prohibited Use Policy*, *supra* note 115 (lacking a deception requirement).

118. *Creating Content on Sora in Line with our Policies, supra* note 114 (explaining the author's personal experience is that Sora rejects the creation of oral argument videos from images of the Justices' faces, or text requests to create video of the Justices).

119. Totenberg, *supra* note 43 ("The court is probably not going to like this latest rendering of reality.").

120. *See* Jonathan H. Adler, *Anti-Disruption Statutory Construction*, 38 CARDOZO L. REV. 509, 511–12, 528 (2016). *See generally* SARAH ISGUR, LAST BRANCH STANDING: A POTENTIALLY SURPRISING, OCCASIONALLY WITTY JOURNEY INSIDE TODAY'S SUPREME COURT (2026) (describing the culture of the current Supreme Court).

121. *See generally* Diarmuid F. O'Scannlain, *Some Reflections on Cameras in the Appellate Courtroom*, 9 J. APP. PRAC. & PROCESS 323 (2007) (noting his experience with cameras in Courts of Appeals and stating that they are generally a positive development, but a cautious approach is preferred).

122. Lisa T. McElroy, *Cameras at the Supreme Court: A Rhetorical Analysis*, 2012 BYU L. REV. 1837, 1891–95 (2012) (describing technology adoption by the Justices, including iPad use by Justice Antonin Scalia in the early 2010s).

educational uses.[123] Judges in circuits with televised arguments noted the educational benefits to the public.[124]

It is far too difficult to see the Supreme Court do its argument work as it is very difficult to see the Court in-person.[125] As few as fifty seats are available to the public for a given argument.[126] Very few Americans will ever see the Supreme Court.[127] All Americans with speakers and internet access, as a technical matter, can hear the Supreme Court's arguments.[128] But the identities of the Justices are unclear.[129] Arguments can be difficult to follow

123. *See* Bobby Chesney & Danielle Citron, *Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security*, 107 CALIF. L. REV. 1753, 1769–70 (2019) (analyzing the beneficial and harmful uses of deepfakes, noting "[w]ith deep fakes, it will be possible to manufacture videos of historical figures speaking directly to students, giving an otherwise unappealing lecture a new lease on life").

124. *See Live! Broadcasting High-Profile Appeals Reignites Cameras in the Courtroom Debate*, REP. COMM. FREEDOM PRESS, https://www.rcfp.org/journals/the-news-media-and-the-law-winter-2011/live-broadcasting-high-prof/ [https://perma.cc/VP6D-UK5V] (last visited Apr. 18, 2026) ("That's a key reason for broadcasting the arguments, said Ninth Circuit Chief Judge Alex Kozinski. 'I think that people find [the court arguments] to be a great learning experience.'"); *see also* O'Scannlain, *supra* note 121, at 328 ("In particular, I think the broadcasting of oral arguments may help educate the public about the work that we do as appellate judges. I suspect that many Americans may not understand the multi-tiered review that is provided by our judicial system, and I believe that it would improve confidence in the judiciary as a whole if ordinary citizens were able to see appellate judges performing their daily job. My sense is that by watching oral arguments, Americans, by and large, will come away with a more positive outlook on our court system and on the great protections that they are afforded.").

125. *See Oral Arguments: Courtroom Seating*, https://www.supremecourt.gov/oral_arguments/courtroomseating.aspx? [https://perma.cc/8BKV-HEXF] (last visited Apr. 18, 2026) (explaining that "cases may attract large crowds, with lines forming before the building opens" and thus "there are unavoidable delays," even for the few who get seats at all).

126. Amy Howe, *Supreme Court to Debut New Public Seating Lottery for Arguments*, SCOTUSBLOG (Dec. 12, 2024), https://www.scotusblog.com/2024/12/supreme-court-to-debut-new-public-seating-lottery-for-arguments/ [https://perma.cc/WN3S-DTY4] ("The courtroom at the Supreme Court holds over 400 people, but relatively few of those seats (sometimes as few as 50) are set aside for members of the general public.").

127. U.S. SUPREME COURT: POLICIES AND PERSPECTIVES ON VIDEO AND AUDIO COVERAGE OF APPELLATE COURT PROCEEDINGS, U.S. GOVERNMENT ACCOUNTABILITY OFFICE 1 (2016), https://www.gao.gov/assets/gao-16-437.pdf [https://perma.cc/J246-PVNP] ("The Public Information Officer stated that approximately 21,000 people observe oral arguments each year."); *see also* McElroy, *supra* note 122, at 1863 (noting the inaccessibility of the Supreme Court to most Americans, given that it is "during times when most people have other obligations. For the vast majority of people who live in other parts of the country or who work or go to school full-time, attending a Supreme Court argument is not possible, at least not more than once or twice a lifetime").

128. *See Oral Arguments: Argument Audio*, https://www.supremecourt.gov/oral_arguments/argument_audio/2025 [https://perma.cc/9S4Y-W5DM] (last visited Apr. 18, 2026).

129. *See Most Americans Can't Name Any Supreme Court Justices, Says FindLaw.Com Survey*, IPSOS (Jan. 10, 2006), https://www.ipsos.com/en-us/most-americans-cant-name-any-supreme-court-justices-says-findlawcom-survey [https://perma.cc/5GQC-W6QP]. Without help, the public cannot recognize most Justices. *See id.* This was demonstrated in survey results that, statistically speaking, showed that zero percent of Americans could accurately name the current nine Supreme Court Justices. *Id.* Thus, few Americans will be able to recognize them by voice alone. *See id.*

in general, even for lawyers.[130] For special occasions, networks provide visual aids for oral arguments.[131] Transparency tools like SCOTUS-Toons are helpful, but obscure.[132] The vast majority of arguments are offered for the select few who both know where to find them, understand who is speaking, and can follow what they are about.

Artificial oral arguments fill much of this informational gap. An argument about the arcana of civil procedure will not instantly be a ratings hit simply because GenAI versions of the Justices are now visible, but it will make the legal process more relatable to a wider audience. Children in particular often need human visual and communication cues to learn.[133] The vividness of the interactions of the nation's top attorneys adds a key dimension to understanding the Court.[134] Children appreciate examples of leaders who look and talk like them to inspire them to follow in the leader's footsteps.[135] Moving the Supreme Court from an abstract, unviewable entity into the modern public sphere will make the Justices real for future generations that would otherwise miss out.

A critique of the educational story is that artificial oral arguments are not a true depiction of events. They are something like a rough guess about the Court's dynamics.[136] They can embed stereotypes.[137] Current law will not

130. *See Live! Broadcasting High-Profile Appeals Reignites Cameras in the Courtroom Debate*, *supra* note 124 (quoting Robert Tyler's statement that for viewers, "'[u]nless you've reviewed and researched those particular fine points of law, it is kind of difficult' to follow the arguments").

131. *See, e.g.*, C-SPAN, Bush v. Gore *Oral Arguments* (YouTube, Dec. 11, 2025), https://www.youtube.com/watch?v=WChmmdFNlIY (displaying names of speakers during oral argument).

132. *See generally* Daniel Meeks, *SCOTUS-Toons (The Supreme Court of the United States Animated)*, YOUTUBE, http://www.youtube.com/playlist?list=PLEeFazWrwu1HiKtys6QBs9DM4LYDVfHFj [https://perma.cc/RWX5-T98T] (last visited Apr. 19, 2026) (showing approximately 9,000 total views of all videos in April 2026).

133. *See* Kyle MacDonald et al., *Children Flexibly Seek Visual Information to Support Signed and Spoken Language Comprehension*, 149 J. EXPERIMENTAL PSYCH.: GEN. 1078, 1080 (2020).

134. *See* Sonja R. West, *The Monster in the Courtroom*, 2012 BYU L. REV. 1953, 1966–69 (2012) (describing the benefits of Supreme Court video by vivid interactions, including body language and other cues that aid learning).

135. *See* Lori Beaman et al., *Female Leadership Raises Aspirations and Educational Attainment for Girls: A Policy Experiment in India*, 335 SCIENCE 582, 586 (2012) (showing a large scale study in India showing the "role model effect," as visible female leaders led to better outcomes for female students over time).

136. *See generally* Boaventura DaCosta, *Speaking with the Past: Constructing AI-Generated Historical Characters for Cultural Heritage and Learning*, 8 HERITAGE 387, 17–18 (2025) (explaining an educational study using AI models of historical figures, noting historical AI models are estimating answers, heavily weighting portrayals by whatever information is provided, rather than the true person's whole knowledge).

137. *Id.* at 6 ("Risks, includ[e] a tendency for LLMs to overemphasize trauma in minority narratives and reduce cultural identities to stereotypes. Such biases can perpetuate historical injustices, including stereotyping, erasure, and exoticism. These embedded cultural assumptions can

bar the creation of artificial oral arguments.[138] But norms about depictions of law may be violated.[139] Deepfakes of authoritative information are a form of deception.[140]

These complaints are well taken. Artistic deception has a long history as an educational tool.[141] But it can still violate norms and blur lines of First Amendment protection.[142] Disclosure can help.[143] But the false display of, say, a fist pounding the table for emphasis from a Justice with a calmer disposition is not the ideal way to represent the Supreme Court's arguing dynamic. Deepfakes are not merely capable of such errors; they are sure to engage in them.[144] It is a leap of faith to believe that the educational benefits outweigh the costs inherent in deepfakes, though a leap made with good company.[145] There is no doubt the public would be better off with the Court supplying actual video. But so long as the Court blocks that possibility, much is to be gained by the next-best thing offered by current technology.

B. SUPREME COURT COVERAGE

When Justice Souter noted that he would allow cameras "over his dead body," he could have scarcely imagined the social media era.[146] The Supreme Court is now covered on TikTok.[147] Additionally, clips are made of oral

significantly influence how historical personas are digitally recreated and understood. OpenAI et al. similarly acknowledge these risks, finding that GPT-4 was capable of generating harmful stereotypical and demeaning associations for certain marginalized groups." (citation modified)).

138. *See generally* discussion *supra* Section IV.A.

139. *See generally* Jessica Silbey, *Images in/of Law*, 57 N.Y.L. SCH. L. REV. 171 (2012) (noting, a decade before GenAI's rise, that the development of virtual worlds "requires wrestling with some of the most deeply philosophical and humanistic inquiries about images themselves: the differences between representation and reality, the easy elision between them, and the historical insistence that differences between representation and reality be maintained").

140. *See generally* Marc Jonathan Blitz, *Deepfakes and Other Non-Testimonial Falsehoods: When Is Belief Manipulation (Not) First Amendment Speech?*, 23 YALE J.L. & TECH. 160, 257 (2020) (noting deepfakes' deceptive nature and how at times it is intentionally deceiving for artistic purposes).

141. *See id.* at 195 (arguing that Plato's depiction of Socrates is a two-thousand-year-old precursor to the modern deepfake, in aid of understanding difficult concepts).

142. *See id.* at 265, 275.

143. *See id.* at 275–76.

144. Lidsky & Daves, *supra* note 8, at 481 (noting the inevitability of "'plausible yet false outputs,' commonly referred to as hallucinations" in AI reasoning models).

145. Totenberg, *supra* note 43 (noting the transparency benefits of On The Docket's GenAI oral argument efforts).

146. *See generally On Cameras in Supreme Court, Souter Says, "Over My Dead Body," supra* note 5 ("Justice Souter said that when he had been a judge in New Hampshire, camera coverage had affected his behavior on the bench because he had believed that some questions would be taken out of context on the evening news. The judiciary is not a political institution, he said, 'nor is it part of the entertainment industry.'").

147. *See* SCOTUSblog (@scotusblog), TIKTOK, https://www.tiktok.com/@scotusblog [https://perma.cc/A33P-G2F7].

argument audio on YouTube.[148] GenAI videos are beginning to appear.[149] The Supreme Court's workings are more public than before, with or without artificial oral arguments.[150] But they will be more compelling when the Justices are "seen" for the first time doing their work.

Given that many states and some federal courts already have video, we are not without any insights. In short, judges in these courts largely support video arguments, even if it means an increase in questionable media coverage.[151] The Supreme Court will receive more attention than these lower courts. The Justices have a longstanding concern that media coverage of the Court will be inaccurate or misrepresented.[152] They are particularly concerned about sound bites.[153]

There is indeed likely to be national news coverage from major television networks. Now able to present artificial video packages, there is more reason to make the Court a part of a visual medium. This Article cannot claim that coverage will always be fulsome and accurate. The Court is right to predict there will be sound bites. Indeed, there are already YouTube audio clips of intriguing snippets of arguments from major news organizations.[154] Coverage will not be a picture of completeness and precision.

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148. *See generally* Forbes Breaking News, *"That's Not The Standard We're Using": Elena Kagan Grills Lawyer On Criminal Liability Framework* (YouTube, Dec. 4, 2025), https://www.youtube.com/watch?v=j6Y1wNsyhf4 (clip of oral argument).

149. *On The Docket - Experience the Supreme Court Like Never Before*, *supra* note 42.

150. SCOTUSblog's coverage alone puts the Court's day-to-day activities in the public eye as never before, including dedicated blogs for the emergency docket and live chats of oral arguments and opinion releases. *See* SCOTUSBLOG, https://www.scotusblog.com/ [https://perma.cc/W73L-4LBB] (last visited Apr. 8, 2026).

151. *See* U.S. SUPREME COURT: POLICIES AND PERSPECTIVES ON VIDEO AND AUDIO COVERAGE OF APPELLATE COURT PROCEEDINGS, *supra* note 127 ("Fourteen of the 16 judges and seven of the nine attorneys GAO interviewed in the selected appellate courts cited public education on the judiciary as a benefit or potential benefit of video or audio coverage of arguments. One judge noted that video coverage is useful for providing a window into how the courts think about the issues in a case. Five judges and eight attorneys stated that coverage might potentially result in portions of the arguments being distorted by the media. However, four judges and four attorneys said that the court providing coverage itself might help mitigate these concerns. For example, one attorney stated that this allows the court to control and release the coverage as it sees fit.").

152. *See* West, *supra* note 134, at 1979–82 ("Some Justices have voiced concern that if cameras enter their courtroom, the media will reduce complicated issues to thirty-second sound bites that will gloss over the subtleties of cases and the broader context in which questions for counsel arise.").

153. *Id.* at 1980 (noting Justice Scalia was particularly vocal on this count, stating video, rather than audio, gives a more vivid representation of out-of-context information, making the misrepresented information more believable); *cf.* STF (@STF_official), YOUTUBE, https://www.youtube.com/channel/UCsW4QSB1USsu9ouuFUWe4Iw [https://perma.cc/88XJ-C33Y] (showing the high court of Brazil's YouTube page for short clips created by its court).

154. *See* Forbes Breaking News, *supra* note 148.

Nonetheless, the Court will arguably be more empowered by increased transparency.[155] The news media is not as powerful an intermediary to the public as it used to be.[156] By showing more vivid, if artificial, arguments, the public will have the chance to let the Court portray its proceedings to the public with less need for media interpretation.[157]

C. COURT DYNAMICS

There is little study from the U.S. of how court dynamics change when presented in video formats, not merely audio. But the Justices complain of attorney grandstanding, judicial concerns about other participants' behaviors, and unwanted invasions into the lives of judges and advocates.[158] This section will take each in turn and then examine the experiences of foreign courts.

First, judges express concern about attorney grandstanding. Justice Anthony Kennedy felt that advocates behaved differently when filmed.[159] But the reality is that Supreme Court oral advocates are in a far greater position of prominence, and far more media savvy, than 1980s advocates would be in a small state.[160] Evidence from states and lower federal courts demonstrates that filming is more likely to require Justices to be on their best behavior, rather than cause attorney misconduct.[161]

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155. *See generally* McElroy, *supra* note 122, at 1865–68 (describing the empowerment effect of oral argument video, allowing courts to show the full context of events, versus media interpretation).

156. *See generally* NIC NEWMAN, OVERVIEW AND KEY FINDINGS OF THE 2025 DIGITAL NEWS REPORT, REUTERS INST. (2025), https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2025/dnr-executive-summary? [https://perma.cc/LX9E-GTBM] (noting in a study of news media trends there is "[a]n accelerating shift towards consumption via social media and video platforms is further diminishing the influence of 'institutional journalism' and supercharging a fragmented alternative media environment containing an array of podcasters, YouTubers, and TikTokers").

157. *See generally* McElroy, *supra* note 122, at 1865–68 (describing how video could cut out the media as intermediary, letting the court "tell its own story").

158. *See generally* Nancy S. Marder, *The Conundrum of Cameras in the Courtroom*, 44 ARIZ. ST. L.J. 1489 (2012) (canvassing the argument types of each stakeholder in cameras in the courtroom debates); McElroy, *supra* note 122 (a more critical view of judicial arguments about cameras).

159. C-SPAN, *supra* note 21, at 1:19:23–33 (when asked if lawyers ever perform for the cameras, Justice Kennedy replied "of course they do").

160. *See generally* Marder, *supra* note 158, at 1573 (predicting that a "generational shift" would likely occur in which judges would be more camera friendly, as the ubiquity of cameras in mobile devices changed norms). Writing 14 years ago, Marder urges caution and small steps towards transparency. *See id.*

161. *See* West, *supra* note 134, at 1978 ("[T]he fear of grandstanding if cameras are present is not yet a fear that is supported by the vast and growing experience with cameras in courtrooms of the United States. Nor is there any reason to conclude that the experience of the Supreme Court would be different from the state and lower courts. Common sense suggests, moreover, that a broader television audience would encourage rather than discourage professional behavior.").

The second concern is the influence of cameras on juries and witnesses. There is limited empirical research on this question.[162] Most issues are focused on jury and witness behaviors at the trial level.[163] Appellate arguments involve a very different interaction dynamic.[164] Cameras are much less likely to be a negative influence there, given the absence of said juries and witnesses.[165]

The third concern is that judges will lose their relative obscurity.[166] Yet U.S. Court of Appeals arguments are viewed on YouTube at low levels, even for fairly contentious cases.[167] Prominent federal appellate judges support cameras.[168] The judges involved have not achieved national fame.[169] And at

162. U.S. SUPREME COURT: POLICIES AND PERSPECTIVES ON VIDEO AND AUDIO COVERAGE OF APPELLATE COURT PROCEEDINGS, 43–44, *supra* note 127 ("According to one of two researchers we interviewed who have conducted work in this area, more studies have been conducted in trial courts, rather than appellate courts, because of a greater interest in the potential effects on victims, witnesses, and jurors—stakeholders who are not involved in appellate court proceedings. Both of these researchers also stated that, in general, there is insufficient empirical or experimental research on the effects of coverage in courts.").

163. *Id.*; *see also* Marder, *supra* note 158, at 1516 ("Although opponents of cameras in the courtroom worry about the effects that cameras have on participants' behavior, there have been few studies to date that show any effects on participants, and any effects, if they do exist, are more likely to be of concern in the trial court than the appellate court.").

164. *See generally* Eric J. Segall & Erwin Chemerinsky, *Cameras Belong in the Supreme Court*, 101 JUDICATURE 14, 15 (2017) ("One concern is that broadcasting arguments will change the behavior of lawyers and justices. Perhaps that concern has some basis in trial courts, where there is worry about the effect of cameras on witnesses. Even there, however, the experience of many jurisdictions with cameras in the courtrooms and many studies refute any basis for concern. But especially in the Supreme Court, there seems little basis for worry. The lawyers, who are focused on answering intense questioning from the justices, are unlikely to alter their arguments to play to the cameras. Justices and lawyers already know that the arguments, especially in high-profile cases, will be extensively covered in the media, and audiotapes will be publicly available. In this context, it seems highly unlikely that a live broadcast would change behavior.").

165. *See id.*

166. *See* Marder, *supra* note 158, at 1522–23.

167. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, *20-35813* Lindsay Hecox v. Bradley Little, (YouTube, May 4, 2021), https://www.youtube.com/watch?v=7CzqwTsGi_Q (showing a transgender youth oral argument from the United States Court of Appeals for the Ninth Circuit had 2,059 thousand internet views).

168. *See generally* O'Scannlain, *supra* note 121 (noting Judge Diarmmuid O'Scannlain observations and his ultimate support for cameras); *Live! Broadcasting High-Profile Appeals Reignites Cameras in the Courtroom Debate*, *supra* note 124 (describing Judge Kozinski's support for cameras).

169. *Cf.* Felipe de Mendonça Lopes, *Television and Judicial Behavior: Lessons from the Brazilian Supreme Court*, 9 ECON. ANALYSIS L. REV. 41, 43 (2018) ("Using an original database and a research design little used in the judicial behavior literature – the Differences-in-Differences approach – I show that there were significant changes in the behavior of STF judges. As politicians, justices use television as free advertising and seek to maximize their exposure by writing longer votes (which are read aloud in court sessions) and by engaging in longer discussions with their peers."). *See generally* Kyu Ho Youm, *Cameras in the Courtroom in the Twenty-First Century: The U.S. Supreme Court Learning From Abroad?*, 2012 BYU L. REV. 1989, 2011–14 (2012) (describing transparency at Brazil's Supreme Court, the Supremo Tribunal Federal (STF)).

the Supreme Court level, the current Justices do not seem particularly camera-shy.

Justices regularly seek out public attention in today's Court. Despite some statements about privacy and anonymity, by 2012 the Justices were regularly on TV and YouTube for speeches and interviews.[170] By 2026, only Justice Kagan and Chief Justice John Roberts lack reported book deals.[171] Former Justices often release books as well.[172] Their volitional exposure to media has only grown. Justices are regularly filmed on their book tours.[173] They appear on major network TV programs.[174] Their professional discussions with judges and academics appear online.[175] Whether for public education, paychecks, or both, Justices and advocates have willingly stepped

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170. *See* McElroy, *supra* note 122, at 1874, 1881 (comparing the Court's privacy narratives versus their actual public exposure in speeches and interviews).

171. Joe Patrice, *Basic Ethics Breaks Supreme Court Because Too Many Justices Have Book Deals*, ABOVE THE L. (May 20, 2025, at 18:35 CT), https://abovethelaw.com/2025/05/basic-ethics-breaks-supreme-court-because-too-many-justices-have-book-deals/ [https://perma.cc/6576-YN6W] (noting book deals by all Justices but Justice Samuel Alito, Justice Kagan, and Chief Justice John Roberts). It was later discovered that Justice Alito had a book deal as well. *See* Maris Kreizman, *Why the Supreme Court Shouldn't Make Millions From Publishing Books*, LITERARY HUB (Aug. 14, 2025), https://lithub.com/why-the-supreme-court-shouldnt-make-millions-from-publishing-books/ [https://perma.cc/S6AS-ZA44].

172. *See generally, e.g.*, JOHN PAUL STEVENS, THE MAKING OF A JUSTICE: REFLECTIONS ON MY FIRST 94 YEARS (2019) (example of a book written by a Justice); STEPHEN BREYER, READING THE CONSTITUTION: WHY I CHOSE PRAGMATISM, NOT TEXTUALISM (2024) (example of a book written by a Justice); ANTHONY M. KENNEDY, LIFE, LAW & LIBERTY: A MEMOIR (2025) (example of a book written by a Justice).

173. *See generally, e.g.*, NBCLA, *Amy Coney Barrett Speaks at Nixon Library in Time for Book Release* (YouTube, Sep. 10, 2025), https://www.youtube.com/watch?v=og5jkZe7m-w; UNIVERSITY OF VIRGINIA SCHOOL OF LAW, *Justice Ketanji Brown Jackson Discusses 'Lovely One'* (YouTube, Sep. 19, 2025), https://www.youtube.com/watch?v=2DUXT1Nq5Bc.

174. *See generally, e.g.*, CBS NEWS, *Justice Scalia On Life Part 1* (YouTube, Sep. 23, 2010), https://www.youtube.com/watch?v=FrFj7JAyutg; THE LATE SHOW WITH STEPHEN COLBERT, *Stephen Works Out With Ruth Bader Ginsburg* (YouTube, Mar. 21, 2018), https://www.youtube.com/watch?v=0oBodJHX1Vg; THE LATE SHOW WITH STEPHEN COLBERT, *Justice Breyer Reveals Why He Didn't "Respectfully" Dissent The SCOTUS Ruling On Texas* (YouTube, Sep. 15, 2021), https://www.youtube.com/watch?v=Kt6cG0XwLQA; THE DAILY SHOW, *Sonia Sotomayor - A Day in the Life of a Supreme Court Justice | The Daily Show*, (YouTube, Nov. 14, 2021), https://www.youtube.com/watch?v=HcMhgKywE1c; THE LATE SHOW WITH STEPHEN COLBERT, *What The Voting Rights Act and Civil Rights Act Mean To Supreme Court Justice Ketanji Brown Jackson* (YouTube, Sep. 4, 2024), https://www.youtube.com/watch?v=ePflrZ0I1y4; CBS SUNDAY MORNING, *Justice Barrett on the Supreme Court's Checks on Trump's Power* (YouTube, Sep. 7, 2025), https://www.youtube.com/watch?v=c70QtpyOw2E; THE VIEW, *Sotomayor On SCOTUS Immigration Ruling: 'Think of How Much More Is at Risk' | The View* (YouTube, Sep. 9, 2025), https://www.youtube.com/watch?v=goVbrH_4LV4.

175. *See generally, e.g.*, BOSTON COLLEGE MAGAZINE FRONT ROW, *Supreme Court Associate Justice Elena Kagan at Boston College Law School* (YouTube, July 17, 2025), https://www.youtube.com/watch?v=8hKdTZH-ecU; ABC NEWS, *Chief Justice Roberts Rebukes Trump's Call for Impeachment of Judge* (YouTube, May 7, 2025), https://www.youtube.com/watch?v=BBjSm9_8kiQ; CIT, *A Conversation with Justice Clarence Thomas* (YouTube, Sep. 29, 2025), https://www.youtube.com/watch?v=L7dzitYPZAE.

into the media's glare.[176] The Justices decided to be in the public eye some time ago.[177] Supreme Court video ups that ante due to the Court's national prominence. But as the novelty of video wears off, there is little reason to think the Court will receive undue attention versus the attention-grabbing activities of individual Congresspersons or the bully pulpit of a president.[178]

Nor do Supreme Court advocates shy away from attention. They are making documentary movies about their experiences.[179] They are creating fictional TV shows.[180] They are regularly in-demand for interviews and

176. *See generally* Marder, *supra* note 158, at 1573 (predicting a future generational transition of the Justices to being filmed, which will change the calculus for oral argument video).

177. *See* generally THE LATE SHOW WITH STEPHEN COLBERT, *supra* note 174 (demonstrating Ruth Bader Ginsburg arguably led the way in this respect with notable entertainment media appearances). But she also spawned, among other things, t-shirts that she would give out as gifts. *See* Anne Cohen, *Ruth Bader Ginsburg Collects 'Notorious RBG' T-Shirts*, JEWISH DAILY FORWARD (Oct. 20, 2014), https://forward.com/schmooze/207634/ruth-bader-ginsburg-collects-notorious-rbg-t-shirt/ [https://perma.cc/9BEX-EUXY] ("Totenberg: On a somewhat lighter note, I want to ask you about the Notorious RBG t-shirt.[Applause, Cheers]. I gather there are some people he who've worn them. I wear mine on the weekends all the time. And people will occasionally— The guy at the drug store said to me last weekend, he said, who is that woman, she looks very familiar, but who is she? I said she's a Supreme Court justice. He said, oh good, I've learned something today. So how did you find out about the notorious RBG t-shirts. Ginsburg: I think a law clerk told me about this tumblr and also explained to me what Notorious RBG was a parody on. And now my grandchildren love it and I try to keep abreast of the latest that's on the tumblr. I have—and in fact I think I gave you a Notorious RBG— Totenberg: Two of my three. I bought one. Ginsburg: I have quite a large supply.").

178. *Compare* Chris Green, *Footage of Supreme Court Hearings Proves an Unlikely Hit with the Public*, INDEP. (Jan. 3, 2016, at 16:21 ET), https://www.the-independent.com/news/uk/home-news/footage-of-supreme-court-hearings-proves-an-unlikely-hit-with-the-public-a6795041.html [https://perma.cc/BUA3-KDSE] (noting since the U.K. Supreme Court "opened its archive the footage has been accessed an average of 10,000 times per month"), *with Viewing Figures (2023)*, UK Parliament (Dec. 12, 2023), https://www.parliament.uk/site-information/freedom-of-information/information-we-already-publish/house-of-commons-publication-scheme/communications-and-engagement/viewing-figures-2023/ [https://perma.cc/8RGM-4KEQ] (noting 6,342,078 online viewers per year for the U.K. parliament website).

179. *See* BLOOMBERG LAW, *Supreme Advocacy: What it Takes to Argue at the Supreme Court* (YouTube, Dec. 1, 2025), https://www.youtube.com/watch?v=JsOiVmjv-5k.

180. *See generally* Alex Weprin, *Why Was John Mulaney at the Supreme Court?*, HOLLYWOOD REP. (Nov. 5, 2025, at 16:22 CT), https://www.hollywoodreporter.com/news/politics-news/john-mulaney-supreme-court-tv-show-tariff-arguments-1236419565/ [https://perma.cc/J54U-3AYM] (noting advocate Neal Katyal's project for a Supreme Court television show with comedian and actor John Mulaney). Not to mention Katyal's TED Talk. TED, *What Really Won the Trillion-Dollar Supreme Court Case | Neal Kumar Katyal | TED* (YouTube, May 14, 2026), https://www.youtube.com/watch?v=g3M3WaixeOw. For context, *see* David Lat, *Supremely Cringe: Neal Katyal And 'TED-Gate*,*'* Original Jurisdiction (May 10, 2026), https://davidlat.substack.com/p/neal-katyal-tweet-ted-talk-harvey-tariffs-case-supreme-court-scotus-milbank-partner-former-acting-solicitor-general [https://perma.cc/FK2N-NGST].

podcasts.[181] They are filmed for conference panels, giving their opinions on prominent cases.[182]

Fourth and finally, foreign high court experiences provide useful insights.[183] While the U.S. Supreme Court keeps cameras away, its peer courts in Canada, the U.K., and Brazil have embraced them.[184] So have international tribunals.[185] Canada's Supreme Court has filmed its arguments since 1997.[186] They are positive about the experience.[187] In the U.K., the Supreme Court actively pushed for cameras after its creation.[188] It has consistently televised proceedings ever since.[189] Notably, it limits how the video can be used, disallowing satirical programming and party uses.[190]

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181. *See, e.g.*, *Neal Katyal*, MS NOW (Apr. 1, 2019, at 8:24 ET), https://www.ms.now/msnbc-live/neal-katyal-biography-n1156411 [https://perma.cc/SD3S-3UTX]; THE LYNDE AND HARRY BRADLEY FOUNDATION, *Hear from Paul Clement on the Recent Episode of Voices of Freedom*, FACEBOOK, https://www.facebook.com/reel/611168111257020/ [https://perma.cc/NB3F-9ZKX] (last visited Apr. 19, 2026); THE DISPATCH, *What It's Like Arguing Before The Supreme Court With Lisa Blatt and Sarah Harris* (YouTube, Oct. 5, 2023), https://www.youtube.com/watch?v=Q9GpwYjRt7A.

182. *See* THE FEDERALIST SOCIETY, *The Roberts Court at 20 - Kannon Shanmugam* (YouTube, Dec. 10, 2025), https://www.youtube.com/shorts/JC4J2Z_iJR4.

183. *See generally Blueprints for Transparency: How High Courts Everywhere But the U.S. Have Limited Judicial Tenure and Allowed Broadcast Access*, FIX THE COURT 1, 9 (Sep. 22, 2016), https://fixthecourt.com/wp-content/uploads/2016/09/Foreign-courts-on-broadcast-tenure-FTC-FINAL-1.pdf [https://perma.cc/9KH5-L4R8] (noting the factors that tend to lead foreign courts over time to adopt cameras, include: "(1.) A group of media or legal organizations that diligently pushes the judiciary to change its broadcast policies (Australia, Canada, Germany and the U.K.) (2.) A high-profile case that either captures the nation's attention (Canada and Germany) or yields a pro-broadcast interpretation of a free-speech or open-trial law (also Canada) (3.) A judge or number of sitting judges who generally favor broadcast (Australia, Brazil and Canada) (4.) If lower courts have not had extensive experience broadcasting proceedings . . . (5.) Decentralization of the high court's power (Canada, Germany and the U.K.)").

184. *See generally* Youm, *supra* note 169, at 2004–14 (describing Canada, the U.K., and Brazil's approaches to filming in the courtroom).

185. *See generally id.* at 2014–19 (describing Regional Human Rights and International Courts approaches to filming in the courtroom).

186. *Id.* at 2005. They are available online. *See* Supreme Court of Canada, *Past Hearings*, https://www.scc-csc.ca/cases-dossiers/hearings-audiences/past-passees/ [https://perma.cc/NP6R-XP79] (last visited Apr. 19, 2026).

187. Youm, *supra* note 169, at 2005.

188. MINISTRY OF JUSTICE, PROPOSALS TO ALLOW THE BROADCASTING, FILMING, AND RECORDING OF SELECTED COURT PROCEEDINGS 9 (2012), https://assets.publishing.service.gov.uk/media/5a7ca6d7ed915d7c983bc0f2/broadcasting-filming-recording-courts.pdf [https://perma.cc/MF5Z-YVU5] ("When it was established, the Supreme Court identified a key objective of making its proceedings more accessible to the public and for that reason its proceedings are filmed and routinely broadcast.").

189. *See* UKSupremeCourt (@UKSupremeCourt), YOUTUBE, https://www.youtube.com/channel/UCdkf93h71xVAl28v467Hk7w.

190. *See* MINISTRY OF JUSTICE, *supra* note 188, at 9–10 (noting video of the Supreme Court of the United Kingdom "may not be used in light entertainment programmes, satirical programmes, party political broadcasts, and advertising or promotion"). This would likely fail constitutional scrutiny in the United States. *See* Hustler Mag., Inc. v. Falwell, 485 U.S. 46, 56–57 (1988) (holding the First Amendment protects parodies of public figures, even with an intent to cause distress). *See generally* Joseph Blocher, *Viewpoint Neutrality and Government Speech*, 52 B.C. L. REV. 695

Brazil is likely the most camera-friendly of the high courts.[191] It goes beyond filming oral arguments; it films judicial deliberations.[192] It even posts short clips to social media.[193]

VI. CONCLUSION

The Supreme Court has held transparency of its arguments close to the vest for many decades. Slowly moving from private transcripts to public audio, it has assumed it can control the pace of its visibility to the public. But GenAI now makes showing the Justices' likenesses possible. No law prohibits it. Most policies do not stop it. Artificial oral arguments have started, and they will only grow.

But it would be a mistake to claim that releasing artificial oral arguments would unleash new attention to the Court it has long avoided. The Court has been putting itself in front of cameras for decades, often in less educational settings. Book deals alone put many of the Justices in front of us to explain a topic of interest. There should be no greater topic of interest than the Court's actual public workings. Workings that are too difficult for the public to ultimately experience.

Thus, while artificial oral arguments will cause some changes in the Court's culture, much of the media interest in the Court is of its own making. The Court would be advised to consider controlling this narrative and simply provide us all with video in a format and manner it prefers.

It is unfortunate deepfake technology must be the catalyst for this change. Media dynamics will not always be a positive for the Court. But the video bridge has already been crossed. The Court should accept that fact and give the public the experience the Court has been saving for the select few. We will either have artificial oral arguments, or the real thing.

(2011) (describing U.S. constitutional standards that limit the government's ability to suppress commentary of its own speech).

191. *See* Youm, *supra* note 169, at 2011.

192. *Id.* at 2013–14 ("What sets Brazilian Supreme Court apart from the highest courts of England and Canada is that cameras are permitted into the conferences where justices deliberate. Thus, there are no private deliberations following the lawyers' presentation of their case before the Supreme Court in the courtroom.").

193. *See* STF (@STF_official), *supra* note 153.