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LeeAnn Flynn Hall, Clerk of Court

# United States Foreign Intelligence Surveillance Court of Review

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IN RE: CERTIFICATION OF QUESTIONS OF LAW TO  
THE FOREIGN INTELLIGENCE SURVEILLANCE  
COURT OF REVIEW

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Docket No. FISCR 18-01

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Upon Certification for Review by the United States  
Foreign Intelligence Surveillance Court.

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Before BRYSON, CABRANES, AND TALLMAN, *Judges*.

In Docket No. Misc. 13-08, the Foreign Intelligence Surveillance Court ("FISC") has certified a question of law to this court pursuant to 50 U.S.C. § 1803(j). The certified question is whether the American Civil Liberties Union, the American Civil Liberties Union of the Nation's Capital, and the Media Freedom and Information Access Clinic have adequately established Article III standing to assert their claim of a qualified First Amendment right of public access to FISC judicial opinions.

This court accepts the certification and directs as follows:

(1) The parties to the proceeding before the FISC are invited to file supplemental briefs in this matter. The

briefs should be no more than 30 pages in length and should be filed by February 23, 2018.


(2) Pursuant to 50 U.S.C. § 1803(i), this court appoints Professor Laura Donohue, one of the courts' designated statutory amici, to serve as amicus curiae in this matter. The amicus curiae is invited to file a brief of no more than 30 pages within 45 days of the date of this order.

(3) Within 10 days of the date that the last opening brief is filed by the parties and the amicus curiae, the parties and the amicus curiae may each file a reply brief of no more than 10 pages.

(4) The Clerk is directed to provide each member of this court with copies of all of the briefs filed with the FISC in this matter.

IT IS SO ORDERED.

SIGNED this 9th day of January, 2018.



WILLIAM C. BRYSON  
Presiding Judge  
United States Foreign Intelligence  
Surveillance Court of Review