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FILED
 COURT
 CENTRAL DISTRICT OF CALIF.
 11 SEP 29 AM 11:57
 SAN FRANCISCO

FILED

12 Attorneys for Plaintiff
 13 COURTHOUSE NEWS SERVICE

14 UNITED STATES DISTRICT COURT
 15 CENTRAL DISTRICT OF CALIFORNIA

16 **CV11-08083P (MANR)**

17 Courthouse News Service,
 18 Plaintiff,

19 CASE NO. _____

20 v.

21 **DECLARATION OF CHRISTOPHER
 22 MARSHALL IN SUPPORT OF
 23 MOTION OF COURTHOUSE NEWS
 24 SERVICE FOR PRELIMINARY
 25 INJUNCTION**

26 Michael Planet, in his official capacity as
 27 Court Executive Officer/Clerk of the
 28 Ventura County Superior Court.

Date: Nov. 7, 2011
 Time: 10:00 am
 Courtroom: _____
 Judge: _____

Defendant.

I, Christopher Marshall, declare and state as follows:

1. I serve as Northern California Bureau Chief for Courthouse News Service ("Courthouse News"), the plaintiff in the above-captioned action. I have personal knowledge of the following facts and could testify to them if called as a witness.

1 2. I began working for Courthouse News, a nationwide legal news service,
2 in August 2006. I started out as the Silicon Valley Reporter, reporting on new civil
3 filings at the Santa Clara County Superior Court, and then became the San Francisco
4 Federal Reporter, reporting on new filings at the United States District Court for the
5 Northern District of California. In June 2007, I was promoted to my current position
6 as bureau chief, which encompasses both administrative and editorial duties.
7 Although my official title is Northern California Bureau Chief, it is somewhat a
8 misnomer, in that the reporters I supervise are not exclusively located in Northern
9 California, but are also located in Southern California and Nevada. In all, I supervise
10 fourteen reporters and five researchers who are assigned to provide coverage of new
11 civil complaints filed in state and federal courts in California and Nevada, including
12 California superior courts for the counties of Alameda, Contra Costa, Kern, Marin,
13 Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Luis
14 Obispo, San Mateo, Santa Barbara, Santa Clara, Sonoma, Stanislaus and Ventura; the
15 Eighth Judicial District Court in Las Vegas; and United States District Courts for the
16 Northern District of California, the Eastern District of California, and the District of
17 Nevada. In addition, I continue to serve as the San Francisco Federal Reporter for
18 Courthouse News. As such, I make daily visits to the U.S. District courthouse in San
19 Francisco to report on new civil complaints filed in that court.

20 3. In the course of my duties as Northern California Bureau Chief, I am in
21 frequent contact with the reporters that I supervise regarding their reporting activities
22 at the courts that they cover. From time to time, I visit state and federal courts that are
23 under my supervision in order to stay current with access and other procedures that are
24 in place in these courts, and frequently engage clerk's office officials at the various
25 courts in discussions regarding news coverage of new civil complaints filed at those
26 courts. As such, I have developed personal knowledge of the procedures at state and
27 federal courts in California for providing news reporters with access to case-initiating
28 documents in civil cases. In both state and federal courts, it is both traditional and

1 common to provide reporters who visit every day with access to the civil complaints
2 filed earlier that same day. Courthouse News frequently refers to this traditional and
3 timely access as “same-day access.” This access has traditionally and continues to be
4 provided regardless of whether the day’s new complaints have been fully processed at
5 the time of the reporter’s visit to the court.

6 4. For example, at the San Francisco Division of the U.S. District Court for
7 the Northern District of California, the court that I personally cover on a daily basis,
8 reporters go behind the counter and review new complaints filed earlier that day,
9 regardless of whether the complaints have been fully processed or posted on PACER.
10 (In the Northern District, complaints are not e-filed, but rather are filed in paper form.)
11 They also have access to the “transfer boxes” of new actions being sent to different
12 divisions of the court, and are provided with a copy of the intake log that lists newly
13 filed complaints. At the San Jose Division of the U.S. District Court for the Northern
14 District of California, which is one of the courts under my supervision, reporters go
15 behind the counter to review a list of all new civil complaints filed earlier that day,
16 and then obtain complaints directly from individual clerks’ desks. Reporters can then
17 review and scan any newsworthy complaints before returning them to the clerks’
18 desks.

19 5. At the California superior courts for the counties of San Francisco and
20 Santa Clara, both of which I also supervise for Courthouse News, new complaints are
21 placed in a media box, available to news reporters for viewing before they have been
22 fully processed. At the San Francisco County Superior Court, the reporter provides
23 identification and then is allowed to go behind the counter in the clerk’s office to
24 conduct this review. At the Santa Clara County Superior Court, the reporter conducts
25 her review on the public side of the counter, but the procedures are essentially the
26 same: new unlimited civil jurisdiction complaints are made available for review upon
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1 receipt of the filing fee, the assignment of a case number, and the assignment of a first
2 status conference date, even though processing of the complaint is far from over at
3 this juncture. Same-day access to newly filed complaints is also provided at the
4 California superior courts for the County of Alameda (at the Rene C. Davidson
5 Courthouse) and the County of Contra Costa, both of which are also under my
6 supervision in my work for Courthouse News. Those courts provide access after a
7 certain amount of additional processing has been completed but they still provide the
8 traditional same-day access. In all of these courts, complaints are filed in traditional
9 paper form.

10 6. The Eighth Judicial District Court in Las Vegas, Nevada, another of the
11 courts that I supervise as a regional bureau chief for Courthouse News, also provides
12 Courthouse News' reporter with same-day access to newly filed civil complaints.
13 Indeed, Courthouse News' experience with that court shows that providing the news
14 media with same-day access to new complaints is possible both in the traditional
15 paper and e-filing environments. Prior to that court's transition to mandatory e-filing
16 in February 2010, court officials provided Courthouse News' reporter with paper
17 complaints filed earlier that day, regardless of whether they had been fully processed.
18 Following the switch to mandatory e-filing, which included e-filing of complaints, the
19 court began requiring news reporters to review new complaints at a computer terminal
20 in the clerk's office, but this system resulted in complaints not being available for
21 viewing until the day *after* they were filed. The reason for these delays was that new
22 complaints did not appear on the computer terminals until after they had been
23 "accepted" by the clerk's office, and only after the terminals had been updated to
24 reflect the new filings. After Courthouse News brought these delays to the attention
25 of the court, the court adopted a new system: an electronic in-box (or, more precisely,
26 a feature called "Daily Documents") through which reporters essentially see exactly
27 what staffers in the clerk's office see as new complaints flow in throughout the day.
28 Complaints can be viewed on a computer terminal as soon as they cross the electronic

1 equivalent of the intake counter at the clerk's office, even if court staff has not yet had
2 a chance to review the complaint, process it, and/or manually upload it for electronic
3 viewing. Thus, in both the traditional paper and new e-filing environments, the
4 Eighth Judicial District Court has provided Courthouse News' reporter with same-day
5 access to new civil complaints whether or not those complaints have been fully
6 processed.

7 7. The Courthouse News reporter assigned to cover the Ventura County
8 Superior Court is Julianna Krolak. It is my understanding that she has been covering
9 the court since 2001, although I did not begin supervising her work at the court until
10 April 2007, when I began training for the position of bureau chief, which I took over
11 in full in June 2007. At the time, Ms. Krolak was visiting the court once each week.
12 In the Ventura County Superior Court, as with all other California superior courts, it is
13 Courthouse News' practice to only review the new "unlimited" jurisdiction civil
14 complaints (in general, those complaints where the amount in controversy exceeds
15 \$25,000). Ms. Krolak does not review limited jurisdiction complaints – *i.e.*, the
16 claims that were filed with the former municipal courts and where the amount in
17 controversy cannot exceed \$25,000. Ms. Krolak also does not review other case
18 types, such as criminal or small claims cases.

19 8. Up until early 2008, on each of her weekly visits to the Ventura County
20 Superior Court, it is my understanding that Ms. Krolak was able to review the large
21 majority of the new unlimited civil jurisdiction complaints that had been filed since
22 her last visit. I reached this understanding based on my conversations with Ms.
23 Krolak and by examining her weekly reports, which include the filing date for each
24 complaint. Based on my discussions with Ms. Krolak, it is my understanding that the
25 procedure she used to review new unlimited civil complaints was as follows: since
26 new unlimited civil complaints were numbered sequentially, court staff simply
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1 provided her with all cases falling within a specified number range. Even though
2 there often were a large number of complaints, it is my understanding that because the
3 complaints were consecutively numbered and grouped together, they were easily
4 retrieved from the shelves. Ms. Krolak could then review each individual complaint
5 and, based on the case type and cause of action, determine whether the complaint
6 warranted news coverage. Ms. Krolak also reviewed complaints located in the court's
7 designated "media bin," which contained complaints the court considered to be of
8 likely press interest.

9 9. Beginning in early 2008, however, the clerk's office made a series of
10 small and large changes that made Ms. Krolak's review of new civil complaints less
11 timely and more difficult. First, Ms. Krolak informed me that the court had limited
12 the number of files that she could review per visit to 200, even though the cases she
13 was requesting were sequentially numbered and grouped together and could be
14 retrieved from a single location. In many instances, she was not provided with all of
15 the sequentially numbered complaints that she had requested, which meant she had to
16 stand in a new line to request the missing cases. She also was not permitted to review
17 both cases that she had requested and cases that were located in the media bin at the
18 same time, which again made it necessary to stand in another line to obtain the media
19 bin cases. Ms. Krolak informed me that the lines were often long, and therefore
20 requiring her to stand in multiple lines to review all of the complaints that had been
21 filed since her previous visit made it significantly more difficult for her to conduct her
22 news reporting. I attempted at various times to resolve these issues with Linda
23 Daniels, a supervisor in the clerk's office, as well as Records Manager Peggy Yost.
24 Unfortunately, these efforts proved unsuccessful, and Ms. Krolak told me that she
25 continued to have difficulty with respect to her news reporting activities.

26 10. Then, in March 2009, Ms. Krolak informed me that the court had
27 instituted a new rule limiting reporters to viewing only twenty-five complaints per
28 day. As Ms. Krolak explained to me, because of these limitations, she determined that

1 rather than simply reviewing a stack of sequentially numbered files as she had done in
2 the past, she would need to request specific complaints individually by filling out a
3 separate request form for each complaint she wished to see in order to report on the
4 most newsworthy new filings. Ms. Krolak further explained to me that since there
5 were often more than fifty potentially newsworthy civil unlimited cases filed in any
6 given week, this meant she could no longer monitor all of the newsworthy new
7 complaints by simply visiting the court once a week, as she had done in the past. In
8 addition, Ms. Krolak was only allowed to request five complaints at a time, and not all
9 of the cases she requested were made available to her for review. Even if none of the
10 five cases she requested was provided to her, she was required to wait in line again –
11 usually for thirty minutes and sometimes for an hour or more – to request her next
12 batch of five cases. Each case she requested counted toward her twenty-five-file limit,
13 even if it was not made available for review. These procedures resulted in significant
14 delays in access to newly filed complaints.

15 11. By letter dated April 29, 2009, Courthouse News' counsel wrote to Court
16 Executive Officer Michael Planet to bring these concerns to his attention, outline
17 some possible solutions and suggest an in-person meeting to discuss the matter
18 further. A true and correct copy of this letter is attached as Exhibit 1. It is my
19 understanding that after this letter was sent, Mr. Planet and Cheryl Kanatzar, the
20 Deputy Executive Officer, had a telephone conversation with Courthouse News'
21 counsel in which they discussed the matter further.

22 12. By letter dated May 13, 2009, the court sent a written response to our
23 counsel's letter. In that letter, Ms. Kanatzar explained that the court had implemented
24 a new electronic case management system (which I now understand to be the
25 California Case Management System, often referred to as "CCMS"), and that it had
26 since changed the numbering system of the court's files. Instead of each case type
27 having a separate sequentially numbered system, a single sequential numbering
28 system now covered many case types, including limited civil, unlimited civil, small

1 claims, mental health, and probate. Thus, Ms. Kanatzar wrote, it would no longer be
2 possible for the court to simply provide reporters with a block of sequentially
3 numbered cases without first verifying the case types. However, Ms. Kanatzar
4 suggested that certain other changes might be possible that would facilitate Ms.
5 Krolak's review of unlimited civil filings. A true and correct copy of Ms. Kanatzar's
6 May 13, 2009, letter is attached as Exhibit 2.

7 13. On June 9, 2009, I participated in an in-person meeting at the Ventura
8 County Courthouse together with Ms. Kanatzar, Ms. Yost and Ms. Daniels to further
9 discuss potential solutions to the access problems Ms. Krolak had been experiencing.
10 That meeting led to a solution ultimately devised by the clerk's office that, as I
11 understood it, involved placing newly filed civil unlimited jurisdiction complaints
12 directly into the media bin for review after only minimal processing. Ms. Krolak
13 would be permitted to access all of the complaints contained in the media bin, as well
14 as up to twenty-five additional complaints, per visit, from the shelves. Of the
15 additional twenty-five complaints that Ms. Krolak would be permitted to request,
16 however, she was still only allowed to request five complaints at a time. Around this
17 same time, Ms. Krolak began visiting the clerk's office twice each week, instead of
18 only once a week as she had previously been doing.

19 14. Initially, these procedures, in combination with her twice-weekly visits,
20 worked reasonably well to provide Ms. Krolak with timely and complete access to the
21 court's new unlimited civil complaints. A true and correct copy of an unsigned thank-
22 you letter to Ms. Kanatzar, which my records indicate was the final version of this
23 letter, and which I subsequently signed and sent to Ms. Kanatzar on or about July 23,
24 2009, is attached as Exhibit 3.

25 15. Unfortunately, this access quickly deteriorated. Based on my discussions
26 with Ms. Krolak, my conclusion was that staffers in the clerk's office were waiting
27 until newly filed complaints were fully processed before placing them in the media
28 bin, contrary to my understanding that new complaints would be placed in the bin

1 after just minimal initial processing. The deterioration of the media bin procedure
2 also led to a backlog of newly filed unlimited civil jurisdiction complaints that Ms.
3 Krolak needed to review, and she therefore had to request numerous individual
4 complaints as part of her daily reporting activities. On many of her visits, she found
5 that she had to request up to twenty-five complaints (her limit for cases that were not
6 contained in the media bin) in order to see the entire flow of newly filed unlimited
7 civil jurisdiction complaints, standing in a new and lengthy line for each group of five
8 complaints she wished to review. Even with respect to those twenty-five additional
9 complaints she requested, many were not available. Delays in access ranged for the
10 most part from one to three calendar days, but were sometimes significantly longer.

11 16. In an effort to improve the quality of the Central Coast Report through
12 more timely reporting on new civil unlimited jurisdiction complaints filed in the
13 Ventura County Superior Court, in November 2010, at my instruction, Ms. Krolak
14 began covering the court on a daily basis. Given that Courthouse News had switched
15 to daily coverage, and in light of the delays in access, I contacted the clerk's office
16 about the possibility of adjusting its procedures so that Ms. Krolak could have same-
17 day access to newly filed unlimited jurisdiction civil complaints, as news reporters do
18 in other courts they visit on a daily basis. A true and correct copy of an unsigned
19 letter to Ms. Kanatzar in which I made this request, and which my records indicate
20 was the final version of this letter, which I subsequently signed and sent to Ms.
21 Kanatzar on or about February 7, 2011, is attached as Exhibit 4.

22 17. It is my understanding from Ms. Krolak that approximately fifteen new
23 unlimited complaints are filed with the court each day, so my request that Courthouse
24 News be given access to all of the new unlimited complaints filed on a particular day
25 did not seem to me to be unreasonable. I spoke by telephone with Ms. Kanatzar in
26 early March 2011 to discuss options. While Ms. Kanatzar indicated a desire to
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1 improve on the delays, she also stated that the clerk's office would not provide same-
2 day access to newly filed unlimited jurisdiction civil complaints. At best, she said, the
3 court would attempt to provide next-day access. Subsequently, Ms. Kanatzar left me a
4 voice mail message advising me that beginning on March 14, 2011, the clerks would
5 reprioritize how cases are processed, and Courthouse News should begin seeing
6 complaints within two days of filing.

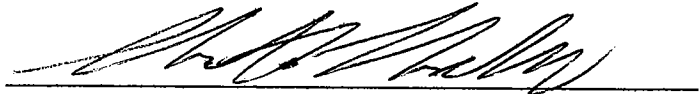
7 18. Working with Ms. Krolak, for the next three months, I monitored the
8 availability of new unlimited civil complaints to determine what effect, if any, the new
9 procedures would have in terms of delays in access. Unfortunately, things went from
10 bad to worse, with same-day access to new complaints a rare occurrence and delays in
11 access ranging from between one day and several weeks after filing.

12 19. Having gotten nowhere in my attempts to resolve these delays in access
13 on my own, Courthouse News' counsel wrote to Mr. Planet on June 20, 2011, once
14 again requesting that Courthouse News' reporter be given timely access to new
15 unlimited civil filings and suggesting possible ways in which this could be
16 accomplished. A true and correct copy of that letter is attached as Exhibit 5.
17 A true and correct copy of Mr. Planet's July 11, 2011, response is attached as Exhibit
18 6. In that letter, Mr. Planet, citing the court's budget difficulties, stated, "While I
19 appreciate the Courthouse News Service's interest in same-day access, the Court
20 cannot prioritize that access above other priorities and mandates. Further, the Court
21 must ensure the integrity of all filings, including new filings, and cannot make any
22 filings available until the requisite processing is completed."

23 20. By letter dated August 2, 2011, Courthouse News' counsel respectfully
24 registered its disagreement with Mr. Planet's assertion that public access to new
25 complaints could not be provided until after the complaints had been processed and
26 that delaying public access to new unlimited civil complaints was thus necessitated by
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1 budget difficulties that were delaying processing. A true and correct copy of that
2 letter is attached as Exhibit 7. It is my understanding that neither Courthouse News
3 nor its counsel has received any response to its August 2 letter. In the meantime, the
4 delays in access are continuing.

5 I declare under penalty of perjury under the laws of the United States that the
6 foregoing is true and correct. Executed at San Francisco, California on this 28th day
7 of September 2011.

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10 Christopher Marshall
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EXHIBIT 1



Holme Roberts & Owen LLP
Attorneys at Law

SAN FRANCISCO

April 29, 2009

BOULDER

Michael D. Planet
Court Executive Officer
Superior Court of California
County of Ventura
Hall of Justice
800 South Victoria Avenue
Ventura, California 93009

COLORADO SPRINGS

Re: Media Access to New Civil Filings

Dear Mr. Planet:

DENVER

We represent Courthouse News Service, a nationwide news service for lawyers and the news media. You may recall Courthouse News' Northern California Bureau Chief Christopher Marshall writing to you in June 2007 about certain difficulties Courthouse News' reporter was then having in accessing new civil filings at the Court. Following that letter, the problems were quickly resolved. Unfortunately, the ability of the news media to access new court filings has deteriorated since that time, and Courthouse News is once again asking for your help in resolving the situation.

LONDON

About Courthouse News Service

LOS ANGELES

To refresh your recollection, Courthouse News is similar to other news wire services, such as the Associated Press, except that Courthouse News focuses on a narrower subject area: civil lawsuits, from the date of filing through the appellate level. Courthouse News' subscribers include nearly 2,500 law firms throughout the country, including most of California's major firms. In addition, subscribers include other media organizations such as the *Los Angeles Times*, *The Dallas Morning News*, *The Boston Globe*, the Associated Press, and Fox News, all of whom rely on Courthouse News to provide them with timely information about new civil court filings. Courthouse News' web site, www.courthousenews.com, also features news reports about civil cases and appeals. Courthouse News does not report on criminal, family law, or other non-civil actions, and in California, it reviews only unlimited jurisdiction civil complaints.

MUNICH

PHOENIX

SALT LAKE CITY

Courthouse News' core news publications are its new litigation reports, which are emailed to subscribers and contain a summary of all significant new unlimited civil complaints filed in a particular jurisdiction. For example, Courthouse News' Central

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Michael D. Planet
April 29, 2009
Page 2

Coast Report provides coverage of new complaints filed in the superior courts for Santa Cruz, Monterey, San Benito, San Luis Obispo, Santa Barbara and Ventura counties.

Access To Civil Records At Ventura County Superior Court

Courthouse News reporter Julianna Krolak has covered the Ventura County Superior Court since 2003, and currently visits twice each week to review new unlimited jurisdiction complaints. Up until early 2008, Ms. Krolak was able to review all of the new unlimited jurisdiction complaints filed since her prior visit, typically waiting only five to ten minutes to request and receive records. As cases are numbered sequentially, court staff would simply provide Ms. Krolak with all cases falling within a specified number range. Ms. Krolak also reviewed the Court's designated "media bin," which contains cases the Court considers of likely press interest. These procedures allowed Ms. Krolak to review all of the newsworthy unlimited jurisdiction complaints filed since her previous visit without imposing any apparent burden on court staff.

Beginning last year, however, media access began to deteriorate. In early 2008, Ms. Krolak was informed that she would only be allowed to review up to 200 consecutively numbered cases on each of her visits. Ms. Krolak was not advised of the reason for the new limitation, and it is not clear to Courthouse News why such a limitation would be imposed, since it has been Courthouse News' experience that requests for consecutively-numbered cases are relatively easy to fulfill.¹ In addition, in many instances Ms. Krolak was not provided with many of the cases within the number range she had requested, requiring her to stand in line again to receive the missing cases. To make matters more difficult, Ms. Krolak was often told she would not be provided with both the cases she had requested and the media bin cases at the same time, requiring her to stand in line yet again to obtain the media bin cases. Because the lines can often be long, these procedures made it significantly more burdensome for Ms. Krolak to conduct her news

¹ A number of other California courts, including Superior Courts in Fresno, Kings, Madera, Mariposa, Merced, Monterey, San Joaquin, Sonoma, and Tulare Counties, provide media access in this manner. The consecutive numbering means that the clerks in these courts can easily gather even a large number of files quickly and place them on a cart for the reporter, and need not spend time locating particular cases. The reporter then reviews the cases and returns them to the clerks when his or her review has been completed.

Holme Roberts & Owen LLP
Attorneys at Law

Michael D. Planet
April 29, 2009
Page 3

reporting activities. Courthouse News attempted at various times to work out these issues with Linda Daniels, a supervisor in the clerk's office, as well as Records Manager Peggy Yost. Unfortunately, these efforts have proved unsuccessful.

The situation became much worse several months ago, when the court instituted a new rule limiting members of the media to only 25 files each day. Rather than reviewing a stack of sequentially-numbered files, Ms. Krolak must now request new complaints individually by filling out a separate request slip for each complaint she wishes to see. Since there are often more than 50 potentially newsworthy civil unlimited cases filed in any given week, the 25-file limit frequently prevents Ms. Krolak from reviewing and reporting on all of the week's newsworthy filings.

In addition to the overall file limit, Ms. Krolak may request only 5 cases at a time. Even if none of the 5 cases is available, Ms. Krolak must wait in line – usually for at least 30 minutes and sometimes for an hour or more – to ask for another 5 cases. Each requested case counts toward Ms. Krolak's 25-file limit, even if it is not available. In addition, court staff sometimes count every case in the media bin towards Ms. Krolak's 25-case quota, even if all of the media bin cases turn out to be older cases that she has already reviewed on previous visits.

Right Of Access To Civil Court Records

At most California courts, and in state and federal trial courts across the nation, news reporters who regularly visit the court are provided with the opportunity to review all of the new complaints filed since that reporter's last visit. In California, courts have adopted a variety of procedures that achieve this result. As noted above, some courts simply provide news reporters with a stack of sequentially numbered cases filed since their last visit. Others ask that reporters request individual cases based on docket information provided on a list or via a computer terminal, but either do not impose limits on the number of cases that may be viewed, or impose limits that are set high enough so as to not prevent news reporters from reviewing all of the potentially newsworthy new complaints filed since their last visit. Still others make all new filings – and not just selected filings – available for media review in a designated press box. In addition, these court have developed procedures that eliminate the need for members of the news media

Holme Roberts & Owen LLP
Attorneys at Law

Michael D. Planet
April 29, 2009
Page 4

who review new filings from having to stand in line several times as part of a single visit to the court.

The media access procedures imposed in Ventura County are not only significantly more restrictive than access policies at other California courts, but are also inconsistent with California's strong presumption of public access to civil court documents. *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178, 1208 n.25 (1999) (recognizing First Amendment right of access to civil court records); *accord, e.g., Savaglio v. Wal-Mart Stores, Inc.*, 149 Cal. App. 4th 588, 596 (2007); *Burkle v. Burkle*, 135 Cal. App. 4th 1045, 1062 (2006); Cal. Rule Ct. 2.550(b) & (c) (once a record has been filed or lodged with a court, it is presumed to be open to public inspection).

In addition, the United States Supreme Court has recognized that the media function "as surrogates for the public," which today acquires information about court proceedings "chiefly through the print and electronic media." *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980). Thus, in the context of courtroom proceedings, although "media representatives enjoy the same rights of access as the public, they often are provided special seating and priority of entry so that they may report what people in attendance have seen and heard." *Id.* at 573. For the same reason, it is appropriate to provide news reporters who visit the court on a regular basis with special procedures for obtaining timely access to new complaints, even if those exact same procedures are not provided to researchers and/or the general public.

Potential Solutions To Improve Access

There are at least two possible solutions that would resolve the current media access problems at this Court:

Option #1 – Courthouse News respectfully suggests that the simplest solution would be to reinstate the system of allowing members of the news media such as Ms. Krolak to review all of the consecutively numbered cases filed since their last visit. This would seem to be the easiest and least time-consuming option for the Court, as it would entail simply gathering all files within a certain case-number range and placing them on a cart rather than locating individual file numbers. Although the total number of requested

Holme Roberts & Owen LLP
Attorneys at Law

Michael D. Planet
April 29, 2009
Page 5

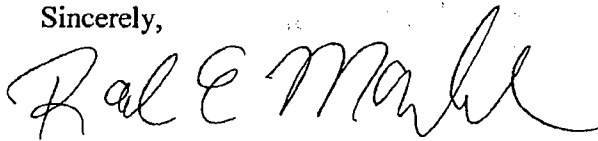
cases might be large, staff in other courts can generally gather even a relatively large number of cases in a given case number range within a matter of minutes.

Option #2 – In the event the Court determined for whatever reason that it did not want to reinstate its prior procedures, the Court could instead simply eliminate the limit on the number of non-sequential cases that accredited members of the news media such as Ms. Krolak could request on each of their visits, or at least increase that limit. Ms. Krolak estimates that she would seldom need to see more than 50 files each visit, but to allow some breathing room, Courthouse News respectfully suggests that members of the news media such as Ms. Krolak be permitted to review up to 60 files per visit.

Whatever procedures the Court ultimately adopts, Courthouse News also respectfully requests that the procedures be revised so that members of the media such as Ms. Krolak can obtain access to all potentially newsworthy new filings, whether from the media bin or from the shelves, at the same time, without needing to stand in line multiple times during the same visit to the Court.

It has been CNS's experience that when the media and court officials work together in a cooperative and creative manner, solutions can almost always be found that give the media prompt and efficient access to court filings without imposing any significant burden on court staff. I will call you next week follow up on this matter, in the hopes that we can discuss whether one of the solutions outlined above could be adopted to resolve the current access problems. In the event you determine that neither of the above solutions would be workable, perhaps we could meet in person to discuss the matter further. Although I am based in San Francisco, I have family in Ventura (recently-retired City Attorney Bob Boehm is my father) and always welcome another opportunity to visit the area.

Sincerely,



Rachel Matteo-Boehm

Michael D. Planet
April 29, 2009
Page 6

cc: Hon. Kevin J. McGee, Presiding Judge, Superior Court of California, County of
Ventura
Cheryl Kanatzar, Deputy Executive Officer
Bill Girdner, Editor, Courthouse News Service
Christopher Marshall, Northern California Bureau Chief, Courthouse News Service
Julianna Krolak, Reporter, Courthouse News Service

EXHIBIT 2



Superior Court of California

COUNTY OF VENTURA
Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009

Michael D. Planet
*Executive Officer/Clerk
and Jury Commissioner*

May 13, 2009

Ms. Rachel Matteo-Boehm
Holme Roberts & Owen, LLP
560 Mission St., 25th Floor
San Francisco, CA 94105-2994

Dear Ms. Matteo-Boehm,

This is in response to your letter dated April 29, 2009 regarding access to new unlimited civil case files by Ms. Julianna Krolak, representative of Courthouse News Service. After looking into the matter, I believe there are several contributing factors which are creating our current situation.

In 2007 the Court implemented a new case management system, which changed the numbering system of our case files. Instead of each case type having a sequential numbering system, the sequential numbers now cover many different case types including limited civil, unlimited civil, small claims, mental health, and probate. It is no longer possible for us to easily pull a block of sequentially numbered files without verifying the case types first.

The Records Department not only provides access and information to the public regarding court records, but is also responsible for pulling and preparing the calendars for twenty-eight courtrooms daily. It has become necessary for us to reallocate our resources in several areas of the department, and we simply don't have the manpower to pull an unlimited number of case files each day for all the requests we receive. As a result, we have had to limit the number of files we pull for all researchers.

Before making the change to our policy, we did research the number of files being pulled by several other Southern California courts. We found that 25 non-sequentially numbered cases per day is still generous in comparison to what some other courts pull.



Superior Court of California

COUNTY OF VENTURA
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Ms. Krolak's main focus appears to be new unlimited civil filings. Those case files remain in the media bin in our Records Department for a minimum of one week before being placed on our shelves, and are available for her to view in addition to any other files she is requesting.

Neither Ms. Daniels nor Ms. Yost has personally spoken with Ms. Krolak about her concerns, but Ms. Yost did speak with Mr. Christopher Marshall. They were able to establish a procedure for Ms. Krolak, in which she would e-mail a list of the cases she was interested in reviewing to the supervisor, and they would be pulled and ready for her to view upon her arrival.

For reasons unknown this practice was discontinued, but we would gladly resume doing this for her. Our request would be that she e-mail the list at least one full day in advance of her visit, and send it to both of the Records supervisors. By doing this she could have the full limit of 25 files all at once, in addition to any of the new case files that are in the media bin.

Those addresses are:

Linda.Daniels@ventura.courts.ca.gov; and
Leticia.Guereca@ventura.courts.ca.gov.

Also, our lines tend to be longer in the afternoon, as that is when many attorney services, along with the general public, come in to conduct their business with the court. If possible, Ms. Krolak might consider arranging her schedule so that she is able to visit our Records Department earlier in the day to avoid the longer lines.

Please feel free to contact me directly if you have any further questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl C. Kanatzar".

Cheryl Kanatzar
Deputy Executive Officer
(805) 654-2607

EXHIBIT 3

Courthouse News Service

July 23, 2009

Cheryl Kanatzar
Deputy Executive Officer
Superior Court of California
County of Ventura
Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009

Re: Media Access to New Civil Filings

Dear Ms. Kanatzar:

On behalf of Julianna Krolak and all of us at Courthouse News Service, I would like to thank you and your professional and helpful staff for assisting us in ensuring new civil unlimited filings make it to the media bin for media review before being placed on the shelf.

If you ever have any questions for me, I am always available and we will not hesitate to contact you in the future if we have questions. Once again, thank you for your assistance.

Sincerely,

Chris Marshall
Northern California Bureau Chief

Encl..
bcc:

Bill Girdner
Editor

Julianna Krolak
Courthouse Reporter

EXHIBIT 4

COURTHOUSE NEWS SERVICE

30 N. Raymond Avenue, Suite 310, Pasadena CA 91103, (626) 577-6700, home@courthousenews.com

Chris Marshall
Northern California Bureau Chief
Courthouse News Service
(415) 861-7361
sanfran@courthousenews.com

February 7, 2011

Cheryl Kanatzar
Court Executive Officer
Ventura County Superior Court
800 South Victoria Avenue
Ventura, California 93009

Dear Ms. Kanatzar:

I am writing for Courthouse News Service (CNS), on behalf of reporter Julianna Krolak, regarding media access to newly-filed civil complaints at the Ventura County Superior Court. Courthouse News Service appreciated your willingness to work with us to set up the media bin a few years ago and we trust we will be able to work together again in a cooperative manner to address our present concerns.

As you may recall, Courthouse News Service is a legal news service for lawyers and the news media. Founded in 1990, Courthouse News is similar to other news wire services, such as the Associated Press, except that it focuses on civil lawsuits, from the date of filing through the appellate level. Courthouse News does not report on criminal or family law matters. The majority of Courthouse News' nearly 2,500 subscribers nationwide are lawyers and law firms, including many prominent California firms. However, law schools and media outlets are increasingly looking to Courthouse News for information about newsworthy civil filings, and include such well-known California media outlets and law schools as the *San Jose Mercury News*, the *Los Angeles Times*, the *Los Angeles Business Journal*, UCLA Law Library, Stanford Law School, and Loyola Law School. Courthouse News' core news publications are its new litigation reports, which are e-mailed to subscribers daily and contain coverage of all significant newly-filed civil complaints filed in a particular jurisdiction. In addition, Courthouse News' website (www.courthousenews.com), which features news reports and commentary about civil cases and appeals, receives an average of 600,000 unique visitors each month.

Until a few months ago Ms. Krolak had been visiting the main division of the Ventura Superior Court on a twice-a-week basis to review new civil unlimited complaints (Courthouse News does not cover criminal or family actions, nor does it review limited civil actions). In recognition of the increasing importance of Ventura County as a source of newsworthy litigation, Ms. Krolak began visiting the Court on a daily basis in November, with each of her visits occurring near the end of each court day.

Given these now-daily visits, Courthouse News hoped that it would be able to review and report on new civil complaints at the end of the same day on which those complaints are filed. This same-day access is provided to news reporters who make daily visits to other major superior courts, including the California Superior Courts in Los Angeles, Riverside, San Francisco, and Santa Clara, as well as other major courts across the nation. A survey that further describes the same-day access that news reporters have in other courts is enclosed for your review.

Unfortunately, access to new civil complaints at the Ventura County Superior Court is nowhere near same-day. In a recent one-week survey of unlimited jurisdiction cases covered by Courthouse News, Ms. Krolak saw only one case on the day it was filed. Of the remaining cases, a majority was three days to one week old and a large minority was one to two weeks old.

For example, a case against Rubio's Restaurant alleging sexual harassment (56-2010-00387332) was not made available for media review until 13 days after it was filed; a complaint claiming The Bonaventure denied a worker's medical leave request (56-2010-00387945) was not available until 8 days after the filing date; another complaint charging Rite-Aid with refusing to accommodate a worker's medical restrictions (56-2010-00387942) was delayed by 9 days and finally a complaint where an investor allegedly took advantage of the elderly (56-2011-00389425) was not made available until 13 days after it was filed.

In an age where the average news cycle is less than 24-hours, these delays eliminate the newsworthy nature of new cases filed in this court.

In most courts that Courthouse News visits on a daily basis we have been able to work with staff to ensure that we have access to all newly-filed civil unlimited cases on the day they are filed.

I recently spoke with Leticia Tueraca, Records Division Supervisor, about achieving access to cases on the day they are filed. While Ms. Tueraca was helpful and willing to adjust procedures to assist our endeavor, she told me that ultimately it was not in her power to affect a switch to same-day access as almost every case does not make it to the Records Division until days after it is filed. Courthouse News thus requests your assistance in setting up procedures to ensure access to newly-filed complaints on the day they are filed for any media entity that assigns a reporter to cover the courthouse on a daily basis, regardless of whether all administrative tasks associated with those cases have been completed.

The current use of a media bin could be incorporated into these procedures. One possible solution would be for the media bin to be placed in the Civil Division where the intake counters are located, which Ms. Krolak could access near the end of the day. Such a system would allow Ms. Krolak access to cases soon after they are filed without requiring the court to speed up processing, which Courthouse News is not requesting. In fact it has been Courthouse News' experience that attempts to speed up processing rarely result in

lasting results, due to staff sick days, vacations, breaks and other variations in work schedules. Courthouse News welcomes the opportunity to discuss procedures that will ensure access to unlimited civil cases on the day they are filed.

While I am not a lawyer, it is my understanding that the law provides for a right of timely access to new court filings, and that the law also recognizes it is appropriate to create special access procedures for the media so they can convey that information to other interested members of the legal, academic and business communities.

As shown in the enclosed survey, many other courts in California and around the nation have set up systems to allow members of the media to review newly-filed cases on the day they are filed, regardless of whether all of the administrative tasks associated with new complaint intake have been completed.

Courthouse News Service has worked cooperatively with courts across the country to ensure all members of the media are able to access civil complaints on the day they are filed. We are confident that by working together we can find a solution to ensure similar timely access at the Ventura County Superior Court. To this end, Ms. Krolak and I would gladly meet with you to discuss ways to secure that access at this court.

Sincerely,

Chris Marshall

Enclosure

cc: William Girdner, Editor, Courthouse News Service
Rachel Matteo-Boehm, Esq., Holme Roberts & Owen LLP

EXHIBIT 5



Holme Roberts & Owen LLP
Attorneys at Law

SAN FRANCISCO

June 20, 2011

BOULDER

Michael Planet
Court Executive Officer
Ventura County Superior Court
800 South Victoria Ave.
Ventura, CA 93009

COLORADO SPRINGS

Re: Media Access to New Complaints

Dear Mr. Planet:

DENVER

As you may recall, we represent Courthouse News Service, a nationwide news service for lawyers and the news media. Over the past two years, Courthouse News has written to and met with various officials at this Court regarding delays in access to newly filed civil unlimited complaints. Although your office has undertaken to decrease the amount of time between the filing of a complaint and its availability to members of the news media, news reporters are rarely permitted to see any new civil complaints on the same day they are filed. Rather, delays in access range anywhere from one day to several weeks.

DUBLIN

LONDON

It appears that the Court is not currently releasing newly filed complaints for press review until after a certain amount of processing has been completed. However, as explained below, the press's right of access to court records is not dependent on a court having completed processing. Indeed, the delays at this Court are effectively denials of access, and are contrary to the fundamentally public nature of adjudicative court records and the media's legitimate interest in timely access to those records.

LOS ANGELES

We therefore respectfully ask that you address these delays immediately by adopting simple procedures to ensure that members of the media have access to new complaints on the same day they are filed.

SALT LAKE CITY

About Courthouse News Service

Courthouse News Service is a 21-year-old, Pasadena-based legal news service for lawyers and the news media. It is similar to other news wire services, such as the Associated Press, except that it focuses on civil lawsuits, from the date of filing through the appellate level. Courthouse News does not report on criminal or family law matters, and in California it focuses only on unlimited jurisdiction civil cases.

Rachel Matteo-Boehm 415.268.1996 rachel.matteo-boehm@hro.com
560 Mission Street, 25th Floor San Francisco, California 94105-2994 tel 415.268.2000 fax 415.268.1999

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Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 2

The majority of Courthouse News' nearly 3,000 subscribers nationwide are lawyers and law firms, including numerous prominent California firms. In addition, other news outlets are increasingly looking to Courthouse News to provide them with information about newsworthy new civil filings. Courthouse News' media subscribers include such well-known entities as the *Los Angeles Times*, the *Los Angeles Business Journal*, the *San Jose Mercury News*, and *Forbes*, all of which puts Courthouse News in a position similar to that of a pool reporter. Courthouse News' core news publications are its new litigation reports, which are e-mailed to subscribers daily and contain coverage of all significant new civil complaints. Its website, www.courthousenews.com, also features news reports and commentary about civil cases and appeals, and receives an average of 850,000 unique visitors each month.

Access to Court Records at Ventura County Superior Court

Courthouse News' reporter Julianna Krolak has covered the Ventura County Superior Court since 2003. Until recently, Ms. Krolak visited the court twice each week to review new civil unlimited jurisdiction complaints. In recognition of the growing importance of this Court, starting in November 2010, Ms. Krolak began visiting the Court on a daily basis.

Up until early 2008, Ms. Krolak was able to review the vast majority of new complaints filed since her prior visit. This was achieved through a combination of a media bin procedure (which, at the time, contained complaints that the Court determined would be of interest to the press) as well as the clerk's office's practice of providing Ms. Krolak with all additional complaints falling within a specific number range, since cases are numbered sequentially. In general, these procedures allowed Ms. Krolak to review all of the newsworthy unlimited jurisdiction complaints filed since her previous visit without imposing any apparent burden on court staff.

Beginning in 2008, however, media access at the Court began to deteriorate on a number of fronts. Among other things, the clerk's office began limiting the number of files that members of the media could request to 25 each day, and only permitted reporters to request five at a time, which meant Ms. Krolak had to wait in line – usually for at least 30 minutes, and sometimes more than an hour – to ask for each batch of five cases. Each requested case counted toward her 25-file limit, even if the complaint was not made available for

Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 3

review, and Court staff sometimes counted every case in the media bin toward Ms. Krolak's 25-case quota. Since there were often more than 50 potentially newsworthy civil unlimited cases filed in any given week, the 25-file limit frequently prevented Ms. Krolak from reviewing and reporting on all of the week's newsworthy filings, thereby resulting in significant delays in access to newly filed civil complaints.

Courthouse News' Northern California Bureau Chief, Chris Marshall, attempted at various times to resolve these issues with Supervisor Linda Daniels, as well as Records Manager Peggy Yost, but these efforts proved unsuccessful. Thereafter, in April 2009, we wrote to you. We subsequently spoke on the phone, together with Deputy Court Executive Officer Cheryl Kanatzar, about potential solutions to the access problems. In June 2009, Ms. Kanatzar, as well as Ms. Yost and Ms. Daniels, met in person with Mr. Marshall to further discuss potential solutions. The solution ultimately devised by the Court involved placing newly filed civil unlimited jurisdiction complaints directly into the media bin for review only after minimal processing. Ms. Krolak would be permitted access to all of the complaints contained in the media bin, as well as up to 25 additional complaints, per visit, from the shelves. Of the additional 25 complaints that Ms. Krolak would be permitted to request, she could only access five complaints at a time.

While these procedures initially worked reasonably well to provide Ms. Krolak with timely access to newly filed complaints, access again quickly deteriorated, as it seemed that the clerks were waiting until newly filed complaints were fully processed before placing them in the media bin (contrary to the agreement that new complaints would be placed in the bin after just minimal processing). The deterioration of the media bin procedure led to a backlog of newly filed unlimited civil jurisdiction complaints that Ms. Krolak needed to review, and she therefore had to request numerous additional complaints as part of her daily reporting activities. On many of her visits, she found that she had to request up to 25 complaints (her limit for cases that were not contained in the media bin) in order to see the entire flow of newly filed unlimited civil jurisdiction complaints, standing in a new and lengthy line for each group of five complaints she wished to review. Even with respect to those 25 additional complaints she requested, many were not available, with delays in access ranging for the most part from one to three days, but sometimes significantly longer.

Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 4

As noted, late last year, Courthouse News began covering the Court on a daily basis. Given the ongoing delays and problems with the media bin procedure, Mr. Marshall contacted Ms. Kanatzar by letter in February 2011 in an attempt to come up with mutually agreeable procedures that would provide same-day access to all newly filed unlimited civil jurisdiction complaints, and Ms. Kanatzar spoke with Mr. Marshall by phone in early March 2011 to discuss options. While Ms. Kanatzar indicated a desire to improve on the delays, the message conveyed to Courthouse News was that the clerk's office would not provide same-day access to newly filed unlimited jurisdiction civil complaints. At best, the Court would attempt to provide next-day access. Mr. Marshall was disappointed to hear this, but agreed to wait and see what solution the Court came up with to resolve delays. Subsequently, Ms. Kanatzar left Mr. Marshall a voice mail message advising him that beginning on March 14, 2011, the clerks would reprioritize how cases are processed, and Courthouse News should begin seeing complaints within two days of filing.

Over the past three months, Courthouse News has monitored the availability of complaints to determine what effect, if any, the new procedures would have in terms of delays in access. Unfortunately, things have gone from bad to worse, with same-day access to new complaints a rare occurrence.¹ Rather, actual delays in access are anywhere between one day and several weeks after filing for virtually all civil unlimited jurisdiction complaints filed in this Court.

There Is A Right Of Access, And Timely Access, To All New Civil Court Filings

As we have related to you in our previous correspondence and discussions, the press has a presumptive, constitutional right of timely access to newly filed complaints, which necessarily means same-day access. *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178, 1208 & n.25 (1999) (recognizing First Amendment right of access to civil litigation documents submitted to a court as a basis for adjudication); *Associated Press v. U.S. District Court*, 705 F.2d 1143, 1147 (9th Cir. 1983) (even short delays in access constitute "a total restraint on the public's first amendment right of access even though the restraint is limited in time"); *Grove Fresh Distribs., Inc. v. Everfresh Juice Co.*, 24 F.3d

¹ During one recent four-week period, only one complaint out of 145 was available for review on the same day it was filed.

Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 5

893, 897 (7th Cir. 1994) (“[i]n light of values which the presumption of access endeavors to promote, a necessary corollary to the presumption is that once found to be appropriate, access should be immediate and contemporaneous”); *Globe Newspaper Co. v. Pokaski*, 868 F.2d 497, 507 (1st Cir. 1989) (“even a one to two day delay impermissibly burdens the First Amendment”); *Courthouse News Service v. Jackson*, 2009 U.S. Dist. LEXIS 62300, at *10-11, 14 (S.D. Tex. 2009) (“the 24 to 72 hour delay in access is effectively a denial of access and is, therefore, unconstitutional”).

Likewise, once a record has been filed or lodged with the court, Rule of Court 2.550(c) provides that the record is “presumed to be open” to public inspection. The Rule of Court thus recognizes that the public character of new complaints comes not from the court’s taking any particular action with respect to a complaint, but from a person’s invoking the power of the judiciary by submitting it to the court. See also *Bank of Am. Nat’l Trust & Sav. Ass’n v. Hotel Rittenhouse Assocs.*, 800 F.2d 339, 344 (3d Cir. 1986) (the right of access springs into being the moment a person “undertake[s] to utilize the judicial process”); *Leucadia, Inc. v. Applied Extrusion Techs., Inc.*, 998 F.2d 157, 164 (3d Cir. 1993) (“By **submitting** pleadings and motions to the court for decision, one ... exposes oneself [to] public scrutiny.”) (quotation omitted; *emph. added*).

In light of this right of access, it is not appropriate for this Court to deny media requests to examine newly filed complaints on the ground that the Court has not yet completed its administrative tasks associated with the processing of those complaints (tasks that vary from court to court, but can include such items as inputting information about the complaint into a computer system, formal acceptance, scanning, and/or posting the complaint online for remote viewing). As you can see from the enclosed city-by-city survey, courts around the country have implemented a variety of procedures to ensure that the press has access to *all* new civil complaints at the end of the day on which those complaints are filed, regardless of whether they have been fully processed and/or other administrative procedures have been completed. Indeed, given the media’s role as “surrogates for the public,” see, e.g., *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980), it is appropriate to provide news reporters who visit the Court every day with procedures for obtaining same-day access to new filings, so that those reporters may in turn disseminate information about those filings to interested persons, thereby keeping the public informed as to what transpires in the courts.

Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 6

With these considerations in mind, Courthouse News once again respectfully requests that the Court adopt procedures to ensure that reporters who visit the court every day (which would include but not necessarily be limited to Courthouse News) can review new unlimited civil complaints at the end of the day they are filed, even if they have not been fully processed. As the enclosed survey demonstrates, there are a variety of specific ways this can be accomplished, but fundamentally, what we are asking for is for Ms. Krolak to simply be allowed to see the day's new unlimited civil filings at the end of each court day.

We thank you for your attention to this important matter, and look forward to hearing from you.

Sincerely,



Rachel Matteo-Boehm

cc: The Honorable Vincent O'Neill, Jr., Presiding Judge
Courthouse News Service

Media Access to Courts Around the Nation

**Prepared By Courthouse News Service
June 2011**

Courts around the country have developed a variety of procedures to provide the media with access to new civil case initiating documents (complaints or petitions, depending on the jurisdiction) on the same day they are filed, regardless of whether processing has been completed (or in federal courts that have adopted e-filing, the so-called "quality assurance" process is completed), and regardless of whether the complaint or petition has been made available for electronic viewing. Courthouse News Service has prepared the following summary of some of these same-day access procedures adopted in courts throughout the nation.

Albuquerque

At the Second District Court of New Mexico (Bernalillo County), both paper and electronically filed civil complaints are made available to the media in a "review pile" on the day of filing, before they have been fully processed or made available to the public. Courthouse News' reporter has been granted behind-the-counter access to the "review pile" and provided with a small work space, where he can review the new cases and scan any newsworthy complaint using a portable scanner. Any complaint that does not make it to the review pile enters a 3 - 4 day docketing process, during which Courthouse News Service's reporter can typically track down any case that needs to be seen.

Atlanta

At the Fulton County Superior Court in Atlanta, Georgia, new complaints are scanned immediately upon filing and made available at computer terminals at the courthouse, most within minutes of filing. In addition, complete docket information for civil cases is available from a publicly accessible web site on the day the complaint is filed.

At the United States District Court for the Northern District of Georgia, where e-filing is voluntary, reporters review new civil actions on the same day they are filed. New complaints that are filed in paper form are scanned into a computerized press box before they go to docketing and are accessible on a computer terminal in the Clerk's office. E-filed complaints are made available to CNS's reporter, prior to any processing, via PACER by using a shell case number code to access an online press queue of new same-day filings.

Austin

At the Travis County District Courthouse in Austin, where e-filing is mandatory for civil cases, Courthouse News' reporter gets a list of all of the new civil petitions filed earlier that same day upon arriving at the courthouse. She then views newly filed petitions using a public access terminal at the courthouse. Before leaving the court, Courthouse News' reporter gets an updated copy of the list of newly filed petitions to see whether there are any that have been filed since her first review, which she also views using the court's public access terminal.

Beaumont

At the Jefferson County District Court in Beaumont, Texas, reporters are allowed behind the counter to access paper copies of petitions filed that day, before the cases are put through the docketing process. Reporters can make copies of newsworthy cases.

At the Beaumont Division of the United States District Court for the Eastern District of Texas, reporters have same-day access to newly filed actions regardless of whether docketing has been completed. Reporters review scanned copies of new complaints via PACER, and if a new case is not yet scanned and available on the court's computer system, reporters can request and are given a paper copy of the new action based on a listing of new filings in a red log book made available to the press.

Brooklyn

At the Kings County Supreme Court, newly filed cases are typically scanned into electronic form immediately after they are filed, and the paper copies are then placed in a designated media box for same day review. However, in the event that a new complaint is not scanned until the following day, the paper copy remains in the press box until Courthouse News' reporter has reviewed it. Courthouse News' reporter has been provided with a media pass that allows her to remove the new filings from the media box and review them in a different area behind the counter in the clerk's office on the same day the complaints are filed. Courthouse News' reporter is free to make her own copies for a small fee.

At the United States District Court for the Eastern District of New York, parties file "press copies" of new complaints, which are placed into a press box that is made available to reporters throughout the day, thereby allowing them same-day access to the vast majority of new filings, even if the new filings have not been fully processed or posted to PACER.

Chicago

At the Cook County Circuit Court in Chicago, Courthouse News' reporter, or any other member of the media who is first to arrive at the courthouse, begins each visit by going behind the counter to pick up the day's new complaints, and then brings them to a press room located in the same building. The reporter sees complaints on the same day they are filed, regardless of whether the complaints have been fully processed. Reporters can stay as late as they like to review the new complaints.

At the United States District Court for the Northern District of Illinois, where newly filed complaints are available on a same-day basis, the court had previously provided the media with a special case number code for the PACER web site that granted reporters access to a press queue where the new complaints were posted before they had even been assigned a case number or appeared on the public PACER website. However, the Court is now making newly-filed civil complaints immediately available on PACER, as well as the court's own independent website, making access to the press queue unnecessary.

Cincinnati

At the Hamilton County Court of Common Pleas in Cincinnati, Ohio, new complaints are placed in the intake area for review by the media on the same day the complaints are filed. Complaints are made available after they have been date-stamped, but before any other processing occurs. Courthouse News' reporter sees between 30-60 complaints each day. If Courthouse News' reporter misses a complaint, he may request the file from the paper room staff the next day. Court employees will make copies of newsworthy complaints available upon request for 10 cents per page.

At the United States District Court for the Southern District of Ohio, many of the newly filed complaints are made available on the day of filing via PACER. However, for cases not available electronically, the court places a copy of new cases into a press box at the intake counter, where Courthouse News Services' reporter may review them until 4:00 p.m. when the court closes to the public. The reporter may request copies of new complaints for 50 cents per page.

Cleveland

At the Cuyahoga County Court of Common Pleas in Cleveland, Ohio, Courthouse News' reporter has behind-the-counter access to new filings on the same day they are filed, regardless of whether they have been fully processed. Complaints are available as soon as they have been date-stamped. Court officials provide Courthouse News' reporter with desk space to set up a laptop and allow him use of the office copy machines.

At the United States District Court for the Northern District of Ohio, new civil cases can be filed either in person or electronically. Both cases filed electronically and in person are made available on PACER on the same day they are filed. However, to view cases that are restricted from access via PACER or cases that have not yet been posted to PACER, Courthouse News' reporter visits the courthouse, where the court staff will print out a copy of any case he requests, even if docketing has not been completed and regardless of how those complaints were filed.

Columbus

At the Franklin County Court of Common Pleas in Columbus, Ohio, Courthouse News' reporter has same-day access to new civil complaints after they have been date-stamped and before processing. Courthouse News' reporter works at a desk behind the intake counter. Complaints that are filed before the reporter arrives to the courthouse are placed in an "outbox" tray where CNS's reporter is able to review them on the same day they are filed. Once the reporter has finished reviewing those cases, a member of the court staff retrieves complaints that have been filed since the reporter's arrival directly from the various tellers and makes them available for immediate review. Copies are available for a nominal fee.

At the United States District Court for the Southern District of Ohio in Columbus, all new complaints are made available on PACER promptly upon filing. The court will also provide

hard copies of any civil filings not available on PACER on a same-day basis, but the speed with which cases are posted to PACER generally makes this unnecessary.

Dallas

At the Dallas County District Court in Dallas, Texas, Courthouse News' reporter is provided with behind-the-counter access to new petitions as soon as they are filed and before any docketing has taken place. The court provides the reporter with a place to work, where staffers in the clerk's office provide him with access to the new petitions filed in paper form. As for e-filed petitions, Courthouse News Service's reporter views some on a computer terminal in the clerk's office. In many instances, however, petitions are not available on the terminal on a same-day basis, and the clerk's office provides him with paper printouts of those petitions so that he can see them same-day.

The United States District Court for the Northern District of Texas has developed a process that ensures reporters have same-day access to all new complaints, regardless of how far those complaints have progressed through the intake process. On his daily afternoon visits to the court, Courthouse News' reporter goes through a three-step process, described below. Leigh Lyon, Assistant Chief Deputy of Operations, Dallas Division of the Northern District of Texas, has informed us that she would be happy to speak with court officials in other jurisdictions about this system. Ms. Lyon can be reached at (214) 753-2186.

- First, Courthouse News' reporter checks a computer terminal in the clerk's office to view summaries of the day's new complaints that have already been made available on PACER. Courthouse News' reporter then uses his own internet connection to immediately download documents he needs to his laptop computer at the courthouse.
- Second, Courthouse News' reporter checks for complaints that have been scanned by the clerk's office, but are not yet available on PACER. These complaints have been assigned a bar code and case number, and are made available for electronic viewing at a public computer kiosk located in the clerk's office, where the media can then review the new complaints on the same day they are filed.
- Finally, for complaints that are so new they have not yet been scanned, Courthouse News' reporter views the paper versions of those new cases in their case folder and makes copies of newsworthy complaints.

Detroit

At the Wayne County Circuit Court, complaints are placed in a drawer in the intake area of the clerk's office immediately after they are filed. Upon arriving at the clerk's office at approximately 3 p.m., Courthouse News' reporter goes behind the counter and first double-checks the previous day's complaints, which are located in bundled folders behind the intake drawer, for any missed or last-minute filings from the day before. Then he turns to the intake drawer, where he is permitted to review the newly filed complaints while standing behind the counter. Most new complaints are in the drawer, but some are with the intake clerks, who will share the complaints with the reporter for review. The reporter is permitted to make his own

copies of complaints using a copier located also behind the counter, as well as an alternate copier on the other side of the cashier station near the death certificates/marriage license area.

At the United States District Court for the Eastern District of Michigan, the court provides copies, on a same-day basis, of all newly filed complaints in a media box located in a public area, but only after the complaints have been fully docketed. Courthouse News' reporter can either visit the courthouse to view complaints or he can view the new filings electronically on PACER, which is just as timely as the hard copy press box.

Fort Worth

At the Tarrant County District Court in Fort Worth, most petitions appear on the court's on-line system the day they are filed, except those cases that are filed electronically after 5:00 p.m., when the court is closed, which are made available the following day. If any petition that was filed during court business hours is not available online the day it is filed, court staff either make a copy for Courthouse News' reporter or arranges for the petition to be immediately scanned and posted to the on-line access system. The end result is that Courthouse News' reporter is able to access all petitions filed during court hours on the same day they are filed.

Houston

The Harris County Civil District Courts in Houston provided same-day access for many years by permitting reporters to go behind the intake counters and review newly-filed petitions. In 2008, the clerk began requiring reporters to wait until new petitions had been processed and posted on the clerk's web site before they could be reviewed, which delayed their availability by a day or more – sometimes several days. After repeated attempts by Courthouse News to negotiate a solution with the clerk's office failed to lead to a resolution, Courthouse News reluctantly filed suit under 42 U.S.C. § 1983. In July 2009, the U.S. District Court for the Southern District of Texas issued a preliminary injunction ordering the clerk to provide same-day access to civil petitions, and finding that “the 24 to 72 hour delay in access is effectively a denial of access and is, therefore, unconstitutional.” *Courthouse News Service v. Jackson, et al.*, 2009 WL 2163609, at *4 (S.D. Tex. July 20, 2009). In accordance with that injunction order, the clerk's office began scanning new petitions and posting them to the clerk's web site the same day they are filed. Pursuant to a stipulated permanent injunction entered by the court in March 2010, the clerk's office became obligated not only to continue to provide same-day access to new civil filings, but to pay more than \$250,000 to Courthouse News to compensate it for the attorneys fees it incurred in litigating the case. The stipulated permanent injunction did not specify the particular manner in which same-day access must be provided, and the clerk's office has chosen to comply with the order by continuing its practice of posting new petitions on the clerk's web site. Those petitions can be viewed, and printouts can be made, free of charge by the media and other interested parties on the day of filing. After that, petitions can still be viewed without charge, but printouts can be made only if they have not been certified. Once they are certified – which usually occurs the day after filing – there is a fee to print out copies of the petitions. Details about this program can be found on the Harris County District Clerk's web site, at <http://www.hcdistrictclerk.com/Edocs/Public/search.aspx> (see button: “Search Today's Filings”).

At the United States District Court for the Southern District of Texas, where electronic filing is required for new cases, Courthouse News' reporter can view electronic versions of complaints that are already docketed and posted to PACER on the same day they are filed. For any new complaint that has not yet been fully docketed, the Court will usually provide a hard copy regardless of how far along the complaint is in the docketing process, also on the same day they are filed.

Indianapolis

At the Marion County Circuit and Superior Courts in Indianapolis, Indiana, reporters view all new filings on a same-day basis in the clerk's office. Reporters are given stacks of the new filings, before they are processed or sent to the proper court division, and are allowed to go through them at tables in the public viewing area from 4:00 p.m. to 4:30 p.m. Reporters can then make copies themselves on court copy machines, which are then billed to Courthouse News Service monthly.

At the United States District Court for the Southern District of Indiana, reporters are provided with access to all complaints filed on a same-day basis, even if docketing has not been completed. When Courthouse News' reporter arrives at the end of the day, the court staff gathers all of the civil cases filed throughout the day and allows the reporter to review the complaints. The court staff will then make copies at a rate of 50 cents per page.

Las Vegas

At the Eighth Judicial District Court in Las Vegas, Nevada, reporters saw the majority of new civil complaints on a same-day basis until the court switched to mandatory e-filing in February 2010. Following that switch, the court began requiring news reporters to review new complaints at a computer terminal in the clerk's office, but this system resulted in complaints not being available for viewing until the day after they were filed. The reason for these delays was that new complaints did not appear on the computer terminals until after they had been "accepted" by the clerk's office, and only after the terminals had been updated to reflect the new filings. After Courthouse News brought these delays to the attention of the court, the court adopted a new system: an electronic in-box, through which complaints can be viewed on a computer terminal as soon as they cross the electronic version of the intake counter at the clerk's office, even if they have not yet been fully processed. Through this system, which is similar to the electronic in-box access procedures in place at numerous federal district courts (many of which are described in this survey), Courthouse News is now seeing new e-filed complaints on a same-day basis.

At the United States District Court for the District of Nevada, Courthouse News' reporter can view electronic versions of the majority of new complaints on a same-day basis on PACER. Complaints that are not made available on the day they are filed are usually made available on the following day.

Los Angeles

At the Downtown (Stanley Mosk Courthouse) branch of the Superior Court of California in Los Angeles, reporters can review all new actions that are filed on a particular day through the court's computer system, which includes terminals for the general public and additional terminals in a designated press room. Both the filing room – including the intake and processing areas – and the area in which the general public view cases close at 4:30 p.m., but the press room remains open later and even the latest filings of the day are available and can be reviewed by 7:00 p.m. About 90 new civil, general jurisdiction cases are filed each day.

At the Santa Monica Courthouse of the same court, face pages of each day's newly-filed complaints are made available for review at 3:30 p.m. on the same day the complaints are filed. Courthouse News' reporter then requests copies of those complaints for which she wants to see the full-text versions. The full text of late-filed complaints is made available at 4:30 p.m., when the filing room court closes its doors to the public but where the courthouse employees continue to work until 5:00 p.m. Courthouse News' reporter can then request copies of any of those late-filed complaints, and they are generally provided right away.

At the United States District Court for the Central District of California, a room is set up directly off the docketing department with a set of pass-through boxes. At 4:45 p.m., a messenger places all of the civil complaints filed that day in the pass-through boxes so that the media can review them. Inside the reviewing room is a copy machine maintained by the press. Reporters that cover the courthouse on a daily basis have a key to the room, which is otherwise locked, and they can stay as long as they want to look over the complaints and rulings, copy those of interest, and put the documents back in the pass-through boxes.

Louisville

At the Jefferson County Circuit Court in Louisville, Kentucky, the clerk's staff makes a copy of the front page of all complaints filed throughout the day and places the coversheets on a table in the public area of the office. Courthouse News' reporter then reviews the stack of coversheets and requests any complaints he determines to be newsworthy on the same day they are filed. The clerk's office will make copies for him at a rate of 25 cents per page.

The United States District Court for the Western District of Kentucky in Louisville has adopted an e-filing system requiring initiating documents to be filed electronically. The court has provided the media with an "MC" case number code. Using this code at a designated computer terminal in the clerk's office, reporters can review newly filed complaints in exactly the same format as they are received in the clerk's office, prior to being docketed and before they are available to the public on PACER. If a reporter needs a copy of a complaint, he requests the copy from court staff at a rate of 50 cents per page.

Manhattan

At the New York County Supreme Court, where certain case types are required to be e-filed, new complaints are made available to reporters on the same day they are filed, whether they are filed in paper or electronic form. E-filed cases are posted online to a court website by the end

of the day they are filed, while new complaints filed in paper form are indexed and scanned shortly after being filed, and made available electronically via an internal computer system on terminals set up throughout the courthouse. At 4:00 p.m., and then at regular intervals until 5:00 p.m., the paper versions of the new complaints are then placed by court officials in a secure area behind the counter where reporters are free to review them on a same-day basis.

At the United States District Court for the Southern District of New York, reporters are permitted to view new civil complaints three times a day – between 9:00 a.m. and 9:45 a.m., between 11:30 a.m. and 12:15 p.m., and between 3:35 p.m. and 4:30 p.m. – on the same day the complaints are filed.

Miami

In Miami-Dade County Circuit Court, the clerk's office closes to the general public at 4 p.m., but security personnel remain until 6:45 p.m., allowing Courthouse News Service's reporter to review new filings. The reporter is permitted to go behind the intake counter and pull same day complaints directly from each intake clerks' desk from 4:45 p.m. until the office closes at 6:45 p.m. The complaints that Courthouse News' reporter reviews have been assigned a case number and checked for all required documentation and payment, but have not been entered into the court's computer system. If the reporter needs copies she is able to make her own copies at a Court copy machine for \$1 per page.

At the United States District Court for the Southern District of Florida, electronic filing of new civil complaints is mandatory, and new complaints that are filed before 5 p.m. appear on PACER on the same day they are filed. Cases filed after 5 p.m. appear on PACER the following day.

Milwaukee

At the Milwaukee County Court in Wisconsin, reporters have access to new complaints on the day they are filed, even if they have not yet been fully processed, and are permitted to go behind the counter. Reporters can request copies of complaints from court personnel for a small fee.

At the United States District Court for the Eastern District of Wisconsin, most new complaints are e-filed and available electronically through PACER on the same day they are filed. However, for those cases that are not immediately posted to PACER, court staff provides reporters with the original paper versions of the new complaints, also on the same day they are filed. Reporters are then able to make copies at a copy machine for a nominal fee.

Minneapolis/St. Paul

At both the Hennepin County District Court in Minneapolis and the Ramsey County District Court in St. Paul, where many of the new complaints are filed by mail, Courthouse News' reporter is permitted to go behind the counter to review the stack of original complaints on the same day they are filed and before they are docketed. Because the reporter visits Ramsey County only three times per week, she is unable to review all cases on the same day they are

filed, but is able to search for and view the cases she has missed on a computer terminal at the courthouse the next time she visits the court. The reporter is able to make her own copies in Hennepin County, where Courthouse News has established a copy account. In Ramsey County, for cases the reporter reviews on the day of filing, the court staff will make copies of any complaint the reporter requests. For cases she reviews after the day of filing, the reporter is able to print a copy directly from the computer terminal.

At the United States District Court for District of Minnesota, reporters begin their visit by using a computer terminal at the courthouse to view an intake log of new cases. From there, reporters review complaints available on PACER using a public computer terminal in the clerk's office. If a complaint shown on the intake log of new cases is not yet available on PACER, the court will print out a copy for the reporter. The Clerk charges 10 cents per page for any copies that reporters request.

Nashville

At the Davidson County Chancery Court in Nashville, Courthouse News' reporter reviews an intake log of the day's new filings on a public computer terminal at the courthouse. She then compiles a list of the relevant cases and presents the list to the court staff, who retrieve the requested cases and allow her to review the complaints regardless of whether the docketing process has been completed.

At the Davidson County Circuit Court, most new complaints are scanned throughout the day and are made available through a government website on the same day they are filed.

At the United States District Court for the Middle District of Tennessee, the clerk's staff are required to stay one hour after closing in order to scan all new filings and post them onto PACER on the day they are filed.

Oakland

Although the Alameda County Superior Court in Oakland, California, endeavors to make newly-filed complaints available for viewing on its web site on a same-day basis, it has implemented procedures to ensure that news reporters who visit the René C. Davidson courthouse can obtain same-day access to those complaints that would otherwise not be posted for electronic viewing on a same-day basis. Under those procedures, reporters are provided with access to a workstation behind the intake counter. The station is equipped with a computer connected to the Internet. Courthouse News' reporter first reviews the cases that are made available online. For those cases that are not available online by the end of the work day but are of media interest, court staffers scan and make those cases available on their web site.

Oklahoma City

At the Oklahoma County Court, intake clerks place all of the day's new petitions into a central basket by 3:15 p.m. Petitions placed in the basket have been date stamped, but have not been fully docketed – only indexed. A member of the clerk's staff then provides the petitions to Courthouse News' reporter, and the reporter is instructed to sign the back of each petition to

ensure that she has seen them all. After she has completed her review of the petitions in the basket, Courthouse News' reporter is permitted to review any further petitions that have been filed, indexed and placed in the basket after 3:15 p.m. The reporter may request copies of petitions at a rate of \$1.00 for the first page and 50 cents for all subsequent pages.

Omaha

At the Douglas County District Court, new complaints are filed in paper form and then added to an internal computer database that is updated live when a new case is received and indexed. Courthouse News' reporter reviews the index information for relevant cases on a courthouse computer terminal and a filing clerk retrieves the complaints he requests before they have been fully processed or scanned. Courthouse News' reporter can review the new complaints on the day of filing in the public area of the clerk's office and is free to make copies on public machines.

Orlando

At the Ninth Judicial Circuit Court, Courthouse News' reporter reviews hard copies of newly filed complaints at a designated desk behind the counter. The staff places new complaints that have not undergone any processing (*i.e.*, docketed, jacketed or assigned a case number) near the reporter's desk each day for same-day viewing. Since some complaints have been docketed by the time Courthouse News' reporter arrives, these complaints are placed in a separate pile for the reporter's review before they are moved to a separate desk for scanning by 4 p.m. In addition, Courthouse News' reporter is permitted to review e-filed complaints and complaints that have been docketed and scanned by the time the reporter arrives on a same-day basis using one of the Clerk's terminals located behind the counter.

At the United States District Court for the Middle District of Florida in Orlando, where electronic filing is mandatory, the court posts the majority of new civil filings to PACER on the same day they are filed.

Palm Beach

In the Palm Beach County Circuit Court, members of the press review new civil cases at the intake counter at 4 p.m. on the day they are filed. The new cases are given to the press as a stack of folders.

Phoenix

At the Maricopa County Superior Court in Phoenix, Arizona, court staff recently implemented new procedures to ensure same-day access to civil complaints filed at its downtown location. Under the new procedures, court staff scan and upload for electronic viewing all complaints filed before 3 p.m., which are then made available on a designated press computer located in the Customer Service Center for Courthouse News' reporter to review and, if necessary, print. Complaints filed between 3 and 5 p.m. are immediately placed in a bin at a designated intake window in the Central Court Building, where Courthouse News' reporter may review those complaints between 4 and 5 p.m.

Pittsburgh

At the Allegheny County Court of Common Pleas in Pittsburgh, Pennsylvania, where the Court has implemented an internally operated electronic filing system, nearly all of the day's new filings are available on-line on a same-day basis. Complaints not posted to the court's website on the day of filing are made available the following day.

In the United States District Court for the Western District of Pennsylvania, where electronic filing is mandatory, Courthouse News' reporter has been provided with an "MC" case number code for PACER that allows her to view the new filings before they are docketed.

Portland

At the Multnomah County Court in Portland, Courthouse News' reporter is given a stack of the current day's newly filed complaints, which she reviews at a cubicle behind the counter. The reporter can make any needed copies herself using her own portable scanner.

At the United States District Court for the District of Oregon, Courthouse News' reporter first searches for newly filed complaints through the court's "electronic in-box," which is available on a public access terminal at the courthouse and contains those complaints that the clerks have scanned but not yet processed and posted to PACER. She then searches for processed complaints on PACER, which are also available at a public access terminal at the courthouse. Finally, the clerks give Courthouse News' reporter paper copies of those complaints that have not yet been scanned and posted either to the electronic in-box or to PACER. The clerks will also review the court's record book with Courthouse News' reporter at the end of the day to make sure that no filings have been missed.

Riverside

At the Superior Court for the State of California, County of Riverside, new complaints are scanned and made available for electronic viewing via the Court's web site and at computer terminals in the courthouse. The press had been experiencing delays in access for years until a new clerk, formerly from the United States District Court for the Central District of California, came on board. The clerk found that same-day access could be achieved simply by shifting the schedules of the personnel who scan complaints so that they begin and end work later in the day, thus ensuring that new complaints would be made available for electronic viewing on a same-day basis.

St. Louis

At the St. Louis City Circuit Court in Missouri, Courthouse News' reporter goes to the intake window where cases are filed and clerk's office staff members hand the reporter a stack of new cases filed that same day. Courthouse News' reporter works at the counter next to the intake window; however, members of the media can also work at a table near the window. Staff members in the clerk's office will provide members of the media with copies of newsworthy new cases free of charge.

At the United States District Court for the Eastern District of Missouri, where new complaints must be electronically filed, each case is assigned a case number upon filing by the attorney and is immediately made available on PACER; even if it has not been fully reviewed and processed. Courthouse News' reporter is able to view the new complaints on a computer terminal in the clerk's office and print out copies for a small fee.

San Francisco

At the Superior Court of California for the County of San Francisco, news reporters are allowed behind the counter into the stacks to review unlimited numbers of new filings after providing a driver's license and filling out a temporary name tag. The number of new filings per day varies, but often exceeds 50. Courthouse News views new complaints regardless of whether they have been fully processed. San Francisco Superior has established a written protocol for members of the press. The key provisions are quoted below:

If media personnel want to review files already on the shelves, they can pull these files themselves and return them to the shelves.

All new filings will be held in a Media Box during the day. Between 3:00 and 4:30 each day, this box will be available to the media for viewing in the Records department, whether or not the cases have been entered in the computer. At 4:00 PM, when the office closes to the public, media personnel may ask to view any additional filings that may have come in since 3:00 PM. The Records supervisor or an assigned clerk will retrieve those files for the media to view. Any member of the media viewing new filings must return them to the box for eventual return to the Records supervisor or assigned clerk.

Media personnel may come in anytime before 3:00 PM to view new filings. However, they will only be viewing cases newly filed up until that time.

Copy machine from the second floor Media Room will be moved to Room 103 and located behind the Records department. This machine belongs to Courthouse News Service, but has been made available to all media personnel for their use.

At the San Francisco Division of the United States District Court for the Northern District of California, reporters go behind the counter and review actions filed that same day, regardless of whether the complaints have been fully docketed or posted on PACER. They are also permitted access to the so-called "transfer boxes" of new actions being sent to different divisions of the court, and are provided with a copy of the intake log. Reporters are permitted to make copies of cases they determine to be newsworthy using a portable scanner.

San Jose

At the Santa Clara County Superior Court in San Jose, California, the Court recently implemented new procedures to ensure that reporters receive same-day access to the vast

majority of each day's new civil unlimited jurisdiction complaints. Under those procedures, civil unlimited complaints are made available to Courthouse News' reporter upon receipt of the filing fee, the assignment of a case number, and the assignment of a first status conference date, even though processing of the new complaint is far from over at this juncture. Complaints that are filed over the counter by 3:30 p.m. are made available to Courthouse News' reporter on the same day they are filed. All unlimited jurisdiction complaints that are in the drop box by 4:00 p.m. are also made available to Courthouse News on the same day they are filed. Unlimited jurisdiction complaints that are filed over the counter between 3:30 p.m. and the clerk's office closing at 4:00 p.m. have been designated as a staff priority, and the court endeavors to make them available for review on the same day they are filed. Courthouse News' reporter is permitted to remain at the court until 4:30 p.m., one half-hour after closing, to review late-filed cases. The court makes copies of complaints as requested by the reporter.

At the San Jose Division of the United States District Court for the Northern District of California, clerks print out a list of all new complaints filed earlier that day. Reporters go behind the counter, obtain complaints from individual clerks' desks, report on and scan any newsworthy complaints, and then return the complaints to the clerks' desks.

Seattle

At the King County Superior Court, Courthouse News' reporter is provided with a docket sheet print-out of new cases two times per day – once at 11 a.m. and again at 3 p.m. The 11 a.m. list includes all cases that have been filed from 3 p.m. on the previous day through 11 a.m. on the current day, while the 3 p.m. list includes new cases that have been filed from 11 a.m. to 3 p.m. that day. The reporter reviews each list to find relevant cases, then searches for and views new complaints on a computer terminal at the courthouse. She is able to print out relevant complaints for 15 cents per page.

Tampa

At the Hillsborough County Circuit Court, new complaints that are hand-filed in the main courthouse are made available for review by reporters at the end of the day they are filed. Most complaints are scanned by court staff and made available on the court's public access terminals for review. Those complaints that are not scanned and available on the public access terminals by 4 p.m. are provided in paper form for news reporters, who have until the court closes at 5 p.m. to review those late-filed complaints.

EXHIBIT 6



Superior Court of California

COUNTY OF VENTURA
Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009

Michael D. Planet
*Executive Officer/Clerk
and Jury Commissioner*

July 11, 2011

Rachel Matteo-Boehm
Holme Roberts and Owen LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105

Re: *Media Access to New Complaints*

Dear Ms. Matteo-Boehm:

I am writing in response to your June 20, 2011 letter regarding media access to new complaints at the Ventura Superior Court.

As you have noted, the Court has met and spoken with you and representatives of Courthouse News Service several times over the past couple of years to both explain the Court's serious resource shortages as a result of budget reductions, and steps that could reasonably be taken to make new complaints available to the media. The budget recently signed by the Governor imposes even more drastic reductions to the Courts, which makes it even more difficult to provide same-day access to new filings.

While I appreciate the Courthouse News Services' interest in same-day access, the Court cannot prioritize that access above other priorities and mandates. Further, the Court must ensure the integrity of all filings, including new filings, and cannot make any filings available until the requisite processing is completed. We will continue to make every effort to make new filings available as early as is practicable given the demands on limited court resources.

Sincerely,

Michael D. Planet
Executive Officer

MDP/vjb

Mailing Address: P.O. Box 6489, Ventura, California 93006-6489

EXHIBIT 7



Holme Roberts & Owen LLP
Attorneys at Law

SAN FRANCISCO

August 2, 2011

BOULDER

Michael Planet
Court Executive Officer
Ventura County Superior Court
800 South Victoria Ave.
Ventura, CA 93009

COLORADO SPRINGS

Re: Media Access to New Complaints

Dear Mr. Planet:

DENVER

On behalf of Courthouse News Service, we write to briefly respond to your assertion, in your July 11, 2011 letter, that budgetary difficulties prevent the Ventura County Superior Court from providing the media with timely, same-day access to newly-filed civil unlimited jurisdiction complaints.

DUBLIN

Respectfully, our experience working with other courts shows that providing prompt media access to new civil complaints – fundamentally, the simple act of letting reporters *see* the new complaints that, because they are newly-filed, are already centrally located in the intake area – need not involve any extra expense or staff time beyond the *de minimis* effort of handing a stack of complaints to a reporter (and even that *de minimis* effort can be eliminated if a credentialed reporter is simply allowed to go behind the counter to pick up the stack, as reporters do at the federal district court in San Francisco, for example).

LONDON

Indeed, it has been our experience that providing prompt access is largely a matter of will on the part of the court and its leaders.

LOS ANGELES

SALT LAKE CITY

For example, at the San Francisco Superior Court and Santa Clara County Superior Court, new filings are placed in a media box, available to news reporters for viewing whether or not those complaints have been fully docketed. In the past, in San Francisco, reporters gathered the complaints from the intake window and put them in the box, actually saving some work for the court. Courthouse News has also observed that the *de minimis* staff effort required to administer this type of “review box” is much less than the substantial effort involved when staff are required to track down fully processed complaints for press review, as is currently the case in Ventura County. State courts in Alameda, Los Angeles and Riverside also provide same day access to the press. All four federal courts in California provide the media with same-day access to new civil complaints without undue expenditures of staff time or expense.

Rachel Matteo-Boehm 415.268.1996 rachel.matteo-boehm@hro.com
560 Mission Street, 25th Floor San Francisco, California 94105-2994 tel 415.268.2000 fax 415.268.1999

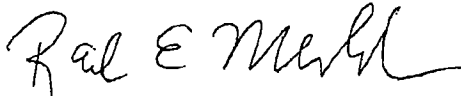
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Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
August 2, 2011
Page 2

At bottom, press access only results in increased costs where the court imposes the requirement of complete processing before providing access. But newly filed complaints become public records upon filing, and this status is not contingent on the court having first completed processing. We must therefore respectfully but firmly disagree with your assertion that providing timely access can only be accomplished at a monetary cost to the Court.

Sincerely,



Rachel Matteo-Boehm

cc: The Honorable Vincent O'Neill, Jr., Presiding Judge
Courthouse News Service

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