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January 7, 2010

The Honorable Phyllis Hamilton
Chair of the Rules Committee for the Northern District of
California
United States Courthouse
1301 Clay Street
Oakland, CA 94612

The Honorable Vaughn Walker
Chief Judge, Northern District of California
United States Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Judge Hamilton and Chief Judge Walker:

On behalf of the Executive Committee of the Northern District of California Chapter to the Federal Bar Association, I write to express our support for the revision of Local Rule 77-3, effective December 22, 2009. The revisions to Local Rule 77-3 are necessary and appropriate to implement the pilot program allowing, on an experimental basis, the limited use of cameras in federal district courts within the circuit that was approved unanimously by the Judicial Council of the Ninth Circuit on December 17, 2009.

The Judicial Council's action follows a resolution supporting the use of cameras passed by judges and lawyers attending the 2007 Ninth Circuit Judicial Conference. We share the view that allowing the pilot program to move forward, subject to the sound discretion of the District Judges, will be useful and is important. It will offer a basis to evaluate whether the use of cameras significantly improves public access to court proceedings. Exploring the experimental use of cameras in the courtroom will contribute to better understanding of how federal courts can best ensure that the right to public access is fostered in practical and meaningful ways. Public access to federal court proceedings, with only extremely limited exceptions, is a bedrock principle and firmly established constitutional right. As our society changes and public access to federal courts can be more difficult in light of increased security concerns and numerous other factors, the

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potential that public access can be improved through the use of courtroom cameras should be tested.

We also think that the timely revisions to Local Rule 77-3, in light of the recent adoption of the pilot program by the Judicial Council of the Ninth Circuit, are justified by the “immediate need” provision of Title 28 U.S.C. Sec. 2071(e). We support the efforts of the bench of the Northern District to address these issues quickly. We share Chief Judge Kozinski’s goal of achieving a better public understanding of our judicial processes and enhanced confidence in the rule of law, and we endorse exploring the use of cameras in the courtroom as a way to achieve that goal.

Thank you for considering our views on the revisions to Local Rule 77-3.

Sincerely,



Christopher D. Sullivan
Immediate Past President

c.c. The Honorable Alex Kozinski
Chief Judge of the Ninth Circuit Court of Appeals