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SAN FRANCISCO

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January 8, 2010

*Via Personal Delivery*

Honorable Phyllis Hamilton  
Chair of the Rules Committee  
United States Courthouse  
1301 Clay Street  
Oakland, California 94612

Honorable Vaughn Walker  
Chief Judge  
United States Courthouse  
450 Golden Gate Avenue  
San Francisco, California 94102

Re: Proposed Revision to Local Rule 77-3

Dear Honorable Judge Hamilton and Chief Judge Walker:

We write on behalf of the Bar Association of San Francisco and its 7600 members to strongly endorse the proposed amendment to Northern District Local Rule 77-3 that would permit public broadcasting of proceedings in the Northern District. A pilot program for public broadcast of appropriate civil cases makes good sense. Public access to the courts is and always has been a hallmark of the United States Constitution. Such access is especially important in matters of wide public interest.

We also believe that the upcoming Proposition 8 trial, *Perry v. Schwarzenegger*, is an appropriate matter for public broadcasting because of the widespread public interest about the important constitutional issues raised in the case. The *Perry* case is of enormous significance to millions of Californians and to people across the United States, and the importance of accurate coverage on issues of constitutional significance cannot be underscored. For these reasons, the Bar Association of San Francisco supports the proposed amendment to permit public broadcasting of this trial.

Honorable Phyllis Hamilton  
Honorable Vaughn Walker  
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While some have expressed concern that public broadcasting of judicial proceedings may lead to “grandstanding” by lawyers or their clients, we are confident that the Court can control any such conduct. All lawyers in this and any other case are required to conform to the Standards of Professional Conduct (as mandated by Local Rule 11-4) and there is no reason to believe that the lawyers in this case will fail to do so.

Concerns about jurors are easily and commonly addressed by prohibiting the broadcasting of any juror. Witness concerns might be an issue with respect to children (which can be addressed by concealing a child’s face), but it should not be an issue with respect to adults. The Court can require that any camera be kept at a considerable distance, and that no extra lighting be employed. In most cases, the witness will soon forget that there is a camera in the courtroom. And in any event, the proceeding is a public one that will require witnesses to testify before a live audience and reporters. Thus, witness intimidation should not be an issue.

Finally, any concern regarding lawyers, jurors, or witnesses is substantially outweighed by the public’s right to access to the courts, especially when important constitutional issues are at stake.

We thank the Court for allowing the public an opportunity to observe these proceedings. Although we have a strong and dedicated print media, there is no substitute for watching the actual proceedings.

Sincerely,

Arturo J. González  
President  
Bar Association of San Francisco

cc: Honorable Alex Kozinski  
Chief Judge, Ninth Circuit Court of Appeals