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June 18, 2020

The Honorable Chief Justice Tani Cantil-Sakauye  
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VIA EMAIL

**Re: Public access to California Superior Courts amid the COVID-19 pandemic**

Dear Chief Justice Cantil-Sakauye:

The Reporters Committee for Freedom of the Press writes in support of the letter submitted by the First Amendment Coalition, and California affiliates of the American Civil Liberties Union and Public Justice, (collectively, the “Coalition”) underscoring the importance of public access to judicial proceedings during the COVID-19 pandemic, and recommending actions by the Judicial Council to ensure such access during this—and future—emergencies.

The Reporters Committee recognizes that many judicial proceedings typically held in open court have been conducted remotely or with limited in-person participants during the pandemic, to protect health and safety. The Reporters Committee joins the Coalition in respectfully requesting that the Judicial Council issue guidance for courts on how best to provide public access to their proceedings during emergencies like the COVID-19 pandemic. The guidance recommended by the Coalition will help ensure that the press and public can observe California Superior Court proceedings that the First Amendment requires be open to the public.

The Supreme Court of the United States has repeatedly recognized the essential role the news media plays in creating the informed citizenry necessary to a healthy democracy. *See, e.g., Minneapolis Star & Tribune Co. v. Minn. Comm’r of Revenue*, 460 U.S. 575, 585 (1983). Court access, in particular, is important for journalists, who act as “surrogates for the public” when they attend and report on court proceedings. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980). The Reporters Committee agrees with the Coalition that the Judicial Council should take steps to ensure that California Superior Courts facilitate journalists’ ability to report on judicial proceedings during the pandemic. *See Coalition Letter 3–6.*

For these reasons, the Reporters Committee respectfully urges the Judicial Council to issue the guidance recommended in the Coalition’s letter, which will assist California Superior Courts in ensuring that members of the

press and the public can easily exercise their right to attend and observe judicial proceedings, even when emergency circumstances require restrictions on physical access to courthouses.

Sincerely,  
Reporters Committee for Freedom of the Press

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