COURTHOUSE NEWS SERVICE

30 N. Raymond, Third Floor, Pasadena CA 91103, (626) 577-6700, home@courthousenews.com

To: Attendees of the 9th Conference on Privacy & Public Access to Court Records

December 12, 2013

A transcript of the public access session at the Williamsburg conference on Privacy and Public Access to Court Records was posted last week by the Center for Legal and Court Technology. As the editor of a news service that was referred to in that transcript, I wanted to contribute to the discussion.

With respect to the survey on Court Records Transparency (CRT) discussed in the transcript, Courthouse News agrees with the great majority of the more than 700 judges who said the court record should remain presumptively open to public access, and access should not change based on whether records are paper or electronic.

We also agree with the big plurality of judges in favor of immediate access to court records, and the six out of seven who say access policy should not be subject to individual interpretation.

With those four principles in mind, I wanted to point to the federal e-filing and PACER model as one that follows the principles and preserves traditional access to public court records.

Then I wanted to show how the federal model differs from state models that depart from those principles, that use technological change to undermine traditional access, that in the name of progress are marching backwards – through redaction, preferential access, private monopolies on the record, delays that kill news coverage, and e-filing rules that seek to re-invent the definition of filing and give clerks wide latitude to withhold public access.

PACER and Immediate Access

By way of quick introduction, Courthouse News publishes legal news on a website that draws an average of more than one million readers per month.

A host of media entities subscribe to our daily reports, including the Los Angeles Times, San Jose Mercury News, Huffington Post, American-Statesman, Atlanta Journal-Constitution, Boston Globe, Detroit Free Press, Salt Lake Tribune, San Antonio Express News, and the Dallas Morning News as well as the law schools at Harvard, UCLA, Loyola, Case Western Reserve, Boston College, and Drake, in addition to most of the major law firms in the nation.

In our reporting, we have seen the federal courts adopt a public access policy for electronic filing that continues the tradition of same-day access that was in place for paper records.

Traditional access was described by conference panelist Gregg Leslie with the Reporters Committee for Freedom of the Press, who said, “One copy, once something was filed, was dropped in the press box.”

In line with that tradition, a new electronic filing in federal court can be seen on PACER within minutes of its arrival at the court. Access does not depend on processing by court staff, and the obligation to redact is placed on the filing lawyer.

The same tradition was established in big state courts where new cases filed in paper form were reviewed by journalists on the same day they were filed. In the transition to e-filing, however, some state courts are destroying same-day access.

The transcript shows that Professor Fredric Lederer asked those attending if they thought access should be delayed, and about half agreed

Delay is contrary to tradition, contrary to the principles supported by the judges, and it is anathema to news reporting. News is normally reported on the day it happens, for publication in that day's television or internet news or the next morning's newspaper. It fades quickly and the events of yesterday, last week and last month rapidly become old news and then history.

A delay in access kills press coverage.

Minnesota and Redaction

Minnesota is an example of a court system that in the past provided excellent traditional access and then reversed course with e-filing.

Without legislation or court rule, without notice or opportunity to comment, the court administration adopted a "security classification system" for e-filing. It requires that individual clerks review, redact or suppress documents and classify them within a six-tier, public access matrix.

We have not been able to obtain a copy of an official document, minutes or any written account of how the system was put in place or what its rules are, despite many requests. All we have seen are training documents instructing clerks to review, redact or withhold documents even though they have been designated "public" by the filer and despite a court rule placing the duty to redact on the filer.

For example, two class actions against General Mills alleging widespread toxic pollution were filed in Minneapolis on Dec 5, one in state court, one in federal court. The federal action could be seen immediately on PACER, and, under the former system of access to paper filings in Hennepin County, our reporter would almost certainly have also seen the state court action on the same day.

But with the Security Classification System in place, access to the very newsworthy action against General Mills, e-filed in Hennepin County District Court, was delayed until the next day, as with a great number of new filings in that court.

Over the last month, Hennepin County District Court provided same-day access to only 46% of the new civil filings.

Over the same period, USDC Minnesota provided same-day access to 96% of the new civil filings (spreadsheets attached).

Public access in Hennepin that was among the best in the nation has been diminished to partial, delayed access. Where journalists once saw all new paper filings on the day they were filed, they now see a majority of electronic filings one, two or more days after filing. Some documents are redacted and others are simply unavailable, without any sealing order by a judge.

Missouri and Attorney Preference Access

In Missouri's transition to e-filing, the courts originally gave lawyers online, free, statewide access to all new civil actions, not just their own cases The press and public on the other hand were required to travel to individual courthouses and could only see filings from that courthouse. And, unlike attorneys, they were required to pay one dollar per page for copies.

A number of courts in other states have adopted similar attorney-preference access systems.

In Missouri, some of the inequality has been resolved. In September, Missouri Chief Justice Mary Russell announced that each court's public computer terminal would provide statewide access to e-filed documents.

Left unresolved is the inequality in copy fees and the separate issue of delays in access due to the interposition of processing between filing and public access.

For example, an action against the Kansas City Chiefs over head injuries was e-filed Dec. 3 in Jackson County Circuit Court in Kansas City, Missouri. The action received extensive news coverage on the day it was filed, based on a press release.

But the Jackson County court, a mandatory e-filing court, delayed public access until the following day, as it does for nearly all filings.

A related action against the NCAA over failure to monitor brain injuries was also filed in Missouri on Dec. 3. But it was filed in federal court. That new case was seen on PACER immediately.

Over the course of last week, USDC Western District of Missouri provided same-day access to all but one if its new cases.

Over the same period, Jackson County Circuit Court, a mandatory e-filing court, provided same-day access to 0% – none – of its new cases.

Cook County and Gateway Control

In Illinois' Cook County Circuit Court, elected Clerk Dorothy Brown has continued a tradition of excellent access to the paper record.

In the conference transcript, the court's general counsel Elena Shea Demos said, "A member of the press came in with this high-powered lawyer and wrote practically a brief to us how they should get access to the documents right after they stamped them, but before we data entry them."

That statement would suggest that journalists do not have access to new filings until after data entry is completed.

In fact, reporters in the court's press room, with Bloomberg News, Courthouse News, the Law Bulletin, Sun Times and Chicago Tribune, currently have traditional access to the new filings before they are docketed.

A filing party in Cook County delivers two copies of a new complaint to the intake clerk who stamps them and places one copy in a press box. Reporters pick up the press copies at intervals during the day and review them in the press room.

State court and federal court in Chicago both provide excellent media access, one through paper and the other through PACER.

Over the last week, USDC for the Northern District of Illinois gave same-day access to 99% of the new civil actions, and Cook County Circuit Court gave same-day

access to 93% of the new matters filed in the law and chancery divisions (spreadsheets attached).

The circuit court is providing traditional, same-day access, and we see no reason why that should change with the transition to e-filing.

A second issue in Cook County is the matter of the vendor's practical control over the e-filing gateway and the accompanying potential for exploitation.

The court had signed a contract for voluntary e-filing with OLIS, a quasi-private vendor that has control of the public record of the Alabama courts, and in which a former Alabama attorney general has a large interest. But the Cook County contract does not have any limitation on the gatekeeper's ability to report on the public record before any other media can even see the record.

Colorado and Access Delay

The concern with a private vendor's control over the public record is not hypothetical. It stems from Colorado's transition to mandatory, statewide e-filing.

British publisher Reed Elsevier's Lexis Nexis division won the statewide contract for e-filing and used that position to sell news about the e-filings, as we witnessed, before giving press and public access to those same filings.

Colorado's court administration fought through the Legislature to regain control of the e-filing system, and in 2012 won by a whisker with a large Republican contingent voting to keep the system in Lexis' hands.

Since then, we have had constructive discussions with officials in Colorado, but public access remains delayed.

In the conference transcript, Chad Cornelius, the Colorado courts' chief information officer was discussing new filings and said, "Theoretically, it's in the system. But no one has looked at it. It's kind of sitting there. The court has not accepted it into the court system."

When a new filing is sitting in the system, it is filed. The document receives a date stamp reflecting the date it entered the court's system. That is when the press traditionally has access to paper filings, and that is when, in PACER, the press and public have access to newly filed actions.

But that is not when the press and public can see most of the new cases filed in Colorado's state courts.

In Denver County District Court, for example, the state e-filed an action on Dec. 5 against a publicly traded education company alleging deceptive statements about accreditation. But the court delayed public access to that highly newsworthy case until the following day, when the news is already old.

In USDC Colorado, for a different example, a paralegal e-filed an action on Dec. 4 against consultants on the Hanford nuclear weapons site, alleging they overbilled the federal government millions of dollars. That newsworthy case could be seen on PACER immediately after it was filed, as is true for nearly all filings in that court.

Over the last week, USDC Colorado provided same-day access to fully 97% of the new actions (see attached spreadsheets).

Over the same period, Denver County District Court, a mandatory e-filing court, provided same-day access to a tiny 16% of the new actions.

California and E-Filing Rules

California's Orange County Superior Court adopted the now-defunct Court Case Management System and is the only court in California to mandate e-filing for nearly all civil cases. As part of that initiative, members of a closed-door committee proposed a set of e-filing rules that brought strong objections from the press.

The California Newspaper Publishers Association which represents 850 newspapers, the Bay Area News Group with 60 newspapers in 13 states, Californians Aware, the First Amendment Coalition, Courthouse News, the Press Democrat Media Group and the Los Angeles Times all submitted written objections.

"It appears the true purpose of introducing the concept of an 'officially filed' document into the Rules of Court is to provide the administrators with justification for denying public access to records that have been 'filed,' under the long-understood meaning of that term, until ***after*** they have been "***officially*** filed," said the written objections.

"The proposed rule change would thus give court administrators unbridled discretion to delay press and public access to fundamentally public records until administrators decide such access is appropriate – even if it is days or weeks after the 'filed' date," the objections said.

Speaking on the first day of the Williamsburg conference, Orange County's clerk, Alan Carlson, said a "group" wants to see a new filing "as soon as it's filed with the EFSP."

The group Mr. Carlson is apparently referring to is the group of newspapers and open government advocates that oppose California's e-filing rules. But his summary of their position is incorrect.

Traditional access is provided on the day a case is received by the court – a point in time obviously after the EFSP or attorney service has delived the new filing to the court. That traditional access is provided by a great range of courts around the country as well as in California.

One tactic used by officials backing the new e-filing rules in California is to deny the existence of traditional, same-day access, saying "no court" provides such access.

A related tactic is to re-invent the concept of when a case is filed, by saying it is filed only when the case is fully processed. From that new baseline, it can be claimed that public access is prompt and access before then is unreasonable.

But that re-invention does not take into account the substantial delay between the date a new filing arrives in the court – which is the the date on the file stamp – and the later date when processing is completed. That delay is currently running one, two and three days in Orange County.

Good Access v. Bad Access

A national story in Southern California involved a proposed ban on beach bonfires. Coverage on the issue included a feature story in The New York Times.

Friends of the Fire Ring e-filed an action in Orange County Superior Court on Nov. 26, seeking an injunction against the proposed ban by the regional air quality district. But the court held up access until the case was processed Dec. 3, long after the intervening holiday and long after the story was news.

In a filing last week that implicated a current issue on how workers are paid, a class of employees e-filed an action on Dec. 3 against a big management company that used ATM cards to pay severance wages. The date stamp on the complaint says Dec. 3 but Orange County Superior Court held up access until the case was processed two days later on Dec. 5, well after the filing was news.

The contrast in terms of public access between the e-filing, state court and the region's paper-filing federal court could not be greater.

In another national story, the city of Beverly Hills filed an action in USDC Central District of California against the federal transit agency over a subway tunnel running underneath the city's storied high school. That action was filed on Nov. 21 and the court provided access on that same day.

And last week, the city of Los Angeles sued Wells Fargo, Citigroup and Bank of America in federal court, accusing them of targeting minority neighborhoods for predatory mortgage loans. That filing with obvious news importance was filed on Dec. 5 and was seen and reported by the media on the same day.

Overall statistics bear out the contrast between the excellent, traditional access provided by the federal court along with a host of state courts in the region and the substandard access provided by the e-filing state court.

Over the last week, the USDC Santa Ana Division that covers Orange County gave the media same-day access to 100% of the new actions. State courts in Los Angeles, San Francisco and Portland gave same-day access to, respectively, 98%, 88% and 97% of the newly filed actions (see attached spreadsheets).

Orange County Superior Court, on the other hand, with mandatory e-filing, provided same-day access over the last week to only 6% of the new actions.

The newspapers and open government advocates challenging California's e-filing rules seek traditional access on the date an e-filing crosses the electronic transom into the court, the date on the file stamp, not before and not after. To say otherwise is to distort the truth.

Good Faith

We at Courthouse News have traditionally and expressly sought to work in a cooperative manner with administrators. We have sincerely urged court officials such as those in Minnesota, Missouri, Illinois, Colorado and California, in whose good faith we certainly trust, to reflect on what exactly it is that requires them to withhold access to the newly created public record.

And we have suggested they look to PACER which provides immediate public access.

We also express our understanding that court officials have an important job to accomplish. And we ask to be met in like manner.

But that did not seem to be the case in the conference transcript, which reflected two canards we have heard before: that the press merely only reports on sensational news, and seeks a profit. In the transcript, Mr. Carlson pressed those views, saying the press only reports on "outliers" and only when "you can make money."

Traditional press access, which we are trying to preserve, encompasses a timely review of all the incoming filings, not just the "outliers." In that review, a reporter sorts

the wheat from the chaff, the NFL player complaint from the name change, the class action from the car accident, the newsworthy from the routine.

Just as importantly, the press is not a monolith. It is a range of publications, from the New York Times to TMZ, from CNN to local TV, from the Wall Street Journal to a paper bought in the supermarket checkout line. Anyone who believes the media only reports sensational news is choosing to ignore America's many high-quality news outlets in favor of a few tabloids.

With respect to the line of attack that says the press seeks to "make money" – that is true. We do not have the comfort of a government sinecure.

The hundreds of newspapers that have fallen by the wayside in the last decade give ample testimony to the fact that news organizations need to make a profit. If they do not, they die. It's that simple

Now, that basic notion is understood by many government officials. For example, in order to become a member of the U.S. Senate Press Gallery, Courthouse News was required to affirm that we seek to make a profit.

A news organization is not a charitable organization. It is a competitor in a race to get the news out fast and survive.

Top-Notch Access

Finally, just as I would urge the nation's administrators to avoid the lead of a few state court officials who are degrading public access, so I want to give credit to the large number of court officials providing press and public with superlative public access.

For example, Boise's court clerk, who is elected and thus directly accountable to the public, recently made dramatic improvements in public access. Where his court was delaying review of the new cases, Clerk Christopher Rich was open to improvement and last month began giving same-day access to the newly filed actions.

In so doing, he joined the big state courts that give traditional, same-day access in Honolulu, Seattle, Portland, San Francisco, Los Angeles, Phoenix, Albuquerque, Las Vegas, Salt Lake City, Omaha, Oklahoma City, Chicago, Detroit, Milwaukee, Dallas, Houston, New Orleans, Little Rock, Nashville, Atlanta, Philadelphia, Pittsburgh, Brooklyn and Manhattan, in addition to just about all the federal courts.

The outliers are the few state courts that have turned away from tradition, turned away from the PACER model and turned away from the principles supported by the 700 judges of the CRT survey. They have undermined traditional access and, in the switch to e-filing, provided press and public with a degraded, delayed, administratively processed substitute.

With e-filing, Minnesota has imposed a security classification system that reverses its traditional, excellent access to paper filings. Other state courts have signed e-filing contracts that do not prevent exploitation of the gatekeeper position, while others are giving attorneys much better access to the record than the public. Courts in Missouri, Colorado and Southern California have replaced traditional, same-day access to paper filings with delayed access to electronic filings, severely damaging press coverage in the process. Backers of new e-filing rules in California have denied the existence of traditional access, delayed access for days, tried to re-define the term "filed," and provided a basis for individual interpretation of public access, contrary to all the principles endorsed in the judges' survey.

It does not have to be that way. State courts can provide top-notch access to the electronic records just as they did with paper records. What is needed is the will.

Cordially,

Bill Girdner
Editor
Courthouse News Service
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ATTACHMENTS

A – Minnesota Federal Court Access, PACER - 96% same-day

B – Minneapolis State Court Access, Electronic - 46% same-day

C – Kansas City Federal Court Access, PACER - 93% same-day

D – Kansas City State Court Access, Electronic - 0% same-day

E – Chicago Federal Court Access, PACER - 99% same-day

F – Chicago State Court Access, Traditional - 94% same-day

G – Denver Federal Court Access, PACER - 97% percent same-day

H – Denver State Court Access, Electronic - 16% same-day

I – L.A. State Court Over Counter Access, Traditional - 99% same-day

J – San Francisco State Court Access, Traditional - 88% same-day

K – Portland State Court Access, Traditional - 98% same-day

L – Orange County Div. of Federal Court, Traditional - 100% same-day

M – Orange County State Court Access, Electronic - 6% percent same-day

N – Press Objections to California E-Filing Rules

O – Ruling on Access by U.S. Judge Melinda Harmon

A

Minnesota Federal Court Access

PACER – 96% same-day

USDC Minnesota Media Access
11/12/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day	210	96% same day
Yellow = next day	6	3% next day
Red = two day delay or more	2	1% two day delay or more

Date Filed	Case Number	Date Available
11/12/2013	0:13cv3091	11/12/2013
11/12/2013	0:13cv3092	11/12/2013
11/12/2013	0:13cv3093	11/12/2013
11/12/2013	0:13cv3094	11/12/2013
11/12/2013	0:13cv3095	11/12/2013
11/12/2013	0:13cv3096	11/12/2013
11/12/2013	0:13cv3097	11/12/2013
11/12/2013	0:13cv3098	11/12/2013
11/12/2013	0:13cv3099	11/12/2013
11/12/2013	0:13cv3101	11/12/2013
11/12/2013	0:13cv3102	11/12/2013
11/12/2013	0:13cv3103	11/13/2013
11/12/2013	0:13cv3145	11/15/2013
11/13/2013	0:13cv3105	11/13/2013
11/13/2013	0:13cv3107	11/13/2013
11/13/2013	0:13cv3108	11/13/2013
11/13/2013	0:13cv3109	11/13/2013
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11/13/2013	0:13cv3111	11/13/2013
11/13/2013	0:13cv3112	11/13/2013
11/13/2013	0:13cv3115	11/13/2013
11/13/2013	0:13cv3128	11/13/2013
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11/14/2013	0:13cv3140	11/14/2013
11/14/2013	0:13cv3141	11/14/2013
11/14/2013	0:13cv3142	11/14/2013
11/14/2013	0:13cv3143	11/15/2013

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12/2/2013	0:13cv3287	12/2/2013
12/2/2013	0:13cv3288	12/2/2013
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12/2/2013	0:13cv3290	12/2/2013
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12/2/2013	0:13cv3293	12/2/2013
12/2/2013	0:13cv3294	12/2/2013
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12/3/2013	0:13cv3296	12/3/2013
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12/3/2013	0:13cv3311	12/3/2013
12/3/2013	0:13cv3312	12/4/2013
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12/6/2013	0:13cv3349	12/6/2013

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12/6/2013	0:13cv3359	12/6/2013
12/6/2013	0:13cv3360	12/6/2013
12/6/2013	0:13cv3361	12/6/2013
12/6/2013	0:13cv3362	12/6/2013
12/6/2013	0:13cv3363	12/6/2013

B

Minnesota State Court Access

Electronic – 46% same-day

Hennepin County District Court Media Access
11/12/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day access	162	46% same day
Yellow = next day access	115	32% next day
Red = two days or more delay	79	22% two day delay or more
Total Cases	356	

Date Filed	Time Filed	Case Number	Case Type	Date Available	
11/12/2013	10:25 AM	27-CV-13-19813	employment	11/12/2013	
11/12/2013	4:37 PM	27-CV-13-19877	contract	11/13/2013	
11/12/2013	7:46 AM	27-CV-13-19888	contract	11/13/2013	
11/12/2013	9:16 AM	27-CV-13-19891	civil other/misc.	11/13/2013	
11/12/2013	9:19 AM	27-CV-13-19894	consumer credit	11/13/2013	
11/12/2013	9:35 AM	27-CV-13-19895	product liability	11/13/2013	
11/12/2013	9:54 AM	27-CV-13-19896	product liability	11/13/2013	
11/12/2013	11:01 AM	27-CV-13-19903	civil other/misc.	11/13/2013	
11/12/2013	12:13 PM	27-CV-13-19904	appointment of trustee	11/13/2013	
11/12/2013	1:30 PM	27-CV-13-19906	civil other/misc.	11/13/2013	
11/12/2013	11:39 AM	27-CV-13-19907	discrimination	11/13/2013	
11/12/2013	1:57 PM	27-CV-13-19908	personal injury	11/13/2013	
11/12/2013	1:40 PM	27-CV-13-19909	contract	11/13/2013	
11/12/2013	2:28 PM	27-CV-13-19912	civil other/misc.	11/13/2013	
11/12/2013	2:44 PM	27-CV-13-19914	contract	11/13/2013	
11/12/2013	2:46 PM	27-CV-13-19916	civil other/misc.	11/13/2013	
11/12/2013	2:56 PM	27-CV-13-19924	employment	11/14/2013	
11/12/2013	3:21 PM	27-CV-13-19927	personal injury	11/14/2013	
11/12/2013	4:18 PM	27-CV-13-19932	civil other/misc.	11/14/2013	
11/12/2013	4:31 PM	27-CV-13-19933	property damages	11/14/2013	
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11/12/2013	No Time Stamp	27-CV-13-20157	name change	11/18/2013	
11/12/2013	No Time Stamp	27-CV-13-20280	name change	11/20/2013	
11/12/2013	No Time Stamp	27-CV-13-20294	name change	11/20/2013	
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11/13/2013	8:56 AM	27-CV-13-19934	civil other/misc.	11/14/2013	
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11/13/2013	10:53 AM	27-CV-13-19942	contract	11/14/2013	
11/13/2013	12:03 PM	27-CV-13-19943	personal injury	11/14/2013	
11/13/2013	11:11 AM	27-CV-13-19945	employment	11/14/2013	
11/13/2013	12:19 PM	27-CV-13-19947	personal injury	11/14/2013	
11/13/2013	1:15 PM	27-CV-13-19948	wrongful death	11/14/2013	
11/13/2013	2:11 PM	27-CV-13-19949	personal injury	11/14/2013	*
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11/13/2013	2:26 PM	27-CV-13-19990	civil other/misc.	11/14/2013	
11/13/2013	3:09 PM	27-CV-13-19991	civil other/misc.	11/14/2013	
11/13/2013	3:13 PM	27-CV-13-19993	personal injury	11/14/2013	

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11/13/2013	4:45 PM	27-CV-13-20006	civil other/misc.	11/14/2013
11/13/2013	4:52 PM	27-CV-13-20009	consumer credit	11/14/2013
11/13/2013	No Time Stamp	27-CV-13-20310	name change	11/20/2013
11/13/2013	No Time Stamp	27-CV-13-20312	civil other/misc.	11/21/2013

11/14/2013	8:44 AM	27-CV-13-20011	personal injury	11/14/2013
11/14/2013	10:16 AM	27-CV-13-20014	contract	11/14/2013
11/14/2013	10:30 AM	27-CV-13-20015	personal injury	11/14/2013
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11/14/2013	Document Missing	27-CV-13-20041	consumer credit	Document Missing
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11/14/2013	12:03 PM	27-CV-13-20048	consumer credit	11/15/2013
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11/14/2013	1:04 PM	27-CV-13-20070	consumer credit	11/15/2013
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11/14/2013	2:04 PM	27-CV-13-20090	personal injury	11/15/2013
11/14/2013	2:57 PM	27-CV-13-20093	personal injury	11/15/2013
11/14/2013	3:02 PM	27-CV-13-20094	personal injury	11/15/2013
11/14/2013	3:41 PM	27-CV-13-20095	personal injury	11/15/2013
11/14/2013	3:45 PM	27-CV-13-20098	consumer credit	11/15/2013
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11/14/2013	No Time Stamp	27-CV-13-20326	name change	11/21/2013
11/14/2013	No Time Stamp	27-CV-13-20331	civil other/misc.	11/21/2013
11/14/2013	No Time Stamp	27-CV-13-20342	name change	11/21/2013

11/15/2013	9:08 AM	27-CV-13-20101	consumer credit	11/15/2013
11/15/2013	11:11 AM	27-CV-13-20103	civil other/misc.	11/15/2013
11/15/2013	11:18 AM	27-CV-13-20106	personal injury	11/15/2013
11/15/2013	11:27 AM	27-CV-13-20107	quiet title	11/15/2013
11/15/2013	11:33 AM	27-CV-13-20108	mechanic's lien	11/15/2013
11/15/2013	12:16 PM	27-CV-13-20117	personal injury	11/15/2013
11/15/2013	12:42 PM	27-CV-13-20135	property damage	11/18/2013
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11/15/2013	3:24 PM	27-CV-13-20137	contract	11/18/2013
11/15/2013	4:05 PM	27-CV-13-20141	civil other/misc.	11/18/2013
11/15/2013	3:36 PM	27-CV-13-20143	consumer credit	11/18/2013

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11/18/2013	2:19 PM	27-CV-13-20203	employment	11/19/2013
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11/18/2013	11:15 AM	27-CV-13-20210	personal injury	11/26/2013
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11/18/2013	No Time Stamp	27-CV-13-20570	name change	11/25/2013
11/18/2013	No Time Stamp	27-CV-13-20575	name change	11/25/2013
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11/19/2013	9:22 AM	27-CV-13-20224	civil other/misc.	11/19/2013
11/19/2013	9:27 AM	27-CV-13-20225	replevin	11/19/2013
11/19/2013	10:33 AM	27-CV-13-20228	civil other/misc.	11/19/2013
11/19/2013	10:16 AM	27-CV-13-20229	contract	11/19/2013
11/19/2013	12:47 PM	27-CV-13-20235	contract	11/19/2013
11/19/2013	1:54 PM	27-CV-13-20242	contract	11/19/2013
11/19/2013	1:52 PM	27-CV-13-20244	wrongful death	11/19/2013
11/19/2013	1:52 PM	27-CV-13-20251	appointment of trustee	11/21/2013
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11/19/2013	3:43 PM	27-CV-13-20264	civil other/misc.	11/20/2013
11/19/2013	4:01 PM	27-CV-13-20265	contract	11/20/2013
11/19/2013	4:07 PM	27-CV-13-20266	property damage	11/20/2013
11/19/2013	4:22 PM	27-CV-13-20267	personal injury	11/20/2013
11/19/2013	5:11 PM	27-CV-13-20271	civil other/misc.	11/20/2013
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11/19/2013	No Time Stamp	27-CV-13-20813	malpractice	12/3/2013
11/20/2013	8:13 AM	27-CV-13-20269	personal injury	11/20/2013
11/20/2013	9:12 AM	27-CV-13-20277	consumer credit	11/20/2013
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11/20/2013	9:09 AM	27-CV-13-20290	civil other/misc.	11/20/2013
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11/20/2013	4:41 PM	27-CV-13-20377	civil other/misc.	11/21/2013
11/20/2013	4:17 PM	27-CV-13-20378	civil other/misc.	11/21/2013
11/20/2013	7:13 PM	27-CV-13-20379	contract	11/21/2013
11/20/2013	6:45 PM	27-CV-13-20383	assessment appeal	11/21/2013
11/20/2013	No Time Stamp	27-CV-13-20559	discrimination	11/25/2013

11/21/2013	9:08 AM	27-CV-13-20389	consumer credit	11/21/2013
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11/21/2013	10:09 AM	27-CV-13-20426	personal injury	11/21/2013
11/21/2013	Document Missing	27-CV-13-20428	consumer credit	Document Missing
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11/21/2013	10:51 AM	27-CV-13-20436	personal injury	11/21/2013
11/21/2013	11:26 AM	27-CV-13-20438	personal injury	11/21/2013
11/21/2013	12:33 PM	27-CV-13-20441	personal injury	11/21/2013
11/21/2013	1:01 PM	27-CV-13-20443	personal injury	11/21/2013
11/21/2013	12:43 PM	27-CV-13-20445	appointment of trustee	11/21/2013
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11/21/2013	2:17 PM	27-CV-13-20464	civil other/misc.	11/22/2013
11/21/2013	2:20 PM	27-CV-13-20466	personal injury	11/22/2013
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11/21/2013	3:53 PM	27-CV-13-20478	consumer credit	11/22/2013
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11/22/2013	7:04 AM	27-CV-13-20488	contract	11/22/2013
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11/25/2013	2:41 PM	27-CV-13-20602	product liability	11/25/2013
11/25/2013	3:13 PM	27-CV-13-20603	contract	11/25/2013

11/25/2013	3:08 PM	27-CV-13-20604	product liability	11/26/2013
11/25/2013	3:35 PM	27-CV-13-20606	product liability	11/26/2013
11/25/2013	3:57 PM	27-CV-13-20609	product liability	11/26/2013
11/25/2013	3:44 PM	27-CV-13-20610	name change	11/26/2013
11/25/2013	4:01 PM	27-CV-13-20611	contract	11/26/2013
11/25/2013	4:20 PM	27-CV-13-20612	product liability	11/26/2013
11/25/2013	4:47 PM	27-CV-13-20614	product liability	11/26/2013
11/25/2013	4:58 PM	27-CV-13-20615	consumer credit	11/26/2013
11/25/2013	4:51 PM	27-CV-13-20617	civil other/misc.	11/26/2013
11/25/2013	6:09 PM	27-CV-13-20628	contract	11/26/2013
11/26/2013	Document Missing	27-CV-13-20619	civil other/misc.	Document Missing
11/26/2013	10:05 AM	27-CV-13-20640	employment	11/26/2013
11/26/2013	10:07 AM	27-CV-13-20642	malpractice	11/26/2013
11/26/2013	11:07 AM	27-CV-13-20644	consumer credit	11/26/2013
11/26/2013	12:10 PM	27-CV-13-20647	civil other/misc.	11/26/2013
11/26/2013	12:17 PM	27-CV-13-20650	civil other/misc.	11/26/2013
11/26/2013	1:25 PM	27-CV-13-20655	personal injury	11/26/2013
11/26/2013	1:27 PM	27-CV-13-20658	personal injury	11/26/2013
11/26/2013	1:50 PM	27-CV-13-20659	personal injury	11/26/2013
11/26/2013	1:51 PM	27-CV-13-20662	contract	11/26/2013
11/26/2013	2:20 PM	27-CV-13-20669	contract	11/26/2013
11/26/2013	2:25 PM	27-CV-13-20676	personal injury	11/27/2013
11/26/2013	2:39 PM	27-CV-13-20680	contract	11/27/2013
11/26/2013	2:34 PM	27-CV-13-20681	civil other/misc.	11/27/2013
11/26/2013	2:53 PM	27-CV-13-20682	civil other/misc.	11/27/2013
11/26/2013	3:24 PM	27-CV-13-20684	contract	11/27/2013
11/26/2013	3:58 PM	27-CV-13-20694	contract	11/27/2013
11/26/2013	7:48 PM	27-CV-13-20695	personal injury	11/27/2013
11/26/2013	Document Missing	27-CV-13-20849	contract	Document Missing
11/26/2013	10:27 AM	27-CV-13-20891	name change	12/4/2013
11/26/2013	4:15 PM	27-CV-13-20894	name change	12/4/2013
11/27/2013	9:54 AM	27-CV-13-20717	civil other/misc.	12/2/2013
11/27/2013	10:12 AM	27-CV-13-20722	personal injury	12/2/2013
11/27/2013	10:39 AM	27-CV-13-20723	property damage	12/2/2013
11/27/2013	11:34 AM	27-CV-13-20725	personal injury	12/2/2013
11/27/2013	12:24 PM	27-CV-13-20726	civil other/misc.	12/2/2013
11/27/2013	1:07 PM	27-CV-13-20730	contract	12/2/2013
11/27/2013	1:31 PM	27-CV-13-20736	discrimination	12/2/2013
11/27/2013	2:00 PM	27-CV-13-20745	consumer credit	12/2/2013
11/27/2013	2:08 PM	27-CV-13-20754	consumer credit	12/2/2013
11/27/2013	2:01 PM	27-CV-13-20759	contract	12/2/2013
11/27/2013	2:11 PM	27-CV-13-20765	civil other/misc.	12/2/2013
11/27/2013	3:23 PM	27-CV-13-20767	civil other/misc.	12/2/2013
11/27/2013	3:25 PM	27-CV-13-20769	contract	12/2/2013
11/27/2013	3:33 PM	27-CV-13-20771	civil other/misc.	12/2/2013
11/27/2013	4:40 PM	27-CV-13-20777	product liability	12/2/2013
11/27/2013	5:59 PM	27-CV-13-20783	contract	12/2/2013

11/27/2013	9:21 AM	27-CV-13-20939	name change	12/5/2013
11/27/2013	1:20 PM	27-CV-13-20941	name change	12/5/2013
11/27/2013	Illegible	27-CV-13-20943	name change	12/5/2013
12/2/2013	10:14 AM	27-CV-13-20787	contract	12/2/2013
12/2/2013	10:55 AM	27-CV-13-20794	personal injury	12/2/2013
12/2/2013	10:58 AM	27-CV-13-20796	contract	12/2/2013
12/2/2013	11:11 AM	27-CV-13-20798	property damage	12/3/2013
12/2/2013	11:53 AM	27-CV-13-20799	contract	12/3/2013
12/2/2013	12:27 PM	27-CV-13-20810	contract	12/3/2013
12/2/2013	12:41 PM	27-CV-13-20811	civil other/misc.	12/3/2013
12/2/2013	12:53 PM	27-CV-13-20814	personal injury	12/3/2013
12/2/2013	1:05 PM	27-CV-13-20818	personal injury	12/3/2013
12/2/2013	1:28 PM	27-CV-13-20821	personal injury	12/3/2013
12/2/2013	2:49 PM	27-CV-13-20824	personal injury	12/3/2013
12/2/2013	2:54 PM	27-CV-13-20825	contract	12/3/2013
12/2/2013	3:15 PM	27-CV-13-20827	personal injury	12/3/2013
12/2/2013	3:30 PM	27-CV-13-20830	civil other/misc.	12/3/2013
12/2/2013	3:43 PM	27-CV-13-20832	civil other/misc.	12/3/2013
12/2/2013	3:34 PM	27-CV-13-20834	personal injury	12/3/2013
12/2/2013	3:47 PM	27-CV-13-20835	personal injury	12/3/2013
12/2/2013	9:58 PM	27-CV-13-20836	civil other/misc.	12/3/2013
12/2/2013	11:34 AM	27-CV-13-21075	name change	12/9/2013
12/2/2013	11:04 AM	27-CV-13-21076	name change	12/9/2013
12/2/2013	9:13 AM	27-CV-13-21079	name change	12/9/2013
12/2/2013	2:09 PM	27-CV-13-21083	name change	12/9/2013
12/2/2013	10:53 AM	27-CV-13-21104	name change	12/9/2013
12/2/2013	10:39 AM	27-CV-13-21187	name change	12/10/2013
12/2/2013	10:39 AM	27-CV-13-21207	name change	12/10/2013
12/2/2013	11:09 AM	27-CV-13-20831	name change	12/5/2013
12/3/2013	9:31 AM	27-CV-13-20839	personal injury	12/3/2013
12/3/2013	12:43 PM	27-CV-13-20841	name change	12/5/2013
12/3/2013	10:38 AM	27-CV-13-20848	civil other/misc.	12/3/2013
12/3/2013	10:54 AM	27-CV-13-20852	personal injury	12/3/2013
12/3/2013	1:17 PM	27-CV-13-20854	appointment of trustee	12/3/2013
12/3/2013	11:07 AM	27-CV-13-20855	personal injury	12/3/2013
12/3/2013	10:58 AM	27-CV-13-20856	contract	12/3/2013
12/3/2013	11:28 AM	27-CV-13-20861	personal injury	12/3/2013
12/3/2013	11:51 AM	27-CV-13-20863	personal injury	12/3/2013
12/3/2013	12:29 PM	27-CV-13-20880	appointment of trustee	12/3/2013
12/3/2013	12:45 PM	27-CV-13-20881	personal injury	12/4/2013
12/3/2013	3:33 PM	27-CV-13-20883	consumer credit	12/4/2013
12/3/2013	4:09 PM	27-CV-13-20900	civil other/misc.	12/4/2013
12/3/2013	10:31 AM	27-CV-13-20957	name change	12/5/2013
12/3/2013	1:45 PM	27-CV-13-21101	name change	12/9/2013
12/4/2013	9:53 AM	27-CV-13-20897	civil other/misc.	12/4/2013
12/4/2013	6:57 AM	27-CV-13-20904	personal injury	12/4/2013

12/4/2013	7:51 AM	27-CV-13-20934	civil other/misc.	12/5/2013
12/4/2013	10:06 AM	27-CV-13-20935	quiet title	12/5/2013
12/4/2013	2:11 PM	27-CV-13-20946	consumer credit	12/5/2013
12/4/2013	11:31 AM	27-CV-13-20947	contract	12/5/2013
12/4/2013	2:31 PM	27-CV-13-20948	personal injury	12/5/2013
12/4/2013	1:25 PM	27-CV-13-20949	civil other/misc.	12/5/2013
12/4/2013	2:20 PM	27-CV-13-20950	property damage	12/5/2013
12/4/2013	2:35 PM	27-CV-13-20952	personal injury	12/5/2013

12/5/2013	10:12 AM	27-CV-13-20960	replevin	12/5/2013
12/5/2013	10:38 AM	27-CV-13-20965	contract	12/5/2013
12/5/2013	11:09 AM	27-CV-13-20971	personal injury	12/5/2013
12/5/2013	12:12 PM	27-CV-13-20972	civil other/misc.	12/5/2013
12/5/2013	12:24 PM	27-CV-13-20973	personal injury	12/5/2013
12/5/2013	12:57 PM	27-CV-13-20975	personal injury	12/5/2013
12/5/2013	1:44 PM	27-CV-13-20976	contract	12/5/2013
12/5/2013	2:16 PM	27-CV-13-20980	personal injury	12/5/2013
12/5/2013	2:16 PM	27-CV-13-20985	civil other/misc.	12/5/2013
12/5/2013	2:34 PM	27-CV-13-20988	civil other/misc.	12/5/2013
12/5/2013	Document Missing	27-CV-13-20992	consumer credit	Document Missing
12/5/2013	2:39 PM	27-CV-13-20994	civil other/misc.	12/5/2013
12/5/2013	4:09 PM	27-CV-13-21004	civil other/misc.	12/6/2013
12/5/2013	4:22 PM	27-CV-13-21012	personal injury	12/6/2013
12/5/2013	4:39 PM	27-CV-13-21014	personal injury	12/6/2013
12/5/2013	1:12 PM	27-CV-13-21020	contract	12/6/2013
12/5/2013	4:01 PM	27-CV-13-21088	name change	12/9/2013

12/6/2013	9:15 AM	27-CV-13-21022	personal injury	12/6/2013
12/6/2013	9:52 AM	27-CV-13-21026	consumer credit	12/6/2013
12/6/2013	11:34 AM	27-CV-13-21030	civil other/misc.	12/6/2013
12/6/2013	12:17 PM	27-CV-13-21036	personal injury	12/6/2013
12/6/2013	12:31 PM	27-CV-13-21046	civil other/misc.	12/6/2013
12/6/2013	2:07 PM	27-CV-13-21050	contract	12/6/2013
12/6/2013	2:06 PM	27-CV-13-21051	quiet title	12/6/2013
12/6/2013	2:18 PM	27-CV-13-21053	personal injury	12/6/2013
12/6/2013	2:43 PM	27-CV-13-21059	consumer credit	12/6/2013
12/6/2013	3:04 PM	27-CV-13-21063	consumer credit	12/9/2013
12/6/2013	4:19 PM	27-CV-13-21064	personal injury	12/9/2013
12/6/2013	4:25 PM	27-CV-13-21065	civil other/misc.	12/9/2013
12/6/2013	4:39 PM	27-CV-13-21066	consumer credit	12/9/2013

* In measuring the delay, we discount the time associated with after hours filing, holidays and weekends. So a filing made after hours on a given day and available for review the next court day is higlighted in green and considered same day review.

C

Kansas City Federal Court Access

PACER – 93% same-day

USDC Western District Missouri Media Access
12/2/13 to 12/6/13

	# of Cases	**Percent of Total**
Green = same day access	13	93% same day
Yellow = next day access	1	7% next day
Red = two days or more delay	0	0% two day delay or more

Date Filed	Case Number	Date Available
12/2/2013	2:13cv4251	12/2/2013
12/2/2013	3:13cv5153	12/2/2013
12/2/2013	6:13cv3451	12/3/2013
12/3/2013	3:13cv5154	12/3/2013
12/3/2013	4:13cv1173	12/3/2013
12/4/2013	4:13cv1175	12/4/2013
12/5/2013	3:13cv5155	12/5/2013
12/5/2013	4:13cv1176	12/5/2013
12/5/2013	4:13cv1177	12/5/2013
12/5/2013	4:13cv1178	12/5/2013
12/5/2013	6:13cv3457	12/5/2013
12/6/2013	2:13cv4254	12/6/2013
12/6/2013	2:13cv4255	12/6/2013
12/6/2013	4:13cv1179	12/6/2013

D

Kansas City State Court Access

Electronic – 0% same-day

Jackson County Circuit Court Media Access
12/2/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day access	0	0% same day
Yellow = next day access	13	45% next day
Red = two days or more delay	16	55% two day delay or more

Date Filed	Case Number	Date Available
12/2/2013	1316-CV29921	12/3/2013
12/2/2013	1316-CV29925	12/3/2013
12/2/2013	1316-CV30017	12/4/2013
12/3/2013	1316-CV30042	12/4/2013
12/3/2013	1316-CV30043	12/4/2013
12/3/2013	1316-CV30062	12/4/2013
12/3/2013	1316-CV30127	12/4/2013
12/3/2013	1316-CV30166	12/10/2013
12/3/2013	1316-CV30167	12/5/2013
12/3/2013	1316-CV30223	12/10/2013
12/3/2013	1316-CV30227	12/10/2013
12/3/2013	1316-CV30230	12/10/2013
12/3/2013	1316-CV30244	12/10/2013
12/4/2013	1316-CV30186	12/9/2013
12/4/2013	1316-CV30329	12/9/2013
12/4/2013	1316-CV30331	12/9/2013
12/4/2013	1316-CV30398	12/9/2013
12/5/2013	1316-CV30232	12/6/2013
12/5/2013	1316-CV30242	12/6/2013
12/5/2013	1316-CV30262	12/6/2013
12/5/2013	1316-CV30268	12/6/2013
12/5/2013	1316-CV30270	12/9/2013
12/5/2013	1316-CV30272	12/6/2013
12/5/2013	1316-CV30426	12/10/2013
12/5/2013	1316-CV30429	12/10/2013
12/6/2013	1316-CV30347	12/9/2013
12/6/2013	1316-CV30360	12/9/2013
12/6/2013	1316-CV30498	12/10/2013
12/6/2013	1316-CV30513	12/11/2013

E

Chicago Federal Court Access

PACER – 99% same-day

USDC Northern District Illinois Media Access
12/2/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day access	106	99% same day
Yellow = next day access	1	1% next day
Red = two days or more delay	0	0% two day delay or more

Date Filed	Case Number	Date Available
12/2/2013	1:13cv7728	12/2/2013
12/2/2013	1:13cv7794	12/2/2013
12/2/2013	1:13cv8432	12/2/2013
12/2/2013	1:13cv8486	12/2/2013
12/2/2013	1:13cv8588	12/2/2013
12/2/2013	1:13cv8590	12/2/2013
12/2/2013	1:13cv8591	12/2/2013
12/2/2013	1:13cv8597	12/2/2013
12/2/2013	1:13cv8601	12/2/2013
12/2/2013	1:13cv8603	12/2/2013
12/2/2013	1:13cv8604	12/2/2013
12/2/2013	1:13cv8605	12/2/2013
12/2/2013	1:13cv8606	12/2/2013
12/2/2013	1:13cv8608	12/2/2013
12/2/2013	1:13cv8609	12/2/2013
12/2/2013	1:13cv8611	12/2/2013
12/2/2013	1:13cv8612	12/2/2013
12/2/2013	1:13cv8613	12/2/2013
12/2/2013	1:13cv8614	12/2/2013
12/2/2013	1:13cv8616	12/2/2013
12/2/2013	1:13cv8617	12/2/2013
12/2/2013	1:13cv8618	12/2/2013
12/2/2013	1:13cv8619	12/2/2013
12/3/2013	1:13cv8620	12/3/2013
12/3/2013	1:13cv8623	12/3/2013
12/3/2013	1:13cv8629	12/3/2013
12/3/2013	1:13cv8631	12/3/2013
12/3/2013	1:13cv8634	12/3/2013
12/3/2013	1:13cv8636	12/3/2013
12/3/2013	1:13cv8637	12/3/2013
12/3/2013	1:13cv8638	12/3/2013
12/3/2013	1:13cv8640	12/3/2013
12/3/2013	1:13cv8641	12/3/2013
12/3/2013	1:13cv8642	12/3/2013
12/3/2013	1:13cv8643	12/3/2013

12/3/2013	1:13cv8644	12/3/2013
12/3/2013	1:13cv8646	12/3/2013
12/3/2013	1:13cv8647	12/3/2013
12/3/2013	1:13cv8648	12/3/2013
12/3/2013	1:13cv8649	12/3/2013
12/3/2013	1:13cv8650	12/3/2013
12/3/2013	1:13cv8651	12/3/2013
12/3/2013	1:13cv8652	12/3/2013
12/3/2013	1:13cv8653	12/3/2013
12/3/2013	1:13cv8654	12/3/2013
12/3/2013	3:13cv50379	12/3/2013

12/4/2013	1:13cv8600	12/4/2013
12/4/2013	1:13cv8628	12/4/2013
12/4/2013	1:13cv8657	12/4/2013
12/4/2013	1:13cv8660	12/4/2013
12/4/2013	1:13cv8661	12/4/2013
12/4/2013	1:13cv8662	12/4/2013
12/4/2013	1:13cv8663	12/4/2013
12/4/2013	1:13cv8665	12/4/2013
12/4/2013	1:13cv8667	12/4/2013
12/4/2013	1:13cv8669	12/4/2013
12/4/2013	1:13cv8670	12/4/2013
12/4/2013	1:13cv8672	12/4/2013
12/4/2013	1:13cv8674	12/4/2013
12/4/2013	1:13cv8675	12/4/2013
12/4/2013	1:13cv8676	12/4/2013
12/4/2013	1:13cv8677	12/4/2013
12/4/2013	1:13cv8678	12/4/2013
12/4/2013	3:13cv50380	12/4/2013
12/4/2013	3:13cv50381	12/5/2013

12/5/2013	1:13cv8683	12/5/2013
12/5/2013	1:13cv8686	12/5/2013
12/5/2013	1:13cv8687	12/5/2013
12/5/2013	1:13cv8688	12/5/2013
12/5/2013	1:13cv8689	12/5/2013
12/5/2013	1:13cv8690	12/5/2013
12/5/2013	1:13cv8692	12/5/2013
12/5/2013	1:13cv8693	12/5/2013
12/5/2013	1:13cv8694	12/5/2013
12/5/2013	1:13cv8695	12/5/2013
12/5/2013	1:13cv8697	12/5/2013
12/5/2013	1:13cv8698	12/5/2013
12/5/2013	1:13cv8699	12/5/2013
12/5/2013	1:13cv8700	12/5/2013

12/5/2013	1:13cv8702	12/5/2013
12/5/2013	1:13cv8703	12/5/2013
12/5/2013	1:13cv8705	12/5/2013
12/5/2013	1:13cv8706	12/5/2013
12/5/2013	1:13cv8708	12/5/2013

12/6/2013	1:13cv8711	12/6/2013
12/6/2013	1:13cv8712	12/6/2013
12/6/2013	1:13cv8714	12/6/2013
12/6/2013	1:13cv8715	12/6/2013
12/6/2013	1:13cv8716	12/6/2013
12/6/2013	1:13cv8717	12/6/2013
12/6/2013	1:13cv8718	12/6/2013
12/6/2013	1:13cv8719	12/6/2013
12/6/2013	1:13cv8720	12/6/2013
12/6/2013	1:13cv8722	12/6/2013
12/6/2013	1:13cv8723	12/6/2013
12/6/2013	1:13cv8724	12/6/2013
12/6/2013	1:13cv8725	12/6/2013
12/6/2013	1:13cv8726	12/6/2013
12/6/2013	1:13cv8727	12/6/2013
12/6/2013	1:13cv8728	12/6/2013
12/6/2013	1:13cv8729	12/6/2013
12/6/2013	1:13cv8730	12/6/2013
12/6/2013	1:13cv8731	12/6/2013
12/6/2013	1:13cv8733	12/6/2013
12/6/2013	1:13cv8734	12/6/2013
12/6/2013	1:13cv8735	12/6/2013
12/6/2013	1:13cv8738	12/6/2013

* Cases filed under seal and pro se cases have been omitted.

F

Chicago State Court Access

Traditional – 95% same-day

Cook County Circuit Court Media Access
12/2/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day access	164	95% same day
Yellow = next day access	8	5% next day
Red = two days or more delay	0	0% two day delay or more

Date Filed	Case Number	Case Type (Contract, etc.)	Date Available	Case Filed Court
12/2/2013	13646	negligence	12/2/2013	Law
12/2/2013	13648	negligence	12/2/2013	Law
12/2/2013	13650	asbestos	12/2/2013	Law
12/2/2013	13651	medical records	12/2/2013	Law
12/2/2013	13667	negligence	12/2/2013	Law
12/2/2013	13670	negligence	12/2/2013	Law
12/2/2013	13678	medical mal	12/2/2013	Law
12/2/2013	13679	contract/fraud	12/2/2013	Law
12/2/2013	13683	contract	12/2/2013	Law
12/2/2013	13684	premises liability	12/2/2013	Law
12/2/2013	13685	premises liability	12/2/2013	Law
12/2/2013	13686	premises liability	12/2/2013	Law
12/2/2013	13687	contract	12/2/2013	Law
12/2/2013	13688	negligence	12/2/2013	Law
12/2/2013	13689	negligence	12/2/2013	Law
12/2/2013	13691	negligence	12/2/2013	Law
12/2/2013	13692	premises liability	12/2/2013	Law
12/2/2013	26601	injunction	12/2/2013	Chancery
12/2/2013	26606	mechanics lien	12/2/2013	Chancery
12/2/2013	26616	declaratory judg.	12/2/2013	Chancery
12/2/2013	26625	declaratory judg.	12/2/2013	Chancery
12/2/2013	26635	interpleader	12/2/2013	Chancery
12/2/2013	26636	contract	12/2/2013	Chancery
12/3/2013	13693	negligence	12/3/2013	Law
12/3/2013	13694	contract	12/4/2013	Law
12/3/2013	13695	medical mal	12/4/2013	Law
12/3/2013	13696	contract	12/3/2013	Law
12/3/2013	13697	negligence	12/3/2013	Law
12/3/2013	13701	medical mal	12/3/2013	Law
12/3/2013	13702	contract	12/4/2013	Law
12/3/2013	13704	negligence	12/3/2013	Law
12/3/2013	13708	negligence	12/3/2013	Law
12/3/2013	13710	contract	12/3/2013	Law
12/3/2013	13712	premises liability	12/3/2013	Law
12/3/2013	13714	premises liability	12/3/2013	Law
12/3/2013	13718	premises liability	12/3/2013	Law
12/3/2013	13719	premises liability	12/3/2013	Law
12/3/2013	13720	medical mal	12/3/2013	Law
12/3/2013	13721	contract	12/3/2013	Law
12/3/2013	13723	negligence	12/3/2013	Law
12/3/2013	13725	contract	12/4/2013	Law
12/3/2013	13727	unlawful debt col.	12/4/2013	Law
12/3/2013	13728	negligence	12/3/2013	Law
12/3/2013	26659	injunction	12/3/2013	Chancery
12/3/2013	26741	equitable relief	12/3/2013	Chancery
12/3/2013	26766	declaratory judg.	12/3/2013	Chancery
12/3/2013	26779	mechanics lien	12/3/2013	Chancery
12/3/2013	26793	writ of certiorari	12/3/2013	Chancery

12/3/2013	26794	declaratory judg.	12/3/2013	Chancery
12/3/2013	26795	declaratory judg.	12/3/2013	Chancery

12/4/2013	13729	contract	12/4/2013	Law
12/4/2013	13730	negligence	12/4/2013	Law
12/4/2013	13731	contract	12/4/2013	Law
12/4/2013	13732	negligence	12/4/2013	Law
12/4/2013	13733	negligence	12/4/2013	Law
12/4/2013	13734	negligence	12/4/2013	Law
12/4/2013	13736	medical mal	12/4/2013	Law
12/4/2013	13738	nursing neg	12/4/2013	Law
12/4/2013	13739	medical mal	12/4/2013	Law
12/4/2013	13740	negligence	12/4/2013	Law
12/4/2013	13741	negligence	12/4/2013	Law
12/4/2013	13742	contract	12/4/2013	Law
12/4/2013	13744	FELA	12/4/2013	Law
12/4/2013	13745	contract	12/4/2013	Law
12/4/2013	13746	contract	12/4/2013	Law
12/4/2013	13748	medical mal	12/4/2013	Law
12/4/2013	13749	negligence	12/4/2013	Law
12/4/2013	13750	medical mal	12/5/2013	Law
12/4/2013	13752	negligence	12/4/2013	Law
12/4/2013	13753	medical mal	12/4/2013	Law
12/4/2013	13755	contract	12/4/2013	Law
12/4/2013	13756	fraud	12/4/2013	Law
12/4/2013	13757	contract	12/4/2013	Law
12/4/2013	13758	product liability	12/4/2013	Law
12/4/2013	13759	contract	12/4/2013	Law
12/4/2013	13760	contract	12/4/2013	Law
12/4/2013	13761	premises liabilty	12/4/2013	Law
12/4/2013	13762	premises liabilty	12/4/2013	Law
12/4/2013	13764	negligence	12/5/2013	Law
12/4/2013	13765	premises liabilty	12/4/2013	Law
12/4/2013	26796	Fraud	12/4/2013	Chancery
12/4/2013	26801	declaratory judg.	12/4/2013	Chancery
12/4/2013	26838	writ of certiorari	12/4/2013	Chancery
12/4/2013	26855	tortious interference	12/4/2013	Chancery
12/4/2013	26856	writ of certiorari	12/4/2013	Chancery
12/4/2013	26857	injunction	12/4/2013	Chancery
12/4/2013	26874	declaratory judg.	12/4/2013	Chancery
12/4/2013	26881	mechanics lien	12/4/2013	Chancery

12/5/2013	13769	negligence	12/5/2013	Law
12/5/2013	13770	contract	12/5/2013	Law
12/5/2013	13773	negligence	12/5/2013	Law
12/5/2013	13774	premises liability	12/5/2013	Law
12/5/2013	13775	negligence	12/5/2013	Law
12/5/2013	13780	Retaliatory disch.	12/5/2013	Law
12/5/2013	13781	contract	12/5/2013	Law
12/5/2013	13782	FELA	12/5/2013	Law
12/5/2013	13784	nursing neg	12/5/2013	Law
12/5/2013	13785	legal malpractice	12/5/2013	Law
12/5/2013	13786	medical mal	12/5/2013	Law
12/5/2013	13788	negligence	12/5/2013	Law
12/5/2013	13789	negligence	12/5/2013	Law
12/5/2013	13790	medical mal	12/5/2013	Law
12/5/2013	13791	product liability	12/5/2013	Law
12/5/2013	13792	product liability	12/5/2013	Law
12/5/2013	13793	product liability	12/5/2013	Law

12/5/2013	13794	contract/fraud	12/5/2013	Law
12/5/2013	13795	negligence	12/5/2013	Law
12/5/2013	13802	negligence	12/5/2013	Law
12/5/2013	13806	negligence	12/5/2013	Law
12/5/2013	13808	premises liability	12/5/2013	Law
12/5/2013	13809	contract	12/5/2013	Law
12/5/2013	13810	premises liability	12/5/2013	Law
12/5/2013	13811	premises liability	12/5/2013	Law
12/5/2013	13812	negligence	12/5/2013	Law
12/5/2013	13816	contract	12/5/2013	Law
12/5/2013	13817	negligence	12/5/2013	Law
12/5/2013	13818	premises liability	12/6/2013	Law
12/5/2013	13819	premises liability	12/5/2013	Law
12/5/2013	26886	mechanics lien	12/5/2013	Chancery
12/5/2013	26892	declaratory judg.	12/5/2013	Chancery
12/5/2013	26901	mandamus	12/5/2013	Chancery
12/5/2013	26923	writ of certiorari	12/5/2013	Chancery
12/5/2013	26929	writ of certiorari	12/5/2013	Chancery
12/5/2013	26962	mechanics lien	12/5/2013	Chancery
12/5/2013	26994	fraud	12/5/2013	Chancery
12/5/2013	26997	misappropriation	12/5/2013	Chancery

12/6/2013	13823	premises liability	12/6/2013	Law
12/6/2013	13824	premises liability	12/6/2013	Law
12/6/2013	13825	medical mal	12/6/2013	Law
12/6/2013	13828	product liability	12/6/2013	Law
12/6/2013	13831	product liability	12/6/2013	Law
12/6/2013	13833	product liability	12/6/2013	Law
12/6/2013	13836	medical mal	12/6/2013	Law
12/6/2013	13837	ne	12/6/2013	Law
12/6/2013	13838	medical mal	12/6/2013	Law
12/6/2013	13839	medical mal	12/6/2013	Law
12/6/2013	13840	medical mal	12/6/2013	Law
12/6/2013	13843	negligence	12/6/2013	Law
12/6/2013	13844	negligence	12/6/2013	Law
12/6/2013	13847	nursing neg	12/6/2013	Law
12/6/2013	13848	legal malpractice	12/6/2013	Law
12/6/2013	13851	negligence	12/6/2013	Law
12/6/2013	13852	premises liability	12/6/2013	Law
12/6/2013	13854	negligence	12/6/2013	Law
12/6/2013	13858	medical mal	12/6/2013	Law
12/6/2013	13860	medical mal	12/6/2013	Law
12/6/2013	13861	negligence	12/6/2013	Law
12/6/2013	13862	negligence	12/6/2013	Law
12/6/2013	13863	negligence	12/6/2013	Law
12/6/2013	13864	negligence	12/6/2013	Law
12/6/2013	13866	negligence	12/6/2013	Law
12/6/2013	13867	negligence	12/6/2013	Law
12/6/2013	13870	negligence	12/6/2013	Law
12/6/2013	13872	negligence	12/6/2013	Law
12/6/2013	13873	negligence	12/6/2013	Law
12/6/2013	13874	negligence	12/6/2013	Law
12/6/2013	13875	fraud	12/6/2013	Law
12/6/2013	13876	medical mal	12/6/2013	Law
12/6/2013	13877	legal malpractice	12/6/2013	Law
12/6/2013	13878	contract	12/6/2013	Law
12/6/2013	13879	medical mal	12/6/2013	Law
12/6/2013	13880	contract	12/6/2013	Law
12/6/2013	13882	pet for subpoena	12/6/2013	Law

12/6/2013	13883	negligence	12/6/2013	Law
12/6/2013	13884	fraud	12/6/2013	Law
12/6/2013	27009	mechanics lien	12/6/2013	Chancery
12/6/2013	27028	mechanics lien	12/6/2013	Chancery
12/6/2013	27029	mechanics lien	12/6/2013	Chancery
12/6/2013	27051	writ of certiorari	12/6/2013	Chancery
12/6/2013	27067	contract	12/6/2013	Chancery
12/6/2013	27072	lease	12/6/2013	Chancery
12/6/2013	27102	declaratory judg.	12/6/2013	Chancery

G

Denver Federal Court Access

PACER – 97% same-day

USDC Colorado Media Access
12/2/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day	37	97% same day
Yellow = next day	1	3% next day
Red = two day delay or more	0	0% two day delay or more

Date Filed	Case Number	Date Available
12/02/2013	1:13cv3257	12/02/2013
12/02/2013	1:13cv3258	12/02/2013
12/02/2013	1:13cv3260	12/02/2013
12/02/2013	1:13cv3261	12/02/2013
12/02/2013	1:13cv3262	12/02/2013
12/03/2013	1:13cv3263	12/03/2013
12/03/2013	1:13cv3266	12/03/2013
12/03/2013	1:13cv3267	12/03/2013
12/03/2013	1:13cv3268	12/03/2013
12/03/2013	1:13cv3269	12/03/2013
12/03/2013	1:13cv3270	12/03/2013
12/03/2013	1:13cv3271	12/03/2013
12/04/2013	1:13cv3272	12/04/2013
12/04/2013	1:13cv3273	12/04/2013
12/04/2013	1:13cv3274	12/04/2013
12/04/2013	1:13cv3275	12/04/2013
12/04/2013	1:13cv3276	12/04/2013
12/04/2013	1:13cv3277	12/04/2013
12/04/2013	1:13cv3278	12/04/2013
12/04/2013	1:13cv3280	12/04/2013
12/04/2013	1:13cv3281	12/04/2013
12/04/2013	1:13cv3282	12/04/2013
12/04/2013	1:13cv3283	12/04/2013
12/04/2013	1:13cv3284	12/04/2013
12/04/2013	1:13cv3285	12/04/2013
12/04/2013	1:13cv3286	12/05/2013
12/05/2013	1:13cv3287	12/05/2013
12/05/2013	1:13cv3288	12/05/2013
12/05/2013	1:13cv3289	12/05/2013
12/05/2013	1:13cv3290	12/05/2013

12/05/2013	1:13cv3291	12/05/2013
12/05/2013	1:13cv3293	12/05/2013

12/06/2013	1:13cv3294	12/06/2013
12/06/2013	1:13cv3295	12/06/2013
12/06/2013	1:13cv3298	12/06/2013
12/06/2013	1:13cv3299	12/06/2013
12/06/2013	1:13cv3300	12/06/2013
12/06/2013	1:13cv3301	12/06/2013

H

Denver State Court Access

Electronic – 16% same-day

Denver County District Court Media Access
12/2/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day	17	16% same day
Yellow = next day	87	83% next day
Red = two day delay or more	1	1% two day delay or more

Date Filed	Time Stamp	Case Number	Case Type (Contract, etc.)	Date Available	
12/2/2013	10:23 AM	13cv35258	Declaratory judgment	12/3/2013	
12/2/2013	11:14 AM	13cv35259	Rule 120	12/3/2013	
12/2/2013	11:23 AM	13cv35260	Money due	12/3/2013	
12/2/2013	11:27 AM	13cv35261	Breach of lease	12/3/2013	
12/2/2013	2:12 PM	13cv35262	Seal criminal record	12/3/2013	
12/2/2013	2:23 PM	13cv35263	Judicial review	12/3/2013	
12/2/2013	2:46 PM	13cv35264	Declaratory judgment	12/3/2013	
12/2/2013	3:09 PM	13cv35265	Public nuisance	12/3/2013	
12/2/2013	3:20 PM	13cv35266	Money due	12/3/2013	
12/2/2013	3:37 PM	13cv35267	Wrongful death	12/3/2013	
12/2/2013	3:50 PM	13cv35268	Contract	12/3/2013	
12/2/2013	4:04 PM	13cv35269	Contract	12/3/2013	
12/2/2013	4:32 PM	13cv35270	Money due	12/4/2013	
12/3/2013	8:41 AM	13cv35271	Structured settlement	12/4/2013	
12/3/2013	11:02 AM	13cv35272	Money due	12/4/2013	
12/3/2013	11:14 AM	13cv35273	Breach of lease	12/4/2013	
12/3/2013	11:40 AM	13cv35274	Money due	12/4/2013	
12/3/2013	12:00 PM	13cv35275	Seal criminal record	12/4/2013	
12/3/2013	12:26 PM	13cv35276	Contract	12/4/2013	
12/3/2013	12:51 PM	13cv35277	Seal criminal record	12/4/2013	
12/3/2013	12:58 PM	13cv35278	Confirm award	12/4/2013	
12/3/2013	1:52 PM	13cv35279	Rule 120	12/4/2013	
12/3/2013	2:14 PM	13cv35280	Seal criminal record	12/4/2013	
12/3/2013	2:57 PM	13cv35281	Car collision	12/4/2013	
12/3/2013	4:10 PM	13cv35282	Contract	12/4/2013	
12/3/2013	4:13 PM	13cv35283	Money due	12/4/2013	
12/3/2013	5:03 PM	13cv35284	Car collision	12/4/2013	*
12/4/2013	9:42 AM	13cv35285	Rule 120	12/5/2013	
12/4/2013	9:53 AM	13cv35286	Structured settlement	12/5/2013	
12/4/2013	10:01 AM	13cv35287	Breach of lease	12/5/2013	
12/4/2013	10:21 AM	13cv35288	Foreign judgment	12/5/2013	
12/4/2013	10:46 AM	13cv35289	Slip and fall	12/5/2013	
12/4/2013	11:07 AM	13cv35290	Negligence	12/5/2013	
12/4/2013	11:15 AM	13cv35291	Car collision	12/5/2013	
12/4/2013	11:55 AM	13cv35292	Car collision	12/5/2013	
12/4/2013	1:20 PM	13cv35293	Money due	12/5/2013	
12/4/2013	1:24 PM	13cv35294	Appeal	12/5/2013	
12/4/2013	1:26 PM	13cv35295	Confirm award	12/5/2013	
12/4/2013	2:11 PM	13cv35296	Car collision	12/5/2013	
12/4/2013	2:30 PM	13cv35297	Money due	12/5/2013	
12/4/2013	2:46 PM	13cv35298	Sexual harassment	12/5/2013	
12/4/2013	2:48 PM	13cv35299	Money due	12/5/2013	
12/4/2013	2:59 PM	13cv35300	Breach of lease	12/5/2013	

12/4/2013	3:10 PM	13cv35301	Car collision	12/5/2013
12/4/2013	3:12 PM	13cv35302	Subpoena request	12/5/2013
12/4/2013	3:21 PM	13cv35303	Car collision	12/5/2013
12/4/2013	4:10 PM	13cv35304	Sexual harassment	12/5/2013
12/4/2013	4:42 PM	13cv35305	Car collision	12/5/2013
12/4/2013	5:01 PM	13cv35306	Rule 120	12/5/2013
12/4/2013	5:04 PM	13cv35307	Car collision	12/5/2013
12/4/2013	5:06 PM	13cv35308	Subpoena request	12/5/2013
12/4/2013	5:20 PM	13cv35309	Negligence	12/5/2013
12/4/2013	5:28 PM	13cv35310	Money due	12/5/2013
12/4/2013	5:52 PM	13cv35311	Mechanic's lien	12/5/2013
12/4/2013	8:49 PM	13cv35312	Contract	12/5/2013

12/5/2013	9:57 AM	13cv35313	Injunctive relief	12/6/2013
12/5/2013	10:09 AM	13cv35314	Slip and fall	12/6/2013
12/5/2013	10:38 AM	13cv35315	Seal criminal record	12/6/2013
12/5/2013	12:25 PM	13cv35316	Car collision	12/6/2013
12/5/2013	12:41 PM	13cv35317	Car collision	12/6/2013
12/5/2013	1:31 PM	13cv35318	Wrongful death	12/6/2013
12/5/2013	1:50 PM	13cv35319	Product liability	12/6/2013
12/5/2013	1:56 PM	13cv35320	Rule 120	12/6/2013
12/5/2013	2:25 PM	13cv35321	Seal criminal record	12/6/2013
12/5/2013	2:28 PM	13cv35322	Car collision	12/6/2013
12/5/2013	2:29 PM	13cv35323	Contract	12/6/2013
12/5/2013	2:37 PM	13cv35324	Contract	12/6/2013
12/5/2013	2:37 PM	13cv35325	Wrongful death	12/6/2013
12/5/2013	3:20 PM	13cv35326	Slip and fall	12/6/2013
12/5/2013	3:56 PM	13cv35327	Money due	12/6/2013
12/5/2013	3:57 PM	13cv35328	Professional malpractice	12/6/2013
12/5/2013	4:03 PM	13cv35329	Money due	12/6/2013
12/5/2013	4:10 PM	13cv35330	Money due	12/6/2013
12/5/2013	4:16 PM	13cv35331	Money due	12/6/2013
12/5/2013	4:18 PM	13cv35332	Negligence	12/6/2013
12/5/2013	4:22 PM	13cv35333	Money due	12/6/2013
12/5/2013	4:42 PM	13cv35334	Contract	12/6/2013
12/5/2013	4:46 PM	13cv35335	Seal criminal record	12/6/2013
12/5/2013	4:52 PM	13cv35336	Money due	12/6/2013
12/5/2013	5:26 PM	13cv35337	Slip and fall	12/6/2013
12/5/2013	6:53 PM	13cv35338	Injunctive relief	12/6/2013

12/6/2013	8:56 AM	13cv35339	Money due	12/9/2013
12/6/2013	9:13 AM	13cv35340	Money due	12/9/2013
12/6/2013	9:13 AM	13cv35341	Money due	12/9/2013
12/6/2013	9:40 AM	13cv35342	Rule 120	12/9/2013
12/6/2013	10:13 AM	13cv35343	Car collision	12/9/2013
12/6/2013	10:23 AM	13cv35344	Money due	12/9/2013
12/6/2013	10:41 AM	13cv35345	Car collision	12/9/2013
12/6/2013	10:57 AM	13cv35346	Rule 120	12/9/2013
12/6/2013	11:23 AM	13cv35347	Money due	12/9/2013
12/6/2013	11:30 AM	13cv35348	Money due	12/9/2013
12/6/2013	11:38 AM	13cv35349	Money due	12/9/2013
12/6/2013	11:45 AM	13cv35350	Money due	12/9/2013
12/6/2013	1:37 PM	13cv35351	Rule 120	12/9/2013
12/6/2013	1:56 PM	13cv35352	Money due	12/9/2013
12/6/2013	2:08 PM	13cv35353	Negligence	12/9/2013

12/6/2013	2:30 PM	13cv35354	Rule 120	12/9/2013
12/6/2013	4:01 PM	13cv35355	Medical malpractice	12/9/2013
12/6/2013	5:29 PM	13cv35357	Slip and fall	12/9/2013
12/6/2013	6:00 PM	13cv35358	Rule 120	12/9/2013
12/6/2013	6:00 PM	13cv35359	Rule 120	12/9/2013
12/6/2013	6:00 PM	13cv35360	Rule 120	12/9/2013
12/6/2013	6:01 PM	13cv35361	Car collision	12/9/2013
12/6/2013	6:14 PM	13cv35362	Money due	12/9/2013
12/6/2013	7:41 PM	13cv35363	Car collision	12/9/2013

* In measuring the delay, we discount the time associated with after hours filing, holidays and weekends. So a filing made after hours on a given day and available for review the next court day is higlighted in green and considered same day review.

L.A. State Court Over-Counter Access

Traditional – 99.8% same-day

Los Angeles Superior Court Media Access
8/21/13 to 8/30/13

	# of Counter Filings	Percent of Total
Green = same day access	824	99.8% same day
Yellow = next day access	1	0.1% next day
Red = two days or more delay	1	0.1% two day delay or more

Date Filed	Case Number	Case Type	Date Made Available	Details
08/21/2013	BC518786	other	08/21/2013	counter
08/21/2013	BC518789	personal injury	08/21/2013	counter
08/21/2013	BC518792	auto	08/21/2013	counter
08/21/2013	BC518793	premises liability	08/21/2013	counter
08/21/2013	BC518794	mortgage	08/21/2013	counter
08/21/2013	BC518795	auto	08/21/2013	counter
08/21/2013	BC518796	other	08/21/2013	counter
08/21/2013	BC518797	auto	08/21/2013	counter
08/21/2013	BC518798	auto	08/21/2013	counter
08/21/2013	BC518799	employment	08/21/2013	counter
08/21/2013	BC518800	defamation	08/21/2013	counter
08/21/2013	BC518802	auto	08/21/2013	counter
08/21/2013	BC518803	contract	08/21/2013	counter
08/21/2013	BC518804	property rights	08/21/2013	counter
08/21/2013	BC518805	personal injury	08/21/2013	counter
08/21/2013	BC518806	employment	08/21/2013	counter
08/21/2013	BC518807	auto	08/21/2013	counter
08/21/2013	BC518808	auto	08/21/2013	counter
08/21/2013	BC518809	insurance	08/21/2013	counter
08/21/2013	BC518810	auto	08/21/2013	counter
08/21/2013	BC518811	auto	08/21/2013	counter
08/21/2013	BC518812	premises liability	08/21/2013	counter
08/21/2013	BC518813	auto	08/21/2013	counter
08/21/2013	BC518814	premises liability	08/21/2013	counter
08/21/2013	BC518815	auto	08/21/2013	counter
08/21/2013	BC518816	collections	08/21/2013	counter
08/21/2013	BC518817	personal injury	08/21/2013	counter
08/21/2013	BC518818	auto	08/21/2013	counter
08/21/2013	BC518819	personal injury	08/21/2013	counter
08/21/2013	BC518943	mortgage	08/21/2013	counter
08/21/2013	BC518948	employment	08/21/2013	counter
08/21/2013	BC518951	contract	08/21/2013	counter
08/21/2013	BC518952	employment	08/21/2013	counter
08/21/2013	BC518980	elder abuse	08/21/2013	counter
08/21/2013	BC518983	auto	08/21/2013	counter
08/21/2013	BC518984	auto	08/21/2013	counter
08/21/2013	BC518985	premises liability	08/21/2013	counter
08/21/2013	BC518986	auto	08/21/2013	counter
08/21/2013	BC518987	auto	08/21/2013	counter
08/21/2013	BC518991	contract	08/21/2013	counter
08/21/2013	BC518992	auto	08/21/2013	counter
08/21/2013	BC518993	contract	08/21/2013	counter

08/21/2013	BC518994	contract	08/21/2013	counter
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08/28/2013	BC519841	premises liability	08/28/2013	counter
08/28/2013	BC519660	auto	08/29/2013	fax
08/28/2013	BC519663	contract	08/29/2013	fax

08/28/2013	BC519664	auto	08/29/2013	fax
08/28/2013	BC519665	malpractce	08/29/2013	fax
08/28/2013	BC519666	assault	08/29/2013	fax
08/28/2013	BC519667	auto	08/29/2013	fax
08/28/2013	BC519727	product liability	08/29/2013	drop box
08/28/2013	BC519748	auto	08/29/2013	drop box
08/28/2013	BC519749	prof. malpractce	08/29/2013	pro per
08/28/2013	BC519804	business tort	08/29/2013	drop box
08/28/2013	BC519805	personal injury	08/29/2013	drop box
08/28/2013	BC519810	collections	08/29/2013	drop box
08/28/2013	BC519811	contract	08/29/2013	drop box
08/28/2013	BC519812	slip and fall	08/29/2013	drop box
08/28/2013	BC519813	auto	08/29/2013	pro per
08/28/2013	BC519814	auto	08/29/2013	drop box
08/28/2013	BC519815	eminent domain	08/29/2013	drop box
08/28/2013	BC519816	auto	08/29/2013	drop box
08/28/2013	BC519842	personal injury	08/29/2013	drop box
08/28/2013	BC519844	auto	08/29/2013	drop box
08/28/2013	BC519845	personal injury	08/29/2013	drop box
08/28/2013	BC519903	auto	08/29/2013	drop box
08/28/2013	BC519904	slip and fall	08/29/2013	drop box
08/29/2013	BC519750	product liability	08/29/2013	counter
08/29/2013	BC519751	personal injury	08/29/2013	counter
08/29/2013	BC519752	personal injury	08/29/2013	counter
08/29/2013	BC519753	personal injury	08/29/2013	counter
08/29/2013	BC519754	premises liability	08/29/2013	counter
08/29/2013	BC519755	quiet title	08/29/2013	counter
08/29/2013	BC519756	slip and fall	08/29/2013	counter
08/29/2013	BC519757	auto	08/29/2013	counter
08/29/2013	BC519758	fraud	08/29/2013	counter
08/29/2013	BC519759	auto	08/29/2013	counter
08/29/2013	BC519760	civil rights	08/29/2013	counter
08/29/2013	BC519761	rent/lease	08/29/2013	counter
08/29/2013	BC519762	contract fraud	08/29/2013	counter
08/29/2013	BC519763	auto	08/29/2013	counter
08/29/2013	BC519764	personal injury	08/29/2013	counter
08/29/2013	BC519765	auto	08/29/2013	counter
08/29/2013	BC519766	premises liability	08/29/2013	counter
08/29/2013	BC519768	contract	08/29/2013	counter
08/29/2013	BC519806	employment	08/29/2013	counter
08/29/2013	BC519807	collections	08/29/2013	counter
08/29/2013	BC519808	auto	08/29/2013	counter
08/29/2013	BC519809	contract	08/29/2013	counter
08/29/2013	BC519817	employment	08/29/2013	counter
08/29/2013	BC519818	elder abuse	08/29/2013	counter
08/29/2013	BC519820	personal injury	08/29/2013	counter
08/29/2013	BC519821	med. malpractice	08/29/2013	counter
08/29/2013	BC519822	property rights	08/29/2013	counter
08/29/2013	BC519823	contract fraud	08/29/2013	counter
08/29/2013	BC519824	quiet title	08/29/2013	counter
08/29/2013	BC519825	auto	08/29/2013	counter
08/29/2013	BC519826	auto	08/29/2013	counter

08/29/2013	BC519827	personal injury	08/29/2013	counter
08/29/2013	BC519843	rent/lease	08/29/2013	counter
08/29/2013	BC519846	insurance	08/29/2013	counter
08/29/2013	BC519847	construction defect	08/29/2013	counter
08/29/2013	BC519848	employment	08/29/2013	counter
08/29/2013	BC519849	elder abuse	08/29/2013	counter
08/29/2013	BC519850	auto	08/29/2013	counter
08/29/2013	BC519851	auto	08/29/2013	counter
08/29/2013	BC519852	premises liability	08/29/2013	counter
08/29/2013	BC519853	auto	08/29/2013	counter
08/29/2013	BC519854	personal injury	08/29/2013	counter
08/29/2013	BC519855	employment	08/29/2013	counter
08/29/2013	BC519856	auto	08/29/2013	counter
08/29/2013	BC519857	prof. malpractce	08/29/2013	counter
08/29/2013	BC519858	emotional distress	08/29/2013	counter
08/29/2013	BC519859	assault	08/29/2013	counter
08/29/2013	BC519860	other	08/29/2013	counter
08/29/2013	BC519861	personal injury	08/29/2013	counter
08/29/2013	BC519862	tort	08/29/2013	counter
08/29/2013	BC519863	contract fraud	08/29/2013	counter
08/29/2013	BC519864	auto	08/29/2013	counter
08/29/2013	BC519865	personal injury	08/29/2013	counter
08/29/2013	BC519866	auto	08/29/2013	counter
08/29/2013	BC519867	property rights	08/29/2013	counter
08/29/2013	BC519868	employment	08/29/2013	counter
08/29/2013	BC519869	slip and fall	08/29/2013	counter
08/29/2013	BC519870	contract fraud	08/29/2013	counter
08/29/2013	BC519871	collections	08/29/2013	counter
08/29/2013	BC519872	auto	08/29/2013	counter
08/29/2013	BC519873	premises liability	08/29/2013	counter
08/29/2013	BC519874	med. malpractice	08/29/2013	counter
08/29/2013	BC519875	uninsured motorist	08/29/2013	counter
08/29/2013	BC519876	contract fraud	08/29/2013	counter
08/29/2013	BC519877	personal injury	08/29/2013	counter
08/29/2013	BC519905	rent/lease	08/29/2013	counter
08/29/2013	BC519906	auto	08/29/2013	counter
08/29/2013	BC519907	auto	08/29/2013	counter
08/29/2013	BC519908	auto	08/29/2013	counter
08/29/2013	BC519909	mortgage	08/29/2013	counter
08/29/2013	BC519910	unlawful detainer	08/29/2013	counter
08/29/2013	BC519911	civil rights	08/29/2013	counter
08/29/2013	BC519912	business tort	08/29/2013	counter
08/29/2013	BC519913	premises liability	08/29/2013	counter
08/29/2013	BC519914	auto	08/29/2013	counter
08/29/2013	BC519915	defamation	08/29/2013	counter
08/29/2013	BC519916	auto	08/29/2013	counter
08/29/2013	BC519917	contract	08/29/2013	counter
08/29/2013	BC519918	property rights	08/29/2013	counter
08/29/2013	BC519919	other	08/29/2013	counter
08/29/2013	BC519920	employment	08/29/2013	counter
08/29/2013	BC519921	auto	08/29/2013	counter
08/29/2013	BC519922	personal injury	08/29/2013	counter

08/29/2013	BC519923	auto	08/29/2013	counter
08/29/2013	BC519924	other	08/29/2013	counter
08/29/2013	BC519928	prof. malpractce	08/29/2013	counter
08/29/2013	BC519929	declaratory relief	08/29/2013	counter
08/29/2013	BC519930	premises liability	08/29/2013	counter
08/29/2013	BC519978	contract	08/29/2013	counter
08/29/2013	BC519979	product liability	08/29/2013	counter
08/29/2013	BC519980	mortgage	08/29/2013	counter
08/29/2013	BC519981	slip and fall	08/29/2013	counter
08/29/2013	BC519982	rent/lease	08/29/2013	counter
08/29/2013	BC519983	auto	08/29/2013	counter
08/29/2013	BC519984	premises liability	08/29/2013	counter
08/29/2013	BC519985	collections	08/29/2013	counter
08/29/2013	BC519668	employment	08/30/2013	drop box
08/29/2013	BC519670	employment	09/03/2013	fax
08/29/2013	BC519671	antitrust	09/03/2013	fax
08/29/2013	BC519672	premises liability	09/03/2013	unknown
08/29/2013	BC519673	auto	09/03/2013	fax
08/29/2013	BC519674	auto	09/03/2013	fax
08/29/2013	BC519675	antitrust	09/03/2013	fax
08/29/2013	BC519767	tort	08/30/2013	unknown
08/29/2013	BC519773	insurance	08/30/2013	drop box
08/29/2013	BC519774	product liability	08/30/2013	drop box
08/29/2013	BC519775	auto	08/30/2013	drop box
08/29/2013	BC519878	contract	08/30/2013	drop box
08/29/2013	BC519879	auto	08/30/2013	drop box
08/29/2013	BC519880	premises liability	08/30/2013	drop box
08/29/2013	BC519925	civil rights	08/30/2013	pro per
08/29/2013	BC519926	premises liability	08/30/2013	drop box
08/29/2013	BC519927	prof. malpractce	08/30/2013	drop box
08/29/2013	BC519931	auto	08/30/2013	pro per
08/29/2013	BC519932	construction defect	08/30/2013	drop box
08/29/2013	BC519933	personal injury	08/30/2013	drop box
08/29/2013	BC519934	product liability	08/30/2013	drop box
08/29/2013	BC519942	rent/lease	08/30/2013	drop box
08/29/2013	BC519943	auto	08/30/2013	drop box
08/29/2013	BC519944	contract	08/30/2013	drop box
08/29/2013	BC519986	employment	08/30/2013	pro per
08/29/2013	BC519987	civil rights	08/30/2013	pro per
08/29/2013	BC519988	auto	08/30/2013	drop box
08/29/2013	BC519992	employment	08/30/2013	drop box
08/29/2013	BC519993	auto	08/30/2013	drop box
08/29/2013	BC519994	auto	08/30/2013	drop box
08/30/2013	BC519769	property rights	08/30/2013	counter
08/30/2013	BC519770	other tort	08/30/2013	counter
08/30/2013	BC519771	unlawful detainer	08/30/2013	counter
08/30/2013	BC519772	collections	08/30/2013	counter
08/30/2013	BC519881	contract fraud	08/30/2013	counter
08/30/2013	BC519882	medical malpractice	08/30/2013	counter
08/30/2013	BC519883	other	08/30/2013	counter
08/30/2013	BC519884	auto	08/30/2013	counter
08/30/2013	BC519885	quiet title	08/30/2013	counter

08/30/2013	BC519886	property rights	08/30/2013	counter
08/30/2013	BC519887	personal injury	08/30/2013	counter
08/30/2013	BC519888	medical malpractice	08/30/2013	counter
08/30/2013	BC519889	auto	08/30/2013	counter
08/30/2013	BC519890	property rights	08/30/2013	counter
08/30/2013	BC519891	other tort	08/30/2013	counter
08/30/2013	BC519892	contract	08/30/2013	counter
08/30/2013	BC519893	auto	08/30/2013	counter
08/30/2013	BC519894	auto	08/30/2013	counter
08/30/2013	BC519895	assault	08/30/2013	counter
08/30/2013	BC519896	employment	08/30/2013	counter
08/30/2013	BC519897	employment	08/30/2013	counter
08/30/2013	BC519898	slip and fall	08/30/2013	counter
08/30/2013	BC519899	auto	08/30/2013	counter
08/30/2013	BC519900	auto	08/30/2013	counter
08/30/2013	BC519901	contract fraud	08/30/2013	counter
08/30/2013	BC519935	auto	08/30/2013	counter
08/30/2013	BC519936	auto	08/30/2013	counter
08/30/2013	BC519937	auto	08/30/2013	counter
08/30/2013	BC519938	employment	08/30/2013	counter
08/30/2013	BC519939	collections	08/30/2013	counter
08/30/2013	BC519940	product liability	08/30/2013	counter
08/30/2013	BC519941	product liability	08/30/2013	counter
08/30/2013	BC519945	personal injury	08/30/2013	counter
08/30/2013	BC519946	contract fraud	08/30/2013	counter
08/30/2013	BC519947	auto	08/30/2013	counter
08/30/2013	BC519948	employment	08/30/2013	counter
08/30/2013	BC519949	employment	08/30/2013	counter
08/30/2013	BC519950	emotional distress	08/30/2013	counter
08/30/2013	BC519951	employment	08/30/2013	counter
08/30/2013	BC519952	employment	08/30/2013	counter
08/30/2013	BC519953	employment	08/30/2013	counter
08/30/2013	BC519954	contract	08/30/2013	counter
08/30/2013	BC519955	slip and fall	08/30/2013	counter
08/30/2013	BC519956	other tort	08/30/2013	counter
08/30/2013	BC519957	contract fraud	08/30/2013	counter
08/30/2013	BC519958	contract	08/30/2013	counter
08/30/2013	BC519959	auto	08/30/2013	counter
08/30/2013	BC519960	collections	08/30/2013	counter
08/30/2013	BC519961	property rights	08/30/2013	counter
08/30/2013	BC519962	assault	08/30/2013	counter
08/30/2013	BC519963	product liability	08/30/2013	counter
08/30/2013	BC519964	personal injury	08/30/2013	counter
08/30/2013	BC519965	personal injury	08/30/2013	counter
08/30/2013	BC519966	rent/lease	08/30/2013	counter
08/30/2013	BC519967	malpractce	08/30/2013	counter
08/30/2013	BC519968	other	08/30/2013	counter
08/30/2013	BC519969	elder abuse	08/30/2013	counter
08/30/2013	BC519970	auto	08/30/2013	counter
08/30/2013	BC519971	auto	08/30/2013	counter
08/30/2013	BC519972	premises liability	08/30/2013	counter
08/30/2013	BC519973	employment	08/30/2013	counter

08/30/2013	BC519974	defamation	08/30/2013	counter
08/30/2013	BC519975	personal injury	08/30/2013	counter
08/30/2013	BC519976	contract	08/30/2013	counter
08/30/2013	BC519977	quiet title	08/30/2013	counter
08/30/2013	BC519989	tort	08/30/2013	counter
08/30/2013	BC519990	insurance	08/30/2013	counter
08/30/2013	BC519991	contract	08/30/2013	counter
08/30/2013	BC519995	auto	08/30/2013	counter
08/30/2013	BC519996	auto	08/30/2013	counter
08/30/2013	BC519997	auto	08/30/2013	counter
08/30/2013	BC519998	property rights	08/30/2013	counter
08/30/2013	BC519999	employment	08/30/2013	counter
08/30/2013	BC520078	auto	09/03/2013	counter
08/30/2013	BC516311	auto	09/03/2013	transfer/Orange Co.
08/30/2013	BC519676	auto	09/03/2013	fax
08/30/2013	BC519677	employment	09/03/2013	fax
08/30/2013	BC520022	contract	09/03/2013	drop box
08/30/2013	BC520023	slip and fall	09/03/2013	drop box
08/30/2013	BC520024	employment	09/03/2013	drop box
08/30/2013	BC520025	auto	09/03/2013	drop box
08/30/2013	BC520026	collections	09/03/2013	drop box
08/30/2013	BC520027	contract	09/03/2013	drop box
08/30/2013	BC520081	auto	09/03/2013	drop box
08/30/2013	BC520082	slip and fall	09/03/2013	drop box
08/30/2013	BC520083	slip and fall	09/03/2013	drop box
08/30/2013	BC520084	employment	09/03/2013	drop box
08/30/2013	BC520085	collections	09/03/2013	drop box
08/30/2013	BC520086	auto	09/03/2013	drop box
08/30/2013	BC520087	auto	09/03/2013	drop box
08/30/2013	BC520088	property rights	09/03/2013	drop box
08/30/2013	BC520089	product liability	09/03/2013	drop box
08/30/2013	BC520090	personal injury	09/03/2013	drop box
08/30/2013	BC520091	personal injury	09/03/2013	drop box
08/30/2013	BC520092	medical malpractice	09/03/2013	drop box
08/30/2013	BC520093	contract	09/03/2013	drop box
08/30/2013	BC520094	declaratory relief	09/03/2013	drop box
08/30/2013	BC520128	auto	09/03/2013	fax
08/30/2013	BC520129	employment	09/03/2013	fax
08/30/2013	BC520130	contract	09/03/2013	fax
08/30/2013	BC520131	employment	09/03/2013	fax
08/30/2013	BC520203	contract fraud	09/03/2013	drop box
08/30/2013	BC520204	contract	09/03/2013	drop box
08/30/2013	BC520205	product liability	09/03/2013	drop box
08/30/2013	BC520206	personal injury	09/03/2013	drop box
08/30/2013	BC520207	assault	09/03/2013	drop box
08/30/2013	BC520208	employment	09/03/2013	drop box
08/30/2013	BC520209	uninsured motorist	09/03/2013	drop box
08/30/2013	BC520210	personal injury	09/03/2013	drop box
08/30/2013	BC520211	slip and fall	09/03/2013	drop box

Note: The volume in Los Angeles Superior is so enormous that creating a track is a major undertaking. Our most recent track for Los Angeles is from one week earlier this year.

J

San Francisco State Court Access

Traditional – 88% same-day

San Francisco Superior Court Media Access
12/2/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day access	57	88% same day
Yellow = next day access	8	12% next day
Red = two days or more delay	0	0% two day delay or more

Date Filed	Case Number	Case Type (Contract, etc.)	Date Available	Details
12/2/2013	535816	Contract	12/2/2013	Counter
12/2/2013	535817	Med mal.	12/2/2013	Counter
12/2/2013	535818	Contract	12/2/2013	Counter
12/2/2013	535819	Prof. negligence	12/2/2013	Counter
12/2/2013	535822	Personal injury	12/2/2013	Counter
12/2/2013	535823	Contract	12/2/2013	Counter
12/2/2013	535824	Property	12/2/2013	Counter
12/2/2013	535825	Property	12/2/2013	Counter
12/2/2013	535831	Car collision	12/2/2013	Counter
12/2/2013	535832	Car collision	12/2/2013	Counter
12/2/2013	535833	Contract	12/2/2013	Counter
12/2/2013	535834	Contract	12/2/2013	Counter
12/2/2013	535837	Wrongful evict.	12/2/2013	Counter
12/2/2013	535839	Wrongful evict.	12/2/2013	Counter
12/2/2013	535840	Wrongful evict.	12/2/2013	Counter
12/2/2013	535843	Contract	12/3/2013	Counter
12/2/2013	535844	Car collision	12/3/2013	Counter
12/3/2013	535848	Car collision	12/3/2013	Counter
12/3/2013	535849	Car collision	12/3/2013	Counter
12/3/2013	535850	Contract	12/3/2013	Counter
12/3/2013	535852	Car collision	12/3/2013	Counter
12/3/2013	535855	Labor	12/3/2013	Counter
12/3/2013	535864	Contract	12/3/2013	Counter
12/3/2013	535870	Labor	12/3/2013	Counter
12/3/2013	535872	Contract	12/3/2013	Counter
12/3/2013	535873	Employment	12/3/2013	Counter
12/3/2013	535875	Wrongful evict.	12/3/2013	Counter
12/3/2013	535876	Tort	12/3/2013	Counter
12/3/2013	535877	Injunctive relief	12/4/2013	Counter
12/4/2013	535880	Injunctive relief	12/4/2013	Counter
12/4/2013	535881	Contract	12/5/2013	Counter
12/4/2013	535882	Personal injury	12/4/2013	Counter
12/4/2013	535883	Personal injury	12/4/2013	Counter
12/4/2013	535893	Contract	12/4/2013	Counter
12/4/2013	535894	Car collision	12/4/2013	Counter
12/4/2013	535901	Fraud	12/4/2013	Counter
12/4/2013	535902	Personal injury	12/5/2013	Counter
12/4/2013	535903	Civil rights	12/4/2013	Counter
12/4/2013	535904	Car collision	12/5/2013	Counter
12/5/2013	535905	Car collision	12/5/2013	Counter

12/5/2013	535907	Wrongful evict.	12/5/2013	Counter
12/5/2013	535915	Car collision	12/5/2013	Counter
12/5/2013	535918	Insurance	12/5/2013	Counter
12/5/2013	535920	Wrongful evict.	12/5/2013	Counter
12/5/2013	535922	Tort	12/5/2013	Counter
12/5/2013	535924	Car collision	12/5/2013	Counter
12/5/2013	535927	Wrongful evict.	12/5/2013	Counter
12/5/2013	535929	Tort	12/5/2013	Counter
12/5/2013	535935	Med mal.	12/5/2013	Counter
12/5/2013	535936	Car collision	12/5/2013	Counter
12/5/2013	535939	Employment	12/5/2013	Counter
12/5/2013	535940	Property	12/5/2013	Counter
12/5/2013	535941	Personal injury	12/5/2013	Counter
12/5/2013	535942	Personal injury	12/5/2013	Counter

12/6/2013	535947	Car collision	12/6/2013	Counter
12/6/2013	535949	Car collision	12/6/2013	Counter
12/6/2013	535953	Car collision	12/6/2013	Counter
12/6/2013	535959	Product liability	12/6/2013	Counter
12/6/2013	535960	Med mal.	12/6/2013	Counter
12/6/2013	535961	Business tort	12/6/2013	Counter
12/6/2013	535962	Employment	12/6/2013	Counter
12/6/2013	535963	Car collision	12/6/2013	Counter
12/6/2013	535964	Declaratory rel.	12/6/2013	Counter
12/6/2013	535966	Unfair business	12/9/2013	Counter
12/6/2013	535967	Class labor	12/9/2013	Counter

K

Portland State Court Access

Traditional – 98% same-day

Multnomah County Circuit Court Media Access
12/2/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day	47	98% same day
Yellow = next day	1	2% next day
Red = two day delay or more	0	0% two day delay or more

Date Filed	Case Number	Case Type (Contract, etc.)	Date Available
12/2/2013	1312-16484	Wrongful death	12/2/2013
12/2/2013	1312-16499	Product liability	12/2/2013
12/2/2013	1312-16434	Medical malpractice	12/2/2013
12/2/2013	1312-16490	Consumer fraud	12/2/2013
12/2/2013	1312-16445	Consumer fraud	12/2/2013
12/2/2013	1312-16435	Slip and fall	12/2/2013
12/2/2013	1312-16506	Contract	12/2/2013
12/2/2013	1312-16436	Civil rights	12/2/2013
12/2/2013	1312-16501	Slip and fall	12/2/2013
12/2/2013	1312-16504	Property damage	12/2/2013
12/3/2013	1312-16517	Medical malpractice	12/3/2013
12/3/2013	1312-16520	Class action wage complaint	12/3/2013
12/3/2013	1312-16543	Employment discrimination	12/3/2013
12/3/2013	1312-16544	Employment discrimination	12/3/2013
12/3/2013	1312-16545	Medical malpractice	12/3/2013
12/3/2013	1312-16546	Negligence	12/3/2013
12/3/2013	1312-16559	Indemnity	12/3/2013
12/3/2013	1312-16562	Contract	12/3/2013
12/3/2013	1312-16563	Lease	12/3/2013
12/3/2013	1312-16547	Account	12/3/2013
12/3/2013	1312-16564	Contract	12/3/2013
12/3/2013	1312-16569	Indemnity	12/4/2013
12/4/2013	1312-16594	Subpoena	12/4/2013
12/4/2013	1312-16604	Indemnity	12/4/2013
12/4/2013	1312-16603	Contract	12/4/2013
12/4/2013	1312-16586	Fiduciary duty	12/4/2013
12/5/2013	1312-16647	Environmental remediation	12/5/2013
12/5/2013	1312-16704	Medical malpractice	12/5/2013
12/5/2013	1312-16658	Negligence	12/5/2013
12/5/2013	1312-16675	Wage complaint	12/5/2013
12/5/2013	1312-16648	Indemnity	12/5/2013
12/5/2013	1312-16702	Indemnity	12/5/2013
12/5/2013	1312-16691	Car collision	12/5/2013
12/6/2013	1312-16707	Contract	12/6/2013
12/6/2013	1312-16710	Medical malpractice	12/6/2013
12/6/2013	1312-16749	Medical malpractice	12/6/2013
12/6/2013	1312-16711	Declaratory relief	12/6/2013
12/6/2013	1312-16760	Personal injury	12/6/2013
12/6/2013	1312-16769	Employment discrimination	12/6/2013

12/6/2013	1312-16774	Employment discrimination	12/6/2013
12/6/2013	1312-16770	Wage complaint	12/6/2013
12/6/2013	1312-16768	Contract	12/6/2013
12/6/2013	1312-16771	Slip and fall	12/6/2013
12/6/2013	1312-16709	Contract	12/6/2013
12/6/2013	1312-16751	Contract	12/6/2013
12/6/2013	1312-16773	Contract	12/6/2013
12/6/2013	1312-16789	Account	12/6/2013
12/6/2013	1312-16709	Car collision	12/6/2013

L

Federal Court, Orange County Div. Access

Traditional – 100% same-day

USDC Southern District California - Santa Ana Division Media Access
12/2/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day	18	100% same day
Yellow = next day	0	0% next day
Red = two day delay or more	0	0% two day delay or more

Date Filed	Case Number	Case Type	Date Available	E-file / Paper
12/2/2013	13cv1879	Fair Debt	12/6/2013	Paper
12/2/2013	13cv1876	Foreclosure	12/6/2013	Paper
12/2/2013	13cv1878	Prod. Liab	12/6/2013	Paper
12/3/2013	13cv1886	Patent	12/3/2013	Paper
12/3/2013	13cv1880	Patent	12/3/2013	Paper
12/3/2013	13cv1881	Insurance	12/3/2013	Paper
12/3/2013	13cv1885	Writ	12/3/2013	Paper
12/3/2013	13cv1887	Removal	12/3/2013	Paper
12/4/2013	13cv1890	Patent	12/4/2013	Paper
12/4/2013	13cv1889	Tradmark	12/4/2013	Paper
12/4/2013	13cv1895	Removal	12/4/2013	Paper
12/4/2013	13cv1898	Removal	12/4/2013	Paper
12/5/2013	13cv1900	Trademark	12/5/2013	Paper
12/5/2013	13cv1908	Removal	12/5/2013	Paper
12/5/2013	13cv1902	Removal	12/5/2013	Paper
12/6/2013	13cv1913	Prod. Liab	12/6/2013	Paper
12/6/2013	13cv1914	Contract	12/6/2013	Paper
12/6/2013	13cv1910	Trademark	12/6/2013	Paper

M

Orange County State Court Access

Electronic – 6% same-day

Orange County Superior Court Media Access
12/2/13 to 12/6/13

	# of Cases	Percent of Total
Green = same day	8	6% same day
Yellow = next day	53	37% next day
Red = two day delay or more	83	58% two day delay or more

Date Filed	Case Number	Case Type (Contract, etc.)	Date Available	
12/2/2013	690128	Unlaw Det	12/3/2013	*
12/2/2013	690301	Wong Term	12/3/2013	
12/2/2013	690323	Property	12/3/2013	
12/2/2013	690386	Injury	12/3/2013	
12/2/2013	690392	Property	12/3/2013	
12/2/2013	690397	Injury	12/3/2013	
12/2/2013	690402	Injury	12/3/2013	
12/2/2013	690413	Injury	12/3/2013	
12/2/2013	690483	Civil Rights	12/3/2013	
12/2/2013	690487	Employment	12/3/2013	
12/2/2013	690502	Tort - other	12/3/2013	
12/2/2013	690505	Contract	12/3/2013	
12/2/2013	690515	Contract	12/3/2013	
12/2/2013	690527	Contract	12/3/2013	
12/2/2013	690534	Contract	12/3/2013	
12/2/2013	690535	Buss Tort	12/3/2013	
12/2/2013	690560	Contract	12/3/2013	
12/2/2013	690596	Property	12/4/2013	
12/2/2013	690600	Property	12/4/2013	
12/2/2013	690607	Med Mal	12/4/2013	
12/3/2013	690576	Buss Tort	12/4/2013	
12/3/2013	690610	Contract	12/4/2013	
12/3/2013	690831	Collection	12/4/2013	
12/3/2013	690841	Contract	12/5/2013	
12/3/2013	690900	Contract	12/5/2013	
12/3/2013	690901	Contract	12/5/2013	
12/3/2013	690936	Employment	12/5/2013	
12/3/2013	690942	Injury	12/5/2013	
12/3/2013	690954	Contract	12/5/2013	
12/3/2013	690966	Contract	12/5/2013	
12/3/2013	690973	Enforcement	12/5/2013	
12/3/2013	691007	Employment	12/5/2013	
12/3/2013	691012	Property	12/5/2013	
12/3/2013	691054	Injury	12/3/2013	
12/3/2013	691074	Enforcement	12/5/2013	
12/3/2013	691094	Contract	12/5/2013	
12/3/2013	691104	Contract	12/5/2013	
12/3/2013	691105	Contract	12/5/2013	
12/3/2013	691108	Civil Rights	12/5/2013	
12/3/2013	691109	Property	12/5/2013	
12/3/2013	691118	Contract	12/5/2013	

12/3/2013	691149	Civil Rights	12/5/2013	
12/3/2013	691210	Contract	12/5/2013	
12/3/2013	691787	Med Mal	12/6/2013	
12/4/2013	690941	Property	12/5/2013	
12/4/2013	690962	Contract	12/5/2013	
12/4/2013	690997	Unlaw Det	12/5/2013	
12/4/2013	690010	Petition	12/5/2013	
12/4/2013	691123	Contract	12/5/2013	
12/4/2013	691128	Property	12/5/2013	
12/4/2013	691130	Collections	12/5/2013	
12/4/2013	691135	Property	12/5/2013	
12/4/2013	691137	Contract	12/5/2013	
12/4/2013	691138	Contract	12/5/2013	
12/4/2013	691139	Tort - other	12/5/2013	
12/4/2013	691285	Injury	12/6/2013	
12/4/2013	691291	Injury	12/6/2013	
12/4/2013	691297	Employment	12/6/2013	
12/4/2013	691300	Prof Neg	12/6/2013	
12/4/2013	691306	Contract	12/6/2013	
12/4/2013	691314	Contract	12/6/2013	
12/4/2013	691320	Employment	12/6/2013	
12/4/2013	691341	Tort - other	12/6/2013	
12/4/2013	691348	Contract	12/6/2013	
12/4/2013	691351	Employment	12/6/2013	
12/4/2013	691352	Property	12/6/2013	
12/4/2013	691356	Contract	12/6/2013	
12/4/2013	691358	Injury	12/6/2013	
12/4/2013	691364	Contract	12/6/2013	
12/4/2013	691367	Contract	12/6/2013	
12/4/2013	691638	Property	12/9/2013	
12/5/2013	691040	Property	12/5/2013	
12/5/2013	691093	Employment	12/5/2013	
12/5/2013	691098	Med Mal	12/5/2013	
12/5/2013	691141	Employment	12/6/2013	
12/5/2013	691315	Employment	12/6/2013	
12/5/2013	691325	Const Def	12/6/2013	
12/5/2013	691371	Property	12/6/2013	
12/5/2013	691378	Buss Tort	12/6/2013	
12/5/2013	691384	Misc	12/7/2013	* *
12/5/2013	691403	Employment	12/7/2013	
12/5/2013	691406	Injury	12/7/2013	
12/5/2013	691409	Collections	12/7/2013	
12/5/2013	691420	Med Mal	12/7/2013	
12/5/2013	691421	Injury	12/7/2013	
12/5/2013	691427	Employment	12/7/2013	
12/5/2013	691434	Employment	12/7/2013	
12/5/2013	691436	Employment	12/7/2013	
12/5/2013	691438	Misc	12/7/2013	
12/5/2013	691441	Contract	12/7/2013	
12/5/2013	691443	Employment	12/7/2013	

12/5/2013	691446	Employment	12/7/2013
12/5/2013	691449	Contract	12/7/2013
12/5/2013	691452	Contract	12/7/2013
12/5/2013	691454	Property	12/7/2013
12/5/2013	691470	Employment	12/7/2013
12/5/2013	691474	Prod Liab	12/7/2013
12/5/2013	691477	Employment	12/7/2013
12/5/2013	691507	Contract	12/7/2013
12/5/2013	691511	Injury	12/7/2013
12/5/2013	691514	Contract	12/7/2013
12/5/2013	691646	Injury	12/9/2013
12/5/2013	691664	Property	12/9/2013
12/5/2013	691701	Med Mal	12/9/2013
12/5/2013	691767	Injury	12/10/2013

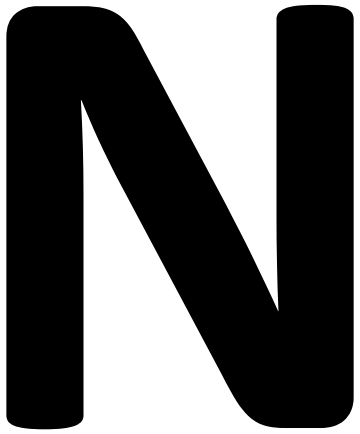
12/6/2013	691240	Petition	12/6/2013
12/6/2013	691265	Contract	12/6/2013
12/6/2013	691304	Contract	12/6/2013
12/6/2013	691347	Injury	12/6/2013
12/6/2013	691350	Faud	12/6/2013
12/6/2013	691444	Prod Liab	12/7/2013
12/6/2013	691450	Prod Liab	12/7/2013
12/6/2013	691508	Injury	12/7/2013
12/6/2013	691510	Injury	12/7/2013
12/6/2013	691513	Injury	12/7/2013
12/6/2013	691523	Injury	12/7/2013
12/6/2013	691528	Injury	12/7/2013
12/6/2013	691532	Injury	12/7/2013
12/6/2013	691543	Property	12/7/2013
12/6/2013	691547	Property	12/7/2013
12/6/2013	691551	Property	12/7/2013
12/6/2013	691552	Employment	12/7/2013
12/6/2013	691554	Contract	12/7/2013
12/6/2013	691556	Property	12/7/2013
12/6/2013	691565	Contract	12/7/2013
12/6/2013	691573	Contract	12/7/2013
12/6/2013	691575	Contract	12/7/2013
12/6/2013	691616	Employment	12/9/2013
12/6/2013	691623	Med Mal	12/9/2013
12/6/2013	691660	Unlaw Det	12/9/2013
12/6/2013	691661	Misc	12/9/2013
12/6/2013	691667	Buss Tort	12/9/2013
12/6/2013	691690	Insurance	12/9/2013
12/6/2013	691707	Contract	12/9/2013
12/6/2013	691718	Contract	12/9/2013
12/6/2013	691722	Fraud	12/9/2013
12/6/2013	691723	Contract	12/9/2013
12/6/2013	691750	Fraud	12/10/2013
12/6/2013	691761	Buss Tort	12/10/2013
12/6/2013	691763	Employment	12/10/2013
12/6/2013	691786	Contract	12/10/2013
12/6/2013	691797	Employment	12/10/2013

12/6/2013	691801	Buss Tort	12/10/2013
12/6/2013	691830	Employment	12/10/2013

* The large majority of cases filed on this day were not available for review on public computer terminals. However, the staff was willing to print them out at $0.50 a page. As a result, we have marked them as accessible on the day the staff printed them out.

** These cases were processed on Saturday and were made publically available at $0.50 a page online on Saturday, two days after the date of electronic filing.

The tracking sheet excludes limited jurisdiction cases, name change petitions, harassment petitions and collection and collision cases against individuals only, cases that do not generate news.



Press Objections to California

E-Filing Rules

BRYAN CAVE

Rachel Matteo-Boehm
Direct: 415-268-1996
Fax: 415-430-4396
rachel.matteo-boehm@bryancave.com

January 25, 2013

VIA HAND DELIVERY AND E-MAIL

Camilla Kieliger
Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Ave
San Francisco, CA 94102

Re: Press Groups Comments on Mandatory E-Filing:
Uniform Rules To Implement Assembly Bill 2073 (Item W13-05)

Dear Ms. Kieliger:

On behalf of the California Newspaper Publishers Association, the First Amendment Coalition, Californians Aware, and Courthouse News Service (the "Press Groups"), we make this submission in response to the invitation for comments on "Mandatory E-Filing: Uniform Rules To Implement Assembly Bill 2073."

The proposed rule changes include an ostensibly minor revision that could be used to work a fundamental change in access to court records – a change not contemplated or authorized by Assembly Bill 2073. Namely, the proposed rules would create a new category of court records: those that have been "officially filed," as opposed to "filed" for all other purposes.

At best, the proposed changes are confusing without serving any meaningful function. However, based on past statements by court administrators, it appears the true purpose of introducing the concept of an "officially filed" document into the Rules of Court is to provide administrators with justification for denying public access to records that have been "filed," under the long-understood meaning of that term, until ***after*** they have been "***officially*** filed," an event that, under the proposed rules, would not occur until after "the processing and review of the document" by court staff, whenever that might be. Proposed Rule 2.250(b)(7) (emph. added).[1]

The proposed rule changes would thus give court administrators unbridled discretion to delay press and public access to fundamentally public records until administrators decide such access is appropriate – even if it is days or weeks after the "filed" date.

[1] Also at issue are proposed changes to Rule of Court 2.259(c) and proposed new Rule 2.253(b)(7).

Bryan Cave LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Tel (415) 268-2000
Fax (415) 268-1999
www.bryancave.com

As detailed in part II of these comments, changing the technical definition of "filing" cannot alter the fundamental federal constitutional requirement of timely public access to records submitted to the court. Adopting the proposed changes, if used to justify access delays, would put the Rules of Court in violation of this federal constitutional mandate.

And as explained in part III, the adoption of these proposed changes would put the revised rules in conflict with the legislative treatment of court records in this state, which comports with the federal constitutional standard. The proposed rules, if adopted, would thus also violate Article VI, § 6(d) of the California Constitution, which provides that while the Judicial Council may "adopt rules for court administration, practice and procedure," those rules "shall not be inconsistent with statute." To avoid these federal and state constitutional concerns, the proposed rule changes that would divide e-filed documents into "filed" and "officially filed" records should be removed or revised along the lines suggested in part IV to make clear that they may not be used to delay access to court records.

Finally, as discussed in part V, rushing to adopt statewide mandatory e-filing rules to be effective in July 2013 completely undermines the rationale for operating a mandatory e-filing pilot program in the first place. Assembly Bill 2073 explicitly requires the Judicial Council to adopt mandatory e-filing rules that are "informed" by a study of a pilot program at the Orange County Superior Court. Code of Civ. Proc. § 1010.6(d)(2) & (f). But instead of following this mandate, the proposed rules were drafted and circulated before the Orange County pilot program even ***began***. Both as a matter of prudent policymaking and under the express terms of § 1010.6, the proposed rules are premature, especially considering the serious federal and state constitutional concerns that adoption of the proposed rules would create.

The prospect of precipitously adopting mandatory e-filing rules without first going through a pilot program is especially troubling in light of the recent debacle over the California Case Management System ("CCMS"). Although CCMS was adopted in only a few courts, Orange County – the site of the pilot program envisioned by AB 2073 – was one of them. Given the enormous amount of public funds spent on that failed project, caution is essential to ensure that the past mistakes associated with CCMS are not repeated and that the delays and inconsistencies in public access associated with CCMS in Orange County – as well as in the handful of other courts that were early adopters of CCMS – do not carry over into the expansion of e-filing authorized by AB 2073.

I. About The Press Groups Submitting These Comments

The California Newspaper Publishers Association ("CNPA") is a nonprofit trade association that represents the mutual interests of the state's newspapers, from the smallest weekly to the largest metropolitan daily. Its 850 daily, weekly, and student newspaper members depend on quick and complete access to court records to inform the public about criminal and civil cases and the judicial system.

The First Amendment Coalition ("FAC") is an award-winning, nonprofit public interest organization dedicated to advancing free speech, more open and accountable government, and public participation in civic affairs. It serves the public, public servants, and the media in all its forms. It is committed to the principle that government is accountable to the people, and strives through education, public advocacy, litigation, and other efforts to prevent unnecessary government secrecy and to resist censorship of all kinds.

Californians Aware is a nonprofit organization established to help journalists and others keep Californians aware of what they need to know to hold government and other powerful institutions accountable for their actions. Its mission is to support and defend open government, an enquiring press, and a citizenry free to exchange facts and opinions on public issues.

Courthouse News Service ("Courthouse News") is a legal news service for lawyers and the news media that focuses on civil lawsuits, from the initial filing on through to appellate rulings. It covers every major civil courthouse in every county in California on a regular basis, as well as in major cities across the nation. Other news outlets increasingly look to Courthouse News to provide them with information about newsworthy civil filings, which puts Courthouse News in a position similar to that of a pool reporter. Courthouse News' media subscribers include such California entities as the Los Angeles Times, the San Jose Mercury News, and the Los Angeles Business Journal. Several academic institutions, including UCLA, also subscribe to Courthouse News' reports.

II. Defining "Filed" To Mean Something Other Than What "Filed" Has Traditionally Meant Would Not Solve Any Existing Problem But Would Create Serious New Ones

The Rules of Court currently define "electronic filing" as "the electronic transmission to a court of a document in electronic form." Rule 2.250(b)(7). This definition is consistent with existing rules and law governing paper records, as well as traditional understandings of what it means to file a document with a court.

The proposed changes would add the following sentence to the current definition: "For the purposes of this chapter, this definition concerns the activity of filing and does not include the processing and review of the document, and its entry into the court records, which are necessary for a document to be officially filed."

This proposed language, perhaps innocuous at first glance, is potentially profound in significance. The concept of an "officially filed" document – and the notion that such status is dependent on the completion of unspecified tasks associated with "processing and review" – is foreign to California law. It appears the primary – and perhaps sole – purpose of the "officially filed" concept is to justify arguments by court administrators that the public has no right to access a court record until court staff deem it fit for public viewing. The access delays that would inevitably result would violate the federal constitutional right of timely access to court records and be contrary to the practices of state and federal courts around the nation.

The "officially filed" concept is echoed in the three variations of proposed Rule 2.253(b)(7) concerning the time by which a document must be filed to satisfy deadlines: "Any document that is electronically filed with the court after the close of business on any day is deemed to have been filed on the next court day. This provision concerns only the effective date of filing; any document that is electronically filed must be processed and satisfy all other legal filing requirements to be filed as an official court record." This second sentence – which appears in all three variations of proposed Rule 2.253(b)(7) – also appears in the proposed changes to Rule 2.259(c).

A. Recent History Suggests The Proposed Change In What It Means To "File" A Record Electronically Is Meant To Allow Court Administrators To Delay Public Access To Court Records Until After "Processing And Review"

As far as the Press Groups can determine, the first public attempt by court administrators to suggest "filed" means something other than what the bar and the public have always understood it to mean occurred in 2010, in connection with public comments relating to a draft document prepared by the Administrative Office of the Courts entitled "Trial Court Records Manual" ("TCRM").

In September 2010, the same coalition of press groups submitting these comments responded to an invitation for comment on the TCRM. The Press Groups noted that the TCRM laudably recognized that "providing a 'complete, accurate, and accessible court record, created and available in a timely manner,' is a 'basic role[] of the judiciary,'" but that it provided no specific guidance or requirements to counteract the increasing degree to which trial courts in California were failing to fulfill this basic role. Press Groups' Comments on TCRM at 2 (quoting TCRM at 3)) (attached as **Exhibit A**).

As the Press Groups noted, delays in public and press access to newly filed court documents are almost always caused by internal procedures in the clerk's office that require the completion of administrative "review" and/or "processing" (amorphous terms that can include any number of administrative tasks and can take days or even weeks) ***before*** the press or public is allowed to view documents filed with the court. *Id.* at 4-5. But as reflected in the survey of other state and federal courts' access procedures attached as **Exhibit B**, courts around the country provide access to newly filed documents prior to review or processing.

Putting review and processing – whatever that may mean and however long it takes – before access makes the speed of access wholly dependent on court staffing and other administrative resources, commodities in short supply in California's courts. Though speedier access is a virtue espoused by proponents of Assembly Bill 2073,[2] the Press Groups observed that e-filing has not always provided

[2] *See, e.g.*, Assem. Comm. on Judiciary, Analysis of Assem. Bill 2073, 2011-2012 Reg. Sess., at 6 (April 23, 2012) (noting Orange County Superior Court's representation that "[e]-filing makes the court records available faster and sooner to everyone, including the public"); Sen. Judiciary Comm., Analysis of Assem. Bill 2073, 2011-2012 Reg. Sess., at 9 (June 18, 2012) (noting bill author's identification of "easier and timelier access to records and documents by the courts and the public" as an advantage of e-filing).

that result because e-filing systems are just as susceptible to processing delays as paper-based courts (and perhaps more so, depending on how the system is operated). *Id.* at 9-10. The Press Groups' comments therefore recommended that whatever intake procedures were adopted should ensure there is some means for timely, traditional same-day access to newly filed court records. *Id.* at 5-7.

The official response to the Press Groups' comments – included in a report by William Vickery, then-Administrative Director of the Courts, to the Judicial Council – was surprising. Rather than address the delays in access created by making administrative procedures a precondition to access, the response effectively denied their existence. Agreeing that the public has a right to access "documents that have been ***filed*** with the court," the response suggested that filing did not mean what the press and public – and the bar and other members of the judicial community – had long thought it did. December 14, 2010 Report from William Vickery to Judicial Council ("Report"), at 6-10.[3] "[D]ocuments that have been received [by the court], but not yet processed for filing," the Report opined, were "pre-filed documents" that the public had no right to see. *Id.* at 7-9.

As far as we are aware, the notion of a "pre-filed document" did not appear again in official discourse after the Report, perhaps because the notion of a "pre-filed document" is so clearly at odds with traditional conceptions of what it means to "file" a document with a court. But the impulse to put administrative procedures ahead of public access remains, and the proposed rules appear to be an attempt to play a similar semantic game with respect to the public's right of access to court records.[4]

In the proposed rules, the dubious notion of a "pre-filed" document has been replaced with the equally dubious notion of an "officially filed" document. The proposed rules would retain the traditional understanding of "filing" as a document crossing the threshold of the clerk's window, passing from the possession of the litigant to the possession of the court for its consideration and action. But, as in the "pre-filed" conception, the proposed changes would create a second threshold for the document to cross – one that separates "filed" from "officially filed" documents.

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[3] The Report is attached as **Exhibit C**. According to the Report, the TCRM was prepared by the Court Executives Advisory Committee's Working Group on Records Management, comprised of court executive and technology officers from various counties, including Orange County, and the responses to the Press Groups' comments were recommended by the Committee. Report, at 3 & nn.5, 7.

[4] Alan Carlson, the CEO of the Orange County Superior Court – the site of the e-filing pilot program envisioned by AB 2073 – has previously asserted that a court record is not a public record until after a certain amount of processing has been completed. Similarly, the CEO of the Ventura County Superior Court, which has not adopted e-filing, has taken the position that he will not provide press or public access to newly filed civil complaints until after the "requisite processing" has been completed and the complaints are "approved for public viewing." The delays in access flowing from that position – more than 75% of complaints delayed by two or more court days, with actual delays stretching up to 34 calendar days – are the subject of litigation filed by Courthouse News against the Ventura County CEO, currently pending before the Ninth Circuit. *See Courthouse News Service v. Planet*, U.S. Court of Appeals Docket No. 11-57187.

If this new category is intended to give court staff authority to decline requests to access newly filed documents for some undetermined amount of time, until after a document has been deemed "officially filed," the result would be repeated violations of the federal constitutional right of access, as explained further below.

It would also mark a dramatic departure from the many other courts, both state and federal, that provide access to court records upon receipt, before review or processing by court staff. As reflected in the nationwide survey of court access procedures attached as **Exhibit B**, this access was traditionally provided in the paper-based world and continues with e-filing.

For example, in many federal courts, newly e-filed documents flow instantly onto PACER for online paid viewing – and at public access terminals at the courthouse where the same documents can be viewed free of charge – without any human intervention prior to public access. In other federal courts where newly filed documents do not flow automatically onto PACER, alternative provisions are made so that interested persons can nevertheless access the new filings as they are received by the court, such as setting up a separate electronic queue where new documents can be accessed before they have been reviewed or processed by court staff, in some instances even before a case number has been assigned. Similar procedures for access prior to review or processing by court staff have been are in use by state courts, including those that have transitioned to e-filing, as is also reflected in **Exhibit B**.[5]

Indeed, there is nothing inherently different about e-filing versus paper filing that would justify delaying public and press access to newly filed court records until after processing and review. As demonstrated by the courts that already do it, there is no technological barrier to providing electronic access – either at the courthouse itself through public access terminals, or online over the Internet, or both – as soon as a document is received by the court. And unlike in the paper world, where access is usually provided to the original paper document, e-filing means a court can provide an electronic ***copy*** for viewing by interested persons while retaining, at all times, physical possession of the document itself.

B. Adopting A New Definition of "Filed," In An Attempt To Justify Delays In Access During "Processing," Would Violate The Federal Constitutional Right Of Access

The Judicial Council should not countenance the definitional sleight of hand reflected in the proposed rule changes when the public's access to court records – a right that is fundamental to the transparency of the judicial branch of our government – is at issue. Just as a court may not "carve[] out an[] exception" to the right of access "by determining that if a document is lodged, rather than

[5] In contrast, and despite the Legislature's express intent that AB 2073 speed public access, Orange County Superior has refused requests to make newly filed documents available for review upon their receipt by the court through an electronic queue similar to that adopted by other courts. Instead, newly e-filed documents are made available for review through the court's web site, and only after they have been processed, the result of which has been persistent delays in access.

filed, with the court, it is not a judicial record," *Rocky Mt. Bank v. Google, Inc.*, 428 Fed. Appx. 690, 692 (9th Cir. 2011), neither may the Judicial Council sanction an attempt to circumvent the right of access to documents "[o]nce ... filed with the court." *In re Marriage of Johnson*, 598 N.E.2d 406, 410 (Ill. App. 1992). The proposed changes would put the Rules of Court in conflict with the First Amendment only a dozen years after the Judicial Council revised the Rules to bring them into compliance with the First Amendment in light of *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178 (1999).

1. The Federal Constitutional Right Of Access Applies To Substantive Records As Soon As They Are Received By The Court, Whether "Filed," "Lodged" Or "Submitted"

The press and public have a federal right of access under the First Amendment and the common law to civil court cases, including court records. *See, e.g., Rushford v. New Yorker Magazine, Inc.*, 846 F.2d 249, 253 (4th Cir. 1988); *In re Continental Ill. Secur. Litig.*, 732 F.2d 1302, 1308-09 (7th Cir. 1984).

The federal right of access attaches to "judicial records," which includes all substantive "'written documents submitted in connection with judicial proceedings.'" *Vasquez v. City of New York*, 2012 U.S. Dist. LEXIS 138444, *8 (S.D.N.Y. 2012) (quoting *Lugosch v. Pyramid Co.*, 435 F.3d 110, 124 (2d Cir. 2006)); *accord, e.g., Leucadia, Inc. v. Applied Extrusion Techs., Inc.*, 998 F.2d 157, 164 (3d Cir. 1993) ("[b]y submitting pleadings and motions to the court for decision, one ... exposes oneself [to] public scrutiny") (quoting *Mokhiber v. Davis*, 537 A.2d 1100, 1111 (D.C. App. 1988)); *United States v. Corbitt*, 879 F.2d 224, 228 (7th Cir. 1989) (access attaches to "documents submitted in connection with a judicial proceeding"); *F.T.C. v. Standard Financial Mgmt. Corp.*, 830 F.2d 404, 409 (1st Cir. 1987).

Thus, while the cases applying the federal constitutional and/or common law right of access often speak of the right attaching "at the time documents are filed with the court," *Mokhiber*, 537 A.2d at 1112; *accord, e.g., Leucadia*, 998 F.2d at 161-62, that is judicial shorthand for the document leaving the possession of a private party and coming into the possession of a branch of government, at which point they become public records because "the public at large pays for the courts and therefore has an interest in what goes on at all stages." *Citizens First Nat'l Bank v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999) (per Posner, C.J.); *Union Oil Co. v. Leavell*, 220 F.3d 562, 568 (7th Cir. 2000) ("What happens in the halls of government is presumptively public business.").

Consequently, the federal constitutional and common law rights of access attach to substantive documents once received by court staff – *i.e.*, "lodged with the court," *Mokhiber*, 537 A.2d at 1111; *accord, e.g., Rocky Mt. Bank*, 428 Fed. Appx. at 692 – even if they are never formally filed or are subsequently withdrawn. *In re Continental Ill. Secur. Litig.*, 732 F.2d at 1310-11 ("immaterial" that party withdrew substantive motion in support of which document at issue had been submitted to the court); *In re Peregrine Sys.*, 311 B.R. 679, 688 (D. Del. 2004) (recognizing that the First Circuit has held "that documents not even part of the court file were accessible under the right of access doctrine because 'they were duly submitted to the court' and were 'relevant and material to the matters sub judice'") (quoting *FTC*, 830 F.2d at 410).

That the "federal and the state Constitutions provide broad access rights to judicial hearings and records" has been equally recognized by courts in this state. *Copley Press, Inc. v. Superior Court*, 6 Cal. App. 4th 106, 111 (1992) (quoted with approval on this point in *NBC Subsidiary*, 20 Cal. 4th at 1208 n.25) (citations to the First Amendment and Article I, § 2(a) of the California Constitution omitted).

In *NBC Subsidiary*, the California Supreme Court explicitly held that California law governing access to civil court proceedings and substantive records must comply with First Amendment requirements. 20 Cal. 4th at 1216-17, 1208 n.25; *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); *see also* Rule of Court 2.550(c) ("Unless confidentiality is required by law, court records are presumed to be open.").

This "broad" federal constitutional right of access "encompasses a great volume and diversity of materials, including most of the contents of files in the courthouse," *Copley Press*, 6 Cal. App. 4th at 114, such as "the various documents ***filed in or received by the court***." *Id.* at 113 (emphasis added).

2. As Recognized By The California Supreme Court, The Federal Constitutional Right Requires That Access To Court Records Be "Immediate" And "Contemporaneous"

A critical component of the federal constitutional right of access is that, "[i]n light of the values which the presumption of access endeavors to promote, a necessary corollary ... is that once found to be appropriate, access should be immediate and contemporaneous." *Grove Fresh Distribs., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 897 (7th Cir. 1994); *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"); *Associated Press v. U.S. District Court*, 705 F.2d 1143, 1147 (9th Cir. 1983) ("It is irrelevant that some of these pretrial documents might only be under seal for ... 48 hours .... The effect of the order is a total restraint on the public's first amendment right of access even though the restraint is limited in time."); *Vasquez*, 2012 U.S. Dist. LEXIS 138444, *10 ("The First Amendment and common-law create a 'presumption of ***immediate*** public access.'") (quoting *Lugosch*, 435 F.3d at 126) (emphasis in original).

It necessarily follows, as the California Supreme Court has held, that delays in access are the functional equivalent of access denials and are thus unconstitutional unless the procedural and substantive requirements for sealing records have been satisfied. *NBC Subsidiary*, 20 Cal. 4th at 1219 n.42 (rejecting argument that "'[d]elaying media access ... is not a prior restraint warranting exacting First Amendment scrutiny'" because "temporarily seal[ing] the hearing transcripts ... preclud[es] access to information in the first instance" and thus is "subject to 'exacting First Amendment scrutiny'"); *id.* at 1220 n.43 (refusing to follow authority asserting that "'[c]ontemporaneity of access to written material does not significantly enhance' the public's ability to ensure proper functioning of the courts").

In sum, "the public's long-standing right [of access] cannot be absterged by the simple expedient of [treating] documents [as] lodged," rather than "filed," until staff determines they should be officially filed. *Rocky Mt. Bank*, 428 Fed. Appx. at 692. Court administrators have "not point[ed] to any authority for the proposition that lodging alone," or treating documents as lodged but not yet officially

filed, "is sufficient to overcome the public's right of access," *id.*, even for a relatively brief period of time. *Courthouse News Service v. Jackson*, 2009 U.S. Dist. LEXIS 62300, *4-5, 10-11 (S.D. Tex. 2009) ("the 24 to 72 hour delay in access [to newly filed complaints]" – created by state court's clerk position that documents must be "verified for correct cause number, proper court, accurate title of document and proper category before they are made available to the public," as well as scanned and posted online – "is effectively an access denial and is, therefore unconstitutional").

Accordingly, redefining "filed" to allow staff to deny public and press access to documents received by the court until staff deem them ready to be "officially filed" would violate the federal constitutional right of access because administrators' denial of access during that period cannot satisfy the procedural and substantial standards for sealing (even temporarily) of court records set out in *NBC Subsidiary*, 20 Cal. 4th at 1216-18 and Rules of Court 2.550 and 2.551.

III. Treating "Filed" Electronic Court Records As Something Other Than Public Records Is Contrary To State Law Incorporating The Federal Constitutional Standard, And Would Be Unconstitutional For This Additional Reason

The First Amendment's mandate that a public right of access attaches to substantive records received by the court has been codified in California court rules and statutes. And although the statute that the proposed rule changes purport to implement does not speak directly to this issue, it evinces a clear legislative intent to treat electronically filed documents the same way by requiring that e-filed documents have the same legal status as paper records. Code of Civ. Proc. § 1010.6(b)(1).

Because the proposed rule changes conflict with "the Legislature's intent behind the statutory scheme that the rule was intended to implement," adopting the proposed rule changes would not only put the Rules of Court in conflict with federal constitutional requirements but also with the California Constitution, which only allows the Judicial Council to "'adopt rules for court administration, practice and procedure ... [that are] not inconsistent with statute.'" *California Court Reporters Ass'n v. Judicial Council*, 39 Cal. App. 4th 15, 21-22, 25-26 (1995) (quoting Cal. Const., Art. VI, § 6(d)).

A. California Law On Court Records Follows The Federal Constitutional Standard

California statutory law defines a "[c]ourt record" to include "[a]ll filed papers and documents in the case folder" and "all filed papers and documents that would have been in the case folder if one had been created." Gov't Code § 68151(a)(1). This definition was enacted in 1994, two years after the Court of Appeal's decision in *Copley Press* and is consistent with the "broad" definition of "[c]ourt records" in that decision, which held that "most of the contents of files in the courthouse" – such as "the various documents filed in or received by the court" – are "public records available to the public in general including news reporters." 6 Cal. App. 4th at 111, 113-14 (internal quotation omitted).

Any doubt that the statutory definition of a "court record," to which the right of access attaches, was intended to apply to pleadings received by the court was dispelled in 2001. After *NBC Subsidiary* held

that state laws concerning access to civil court proceedings and records must meet federal constitutional standards, 20 Cal. 4th at 1197, 1216, the Judicial Council amended the Rules of Court to bring them into compliance with "the First Amendment right of access." Cal. R. Ct 2.550, Advisory Comm. Comment. These rules provide that "court records are presumed to be open," Cal. R. Ct. 2.550(c), and define a court "'record' [to] means all or a portion of any document, paper, exhibit, transcript, or other thing ***filed or lodged*** with the court." Cal. R. Ct 2.550(b)(1) (emph. added).[6]

Even before the most recent amendments to Code of Civil Procedure § 1010.6 brought about by AB 2073, that section incorporated these requirements by specifying, *inter alia*, that "[a] document that is filed electronically shall have the same legal effect as an original paper document." Code of Civ. Proc. § 1010.6(b)(1). That provision remains unaffected by the current amendments.

B. The Proposed Changes Are Inconsistent With Legislative Treatment Of Court Records

The proposed changes to Rules 2.250(b)(7) and 2.259(c) and proposed new Rule 2.253(b)(7), to the extent they are used to justify delaying access after a court record becomes "officially filed," would be "'inconsistent with statute'" – and thus would violate Article VI, § 6(d) of the California Constitution as well as the First Amendment – "because they cannot be squared with the existing legislative scheme requiring" that, with certain exceptions not applicable here, the public and press have a right of access to court records, in paper or electronic form, once filed or received by the court. *California Court Reporters Ass'n*, 39 Cal. App. 4th at 33 (following, *e.g.*, *People v. Hall*, 8 Cal. 4th 950, 953 (1994)).

The division of electronic records into those that have been "filed" and those that have been "officially filed," if used to delay access until after a document is "officially filed," is inconsistent with Government Code § 68151(a) because it, in essence, takes an "unduly restrictive" view of what constitutes a court record. *People v. Dubon*, 90 Cal. App. 4th 944, 954 (2001) (rejecting interpretation of "record" in Penal Code § 1016.5 inconsistent with definition of "court record" in § 68151(a) and *Copley Press*, 6 Cal. App. 4th at 113). Indeed, if Rules 2.550(b) & (c) are consistent with the definition of "court record" in § 68151(a), and clearly they are, the proposed rule changes necessarily are not.

Combined, Government Code § 68151(a) and Rules 2.550(b)-(c) – and the decisions in *NBC Subsidiary* and *Copley Press* they incorporate – leave no doubt that a substantive document received by a court from a party in a case becomes a "court record" to which the press and public have a right of access. There is also no doubt the proposed rule changes would give documents filed electronically a different legal effect until they cross an ill-defined administrative threshold and become "officially filed" documents. This squarely conflicts with the legislative mandate that electronically filed documents "shall have the same legal effect as an original paper document," Code of Civ. Proc. § 1010.6(b)(1),

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[6] Although a conflict between existing and new Rules of Court may not violate Article VI, § 6(d) of the California Constitution, the "Judicial Council's own" actions can help "support" a court's determination of the legislative intent underlying the statutory scheme to which the proposed rule changes must be compared to determine if they pass constitutional muster. *California Court Reporters Ass'n*, 39 Cal. App. 4th at 30.

and thus would fail to pass constitutional muster. *California Court Reporters Ass'n*, 39 Cal. App. 4th at 22 ("the Judicial Council may not adopt rules that are inconsistent with governing statutes").

The proposed changes also far exceed the scope of the Legislative mandate to the Judicial Council to adopt "uniform rules to permit the mandatory electronic filing and service of documents for specified civil actions in the trial courts of the state." *Id.*, § 1010.6(f). Nothing in AB 2073 directs the Judicial Council to create a new category of documents that are "officially filed," nor does it suggest that the Legislature intended the Judicial Council to adopt rules to allow administrators to decline requests by the public or press to see newly filed documents until after administrative tasks associated with newly filed documents have been completed.

Since the legislative history shows the Legislature enacted AB 2073 with the intent of ***facilitating*** public access to newly filed court records, to instead use that legislation as a hook to ***undermine*** the public's right to access court records by providing a justification for court administrators to delay public access to e-filed records until some unspecified time after "processing and review" is "inconsistent with the statute" because "'its effect would have violated the legislative intent behind,'" and directly contravene an important purpose of, the amendments to "'the statute.'" *California Court Reporters Ass'n*, 39 Cal. App. 4th at 24 (quoting *In re Robin M.*, 21 Cal. 3d 337, 346 (1978)).

IV. The Proposed "Officially Filed" Rules Provisions Should Either Be Removed Or Revised To Make Clear That They May Not Be Used To Delay Access

Other than as an administrative device to delay public access to court records, the concept of an "officially filed" document appears meaningless. A document need not be "officially filed" in order to satisfy statutory or court-imposed deadlines and need not be "officially filed" to have the "same legal effect as a document in paper form." *See* Code of Civ. Proc. § 1010.6(b)(1); Rule 2.252(f)(1) & (2) (proposed to be renumbered as Rule 2.252(c)(1) & (2)).

The Invitation to Comment states that the proposed changes to the definition of "electronic filing" are meant "[t]o distinguish this definition from other meanings of 'filing,'" but it does not say what those "other meanings of 'filing'" might be. Invitation to Comment, No. W13-05 at 16. It also provides as an example that "when it is used to specify the effective date of a filing, it is the time of transmission, not of processing or the completion of processing, that is determinative," but it does not explain what the time of "the completion of processing" determines. *Id.* at 17. Cryptically, the Invitation notes that the proposed language "is also useful in distinguishing the act of filing from the process required in order for a document to become an official record, which is significant for other purposes," but it does not say what those "other purposes" are. *Id.*

If the proposed change to the definition of "electronic filing" is, in fact, intended to serve a legitimate purpose and not intended to impact public access to court records, then that purpose should be clearly identified in the proposed rules, and the rules should make clear that "officially filed" status is not intended to be a precursor to access. Among other things, there should be express language stating

that any changes to the rules do not affect Rule 2.254(c), which states that "[e]xcept as provided in rules 2.250-2.259 and 2.500-2.506, an electronically filed document is a public document at the time it is filed unless it is sealed under rule 2.551(b) or made confidential by law."

If however, the intent of the proposed rule changes is to allow court administrators to delay access until after "processing and review," such a position should be taken in a manner that is open and obvious rather than through a semantic sleight of hand in e-filing rules.

V. Rushing To Adopt Uniform E-Filing Rules Undermines The Legislative Intent To Start With A Pilot Program And Is Ill-Advised, Especially In Light Of The Judiciary's Recent History With CCMS

Finally, the adoption of statewide mandatory e-filing rules is premature.

In considering the Assembly Bill that led to the amendments to Civil Code § 1010.6, the Assembly Committee on the Judiciary noted that "a number of significant issues" – including public access to court records – "must be resolved before moving from a voluntary approach to a mandatory approach." Assem. Comm. on Judiciary, Analysis of Assem. Bill 2073, 2011-2012 Reg. Sess., at 1-2 (April 23, 2012). The Committee proposed permitting "one trial court to pilot mandatory e-filing, and direct[ing] the Judicial Council to study the pilot and then timely develop a uniform statewide rule that all trial courts could choose to adopt." *Id.* This is the route the Legislature chose to follow.

Amended Code of Civil Procedure § 1010.6 authorized Orange County Superior to operate a pilot program for mandatory e-filing from January 1, 2013 to July 1, 2014, and ordered the Judicial Council "to conduct an evaluation of the pilot project and report to the Legislature, on or before December 31, 2013, on the results of the evaluation." Code of Civil Proc. § 1010.6(d)(2). The legislation requires the Judicial Council to then "adopt uniform rules to permit the mandatory electronic filing and service of documents" – rules which are to be "informed by" the evaluation of the pilot program. § 1010.6(f).

The proposed rules are at odds with the Legislature's mandate and intent and thus "'unlawful[y] conflict with the statutory authorization'" for e-filing "contained in the governing statute." *California Court Reporters Ass'n*, 39 Cal. App. 4th at 25 (quoting *Cox v. Superior Court*, 19 Cal. App. 4th 1046, 1050-51 (1993)). Instead of first allowing the Orange County pilot program to operate long enough for its effects – intended and unintended – to reveal themselves, and only then using the results of the evaluation of that program to prepare uniform mandatory e-filing rules, the process has been reversed. The mandatory e-filing rules were prepared and circulated ***before the Orange County mandatory e-filing pilot project even began***. This timing renders the statutorily required evaluation of Orange County's e-filing pilot program utterly meaningless.

In addition to being contrary to what the Legislature ordered, this timing is a recipe for disaster. The people of California are still reeling from the hundreds of millions of dollars spent on the now-scuttled CCMS. A pilot program for compulsory e-filing is essential to ensure that past mistakes

associated with CCMS are not repeated.[7] While mandatory e-filing may ultimately be a good thing for California litigants and courts, we respectfully suggest that rushing to a new solution is not good public policy.

VI. Conclusion

While the "officially filed" language in the proposed rule changes appears technical and harmless, its potential significance must not be overlooked. Rights fundamental to the democratic process – like the right to know what goes on in the courts – are meaningless if they can be disregarded when they become inconvenient. California has the opportunity to build e-filing systems that improve efficiency and transparency. But, as history has taught us, rushing forward without taking the time to assess how these systems will actually work for all concerned is quite likely to result in a system that is worse rather than better.

The Press Groups thus respectfully urge the Judicial Council to strike the "officially filed" language in the proposed changes to Rules 2.250(b)(7) and 2.259(c) and proposed new Rule 2.253(b)(7), or, if there is a purpose for this language that is unrelated to access, to amend the proposed rules to identify that purpose and make clear that "official filling" is not a precondition to public and press access.

In addition, the Press Groups respectfully submit that the Judicial Council should postpone the adoption of mandatory e-filing rules until the Orange County pilot program can be properly tested and evaluated, including an assessment of its impact on public and press access.

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[7] The courts that were the early adopters of CCMS – including Orange County – were among the worst in terms of access delays, primarily because CCMS involved a cumbersome, labor-intensive intake process that put access after processing – a practice that the "officially filed" language in the proposed rules appears designed to institutionalize in the post-CCMS era. After that court implemented mandatory e-filing for certain categories of cases, e-filed documents were not typically available until a day or two ***after*** their paper-based counterparts were accessible. Orange County's pilot expanded e-filing program – which requires that all documents filed in limited, unlimited and complex civil actions be e-filed unless the Court rules otherwise – has been in effect since January 1, 2013, and in the first few weeks of the pilot program, the delays in access that accompanied its earlier e-filing program for specific case types have not been resolved and appear largely unchanged. As noted above, Orange County has refused to implement the electronic queue solution for immediate access to e-filed documents despite its widespread use by the federal courts and despite the fact there are no technological barriers to doing so. San Diego, also an early adopter of CCMS, has similarly failed to provide an electronic queue to enable access to new documents as they are received by the court, despite requests that it do so.

Sacramento County Superior Court – also an early CCMS adopter – also provides an example of the delays in access that would result if processing were a precondition to access. In that court, a presiding judge's standing order requires filing parties to submit an extra public access copy of case-initiating civil documents, which are placed in a public access bin in the clerk's office for review by the public and press prior to processing. However, based on the court's web site, processing regularly takes more than 30 days and sometimes stretches beyond 40 days.

The Press Groups greatly appreciate the consideration of their views on the proposed rules by the Judicial Council and the Court Technology and Civil and Small Claims Advisory Committees. Should you have any questions or wish to discuss any of these issues further, please do not hesitate to contact our offices.

Respectfully Submitted,

BRYAN CAVE LLP
Rachel Matteo-Boehm
Roger Myers
Katherine Keating

By: _____
Rachel Matteo-Boehm
On behalf of California Newspaper Publishers Association,
First Amendment Coalition, Californians Aware, and Courthouse News Service

cc: California Newspaper Publishers Association
First Amendment Coalition
Californians Aware
Courthouse News Service

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Ruling on Access by

U.S. Judge Melinda Harmon

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

COURTHOUSE NEWS SERVICE, *Plaintiff*, v. LOREN JACKSON, in his official capacity as Harris County District Clerk, and WES McCOY, in his official capacity as Chief Deputy – Services for the Harris County District Clerk's Office, *Defendants*.	}	Civil Action No. H-09-1844

OPINION AND ORDER OF PRELIMINARY INJUNCTION

Presently before the Court is Plaintiff Courthouse News Service's (CNS) motion for injunctive relief (Doc. 2). Upon review and consideration of this document, the responses and replies thereto, the relevant legal authority, and the testimony provided and evidence introduced at the June 25, 2009, preliminary injunction hearing, the Court finds that Plaintiff's motion should be granted.

I. Background and Relevant Facts

On June 12, 2009, Plaintiff CNS initiated suit against Defendants Loren Jackson, in his official capacity as Harris County District Clerk, (Jackson) and Wes McCoy, in his official capacity as Chief Deputy – Services for the Harris County District Clerk's Office, (McCoy) (collectively, Defendants) for violations of the First Amendment to the United States Constitution, federal common law, the Texas Constitution, Texas common law, and Rule 76a of the Texas Rules of Civil Procedure. (Pl.'s Compl., Doc. 1).

Plaintiff is a 19-year-old nationwide legal news service for lawyers and the news media, and it has over 2,500 subscribers nationwide. (Girdner Decl., Doc. 5 Ex. 1 at ¶ 3).

Plaintiff's list of subscribers includes lawyers, law firms, and media entities, including *The Dallas Morning News*. (*Id*. at ¶ 9). Plaintiff offers various services to its subscribers including daily new litigation reports, news alerts via email, and four different print publications. (*Id*. at ¶¶ 5-7). The service allegedly affected by Defendants' actions in this case is the "Houston State Report," a daily new litigation report that includes a list of the significant civil complaints filed in Harris County District Court on that date. (*Id*. at ¶ 7).

Plaintiff claims that there is a longstanding tradition for state and federal courts around the country to provide reporters who make daily visits to these courts with access to newly filed complaints or petitions at the end of the business day on which these documents are filed. (*Id*. at ¶¶ 11-14; *see also* Girdner Decl., Doc. 5 Ex. 1-C). Specifically, Plaintiff asserts that, since it began visiting the Harris County District Court in 1999, reporters were permitted to review most new civil petitions in their original paper form on the same day that they were filed regardless of whether they had been fully processed, scanned, or posted online. (*Id*. at ¶ 15).

Until October 2008, Cameron Langford (Langford), CNS's reporter assigned to the Harris County District Court, would follow the procedure below. (Langford Decl., Doc. 5 Ex. 3 at ¶ 4). Prior to each visit, Langford would examine docket information on the new petitions using the Clerk's Office online JIMS system to determine which petitions were likely to be newsworthy. (*Id*.). He would then collect newly-filed petitions from the cashier and review them in an empty cubicle behind the intake counter. (*Id*.). If any petitions had been transferred to intake clerks for processing before Langford was able to review them, the cashiers would help him locate them. (*Id*.). While in the Clerk's Office, Langford would either take notes about or, if necessary, make photocopies of the newly-filed petitions. (*Id*.).

In October 2008, Jackson's predecessor as Harris County District Clerk began to review the protocol that permitted Langford or any non-deputized person access to secure areas behind the service counters of the Harris County District Clerk's Office. (Jackson Aff., Doc., 14 Ex. A at ¶ 3). In accordance with the Harris County Auditor's cash handling guidelines and recommendations, the Clerk's Office began to prevent access behind service counters for all non-deputized persons. (*Id*.). As a result, Langford was no longer granted behind-the-counter access. (*Id*.).

In November 2008, the Harris County District Clerk's Office began implementing new procedures that would provide the press and public with greater access to view and print case filings using its online service and that would encourage the use of electronically filed documents. (*Id*. at ¶ 4). In doing so, Harris County District Clerk Jackson hopes to provide equal access to all regardless of status. (*Id*. at ¶ 5). His goal is to make available online all electronically and paper filed petitions in civil matters except those exempted by law, local rule, or Court order, within the guidelines found in the Texas Rules of Judicial Administration. (*Id*.). In practice, most filings are available within 24 to 72 business hours of filing. (*Id*. at ¶ 6). Electronic filings are usually available within 24 business hours, while paper filings are typically available within 72 business hours. (*Id*.). Both electronic and paper filings are verified for correct cause number, proper court, accurate title of document, and proper category before they are made available to the public. (*Id*.). While electronically filed documents are posted online after the indexing and verification process, the paper filed documents are sent to Central Data Processing for digitizing into electronic form before they are posted online. (*Id*.).[1]

[1] At the preliminary injunction hearing, Farrah Martinez (Martinez), Director of Legal Affairs for the Harris County Clerk's Office, stated, ". . . our motto has been, since Mr. Jackson has come into office is, 'Get on line and not in line.' So, we are trying to go green. We're trying to make things more cost effective and more efficient." (Inj. Tr., Doc. 24 at 17:9-12). The Court finds it ironic that, in an effort to become more effective and efficient, it

Although the parties have attempted to resolve these issues, they have not been successful. Accordingly, Plaintiff has filed the instant motion requesting that Defendants be enjoined from denying Plaintiff timely access to new civil petitions filed in the Harris County Civil District Courts. Specifically, Plaintiff requests that it be given access on the same day the petitions are filed except where the filing party is seeking a temporary restraining order or other immediate relief or has properly filed the pleading under seal.[2] While Defendants admit that Plaintiff has a right of access to newly-filed petitions, they maintain that the new method by which the Clerk's Office is processing case initiating documents is a reasonable time, place, or manner restriction and, as such, survives First Amendment scrutiny.

II. Legal Standard on Preliminary Injunction

A party seeking a preliminary injunction must establish the following elements by a preponderance of the evidence: (1) there is a substantial likelihood the party will prevail on the merits; (2) a substantial threat exists that irreparable harm will result if the injunction is not granted; (3) the threatened injury outweighs the threatened harm to the defendants, and (4) the granting of the preliminary injunction will not disserve the public interest. *Karaha Bodas Co. v. Negara*, 335 F.3d 357, 363 (5th Cir. 2003); *see also Khan v. Fort Bend Indep. Sch. Dist.*, 561 F. Supp. 2d 760, 763 (S.D. Tex. 2008). A preliminary injunction is an extraordinary remedy that should not be granted unless the party seeking it has "clearly carried the burden of persuasion" on all four elements. *Lake Charles Diesel, Inc. v. General Motors Corp.*, 328 F.3d 192, 195-96

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now takes the Harris County Clerk's Office 24 to 72 business hours to make 73% of its newly filed civil petitions available to the public. (*Id.* at 31:20-21, 51:8-12). The Court notes that 24 to 72 business hours is approximately three to five working days.

[2] Plaintiff proposes two alternatives if Defendants do not revert to their pre-October 2008 procedure. First, Plaintiff suggests that it be permitted to review the new petitions themselves for 45 minutes at the end of the day on which they are filed regardless of whether they have been verified or scanned. Second, Plaintiff proposes that Defendants scan case-initiating documents immediately on intake and allow the press to immediately access either the paper copy of the complaint or a scanned version of it on a local computer in the Clerk's Office.

(5th Cir. 2003) (quoting *Mississippi Power & Light Co. v. United Gas Pipeline Co.*, 760 F.2d 618, 621 (5th Cir. 1985)).

III. Discussion[3]

The First Amendment to the United States Constitution prohibits any law "abridging the freedom of . . . the press." It requires a presumption of openness of both the courtroom and court files. *United States v. Valencia*, No. CRIM H-04-514 SS, 2006 WL 3707867, * 5 (S.D. Tex. Aug. 25, 2006) (citing *SEC v. Van Waeyenberghe*, 990 F.2d 845, 849-50 (5th Cir. 1993); *In re Gannett News Serv., Inc.*, 772 F.2d 113, 115-116 (5th Cir. 1985)). Courts have found that the public has a strong common law right to access judicial records and proceedings, although this right is not absolute. *Id.* at * 5 (citing *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978); *Van Waeyenberghe*, 990 F.2d at 848). Public access serves important interests, such as "to promote trustworthiness of the judicial process, to curb judicial abuses, and to provide the public with a more complete understanding of the judicial system, including a better perception of its fairness." *Id.* (citing *Van Waeyenberghe*, 990 F.2d at 849 (quoting *Littlejohn v. BIC Corp.*, 851 F.2d 673, 682 (3d Cir. 1988)). Thus, there is a presumption in favor of public access to judicial records. *See Van Waeyenberghe*, 990 F.2d at 848.

In *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986) (*Press II*), the Supreme Court reiterated the two complementary considerations for a case dealing with a First Amendment right of access claim in a criminal proceeding. First, because a "tradition of accessibility implies the favorable judgment of experiences, [the Court] has considered whether the place and process have historically been open to the press and general public." *Id.* at 8

[3] Plaintiff initiated suit for violations of the First Amendment to the United States Constitution, federal common law, the Texas Constitution, Texas common law, and Rule 76a of the Texas Rules of Civil Procedure. However, the Court notes that, because Plaintiff has demonstrated a likelihood of success on the merits of its First Amendment claim, it need not address the merits of the remaining four claims.

(internal citations and quotations omitted). Second, the Court has considered whether public access plays a "significant positive role in the functioning of the particular process in question." *Id*. (citation omitted). Once the right to access attaches, the presumption of openness can only be overcome by an "overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest." *United States v. Edwards*, 823 F.2d 111, 115 (5th Cir. 1987) (citing *Press II*, 478 U.S. at 14-15). It is the defendant's burden to overcome this presumption. *Press II*, 478 U.S. at 14.

Although "its original inception was in the realm of criminal proceedings, the right of access has since been extended to civil proceedings because the contribution of publicity is just as important there." *Grove Fresh Distribs., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 897 (7th Cir. 1994) (citing *Smith v. United States Dist. Court*, 956 F.2d 647, 650 (7th Cir. 1992)). *See also United States v. $9,041,598.68*, 976 F. Supp. 654 (S.D. Tex. 1997) ("Many courts have held that the public enjoys a First Amendment right to attend civil as well as criminal proceedings, and therefore have applied similar factors to civil proceedings.").

While the parties in the instant case agree that there is a right of access to newly-filed petitions in civil cases, they disagree on whether the delay in the availability of these documents is the "functional equivalent" of an access denial and is, thus, unconstitutional. Defendants argue that the "slight delay" in availability is a reasonable time, place, or manner restriction. For the reasons set forth below, the Court disagrees with Defendants' contention and instead finds that the 24 to 72 hour delay in access is effectively an access denial and is, therefore, unconstitutional.

As the Seventh Circuit has stated,

> [i]n light of the 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 . . . [t]he newsworthiness of a particular story is often fleeting. To delay or postpone disclosure undermines the benefit of public scrutiny and may have the same result as complete suppression . . . [E]ach passing day may constitute a separate and cognizable infringement of the First Amendment.

Grove Fresh, 24 F.3d at 897 (internal citations and quotations omitted). *See also In re Charlotte Observer*, 882 F.2d 850, 856 (4th Cir. 1989) (finding that magistrate's closure order "unduly minimizes, if it does not entirely overlook, the value of 'openness' itself, a value which is threatened whenever immediate access to ongoing proceedings is denied, whatever provision is made for later public disclosure.").

Defendants attempt to analogize the 24 to 72 hour delay in access in this case to the district court's refusal to release transcripts of closed proceedings prior to the jury verdict in *Edwards*. In *Edwards*, the Fifth Circuit held that the district court did not err in its decision because it reasonably restricted access given the paramount interest in maintaining an impartial jury. *Edwards*, 823 F.2d at 119. The Fifth Circuit went on to state that the trial court should avoid unnecessary delay in releasing the record of the closed proceedings following the trial. *Id*. The Court is unpersuaded by Defendants' argument and finds that the delay in access to the newly-filed petitions in this case is not a reasonable limitation on access. Defendants' administrative goal of getting online and not in line fails to rise to the level of significance that a trial court's interest in maintaining an impartial jury does. Assuming, *arguendo*, that Defendants have an overriding interest, the Court finds that they have failed to demonstrate that the 24 to 72 hour delay in access is narrowly tailored to serve such an interest and that no less restrictive means of achieving that interest exists. Accordingly, the Court finds that Plaintiff has established there is a substantial likelihood it will prevail on the merits.

It is well established that a violation of a party's constitutional rights constitutes irreparable harm as a matter of law. *See, e.g., Elrod v. Burns*, 427 U.S. 347, 373-74 (1976); *Deerfield Medical Center v. City of Deerfield Beach*, 661 F.2d 328, 338 (5th Cir. 1981). A denial of First Amendment freedoms, even for a short period of time, constitutes irreparable injury. *New York Times Co. v. United States*, 403 U.S. 713 (1971).[4]

The threatened injury to Plaintiff outweighs any damage the injunction could cause Defendants. Plaintiff will be denied its First Amendment right of access to new case-initiating documents unless the Court issues this preliminary injunction, while Defendants have alterative, constitutional ways to achieve their goals and address their administrative concerns.[5]

It is clearly in the public interest to enjoin Defendants' conduct. There is an important First Amendment interest in providing timely access to new case-initiating documents. Defendants attempt to argue that providing Plaintiff with same-day access interferes with their important objective of "getting online and not in line." The Court acknowledges that Defendants' goal is also in the public interest. However, as Plaintiff argues, same-day access and online access are not mutually exclusive. Defendants may provide Plaintiff with same-day access to newly-filed petitions while working in furtherance of their goal to make documents available online.

IV. Conclusion

Accordingly, it is hereby ORDERED that Plaintiff CNS's motion for injunctive relief is GRANTED. It is further ORDERED that Plaintiff CNS's employee assigned to the

[4] The Court notes that Plaintiff also argues that prolonged delays in access will diminish the value of its reports to its subscribers, leading to a loss of goodwill which is widely recognized as an injury incapable of ascertainment in monetary terms. The Court need not address this contention or Defendants' objections to it as the Court concludes that Plaintiff has suffered an irreparable injury in the form of a First Amendment violation.

[5] *See, e.g.*, the alternatives described in n. 2 of this Opinion and Order.

Harris County District Court be given access on the same day the petitions are filed except where the filing party is seeking a temporary restraining order or other immediate relief or has properly filed the pleading under seal.

It is further ORDERED that, pursuant to Fed. R. Civ. P. 65(c), Plaintiff CNS shall file with the Clerk of the Court a nominal bond of $1,000.00 as security.

It is further ORDERED that the case be referred to Magistrate Judge, the Honorable, Frances H. Stacy to be scheduled for trial.

SIGNED at Houston, Texas, this 20th day of July, 2009.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE