

Delayed access to court records raises First Amendment concerns

By Tony Biasotti, Columbia Journalism Review

It's been a routine for generations of legal beat reporters: Every weekday afternoon, at courthouses across the United States, a reporter steps behind the records counter and thumbs through the lawsuits filed that day, looking for news.

This custom is endangered, though, and not just because files have moved online, or because there aren't as many legal beat reporters as there used to be. Many state courts now keep new civil cases out of sight of the press and public for days, and sometimes even weeks, after they're filed.

"It's a nationwide plague," said Bill Girdner, the founder and editor of Courthouse News Service.

But now, a federal trial court in California will have to determine whether the standard delays at a local courthouse are permissible—after a higher court ruled that Girdner's complaints raise First Amendment concerns.

Based in Pasadena, Courthouse News is a wire service that specializes in civil litigation and covers the courts for both its own website and around 3,000 subscribers, including the *Los Angeles Times*, *Boston Globe*, and other major news organizations.

In 2011, Courthouse News sued the Superior Court of Ventura County after the court stopped letting the newswire's local correspondent see every new civil suit on the day it was filed. A federal judge dismissed the case. But Courthouse News appealed, and on April 7 a panel of three Ninth Circuit judges

ruled that the trial court had to hear the case.

Circuit Judge Kim McLane Wardlaw's opinion said the case "presents an important First Amendment question" and thus should be heard in federal court.

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