

Two Judges and the Williamsburg Ghost

“A Ninth Circuit opinion handed down in January affirmed the First Amendment principle that the right of public access to new court filings attaches as soon as the clerk receives them,” writes Bill Girdner in *Courthouse News Service*.

“But during the preceding oral argument at the Ninth Circuit’s Pasadena courthouse, Judge Mary Murguia asked a natural question: ‘Doesn’t Ventura County have to docket those physical files first?’”

“Those procedures are part of intake, the actual filing of a legal document, not the later work of putting that filing into the court’s docket. Rulings in both cases – one against a clerk in California, the other against two clerks in Virginia – affirmed a First Amendment right of access at the point of the clerk’s receipt. But both cases also involved courts based on paper, a medium that is fast disappearing in the rearview mirror of history.”

“So the same question will be asked by a judge in the future about a digital court: ‘Doesn’t the court need to docket those electronic files first?’”

Read the article.