Courthouse News Service Litigation

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RAISE
AWARENESS

Courthouse News Service [CNS] is a news service primarily focusing on civil litigation. Its core audience is lawyers and law firms, who subscribe to the service;

From Wikipedia, the free encyclopedia

Overview

- CNS wants unfiltered and prompt access to new non-confidential civil case filings
- …and they sue in federal court under 42 U.S.C. 1983 alleging violations of First Amendment rights when they don’t get it

Issues

- Does the public have a First Amendment right to access non-confidential civil complaints filed in state courts?
- If so, when does the right attach and what constitutes timely access?
- How quickly must state courts provide public access once a civil complaint is eFiled?
- If public access is not immediate, what state interests justify delay?
- Should federal courts be the decider of these issues in the first instance, or should federal courts abstain based on principles of comity, federalism, and equity to allow the state courts to decide these legal issues in the first instance?

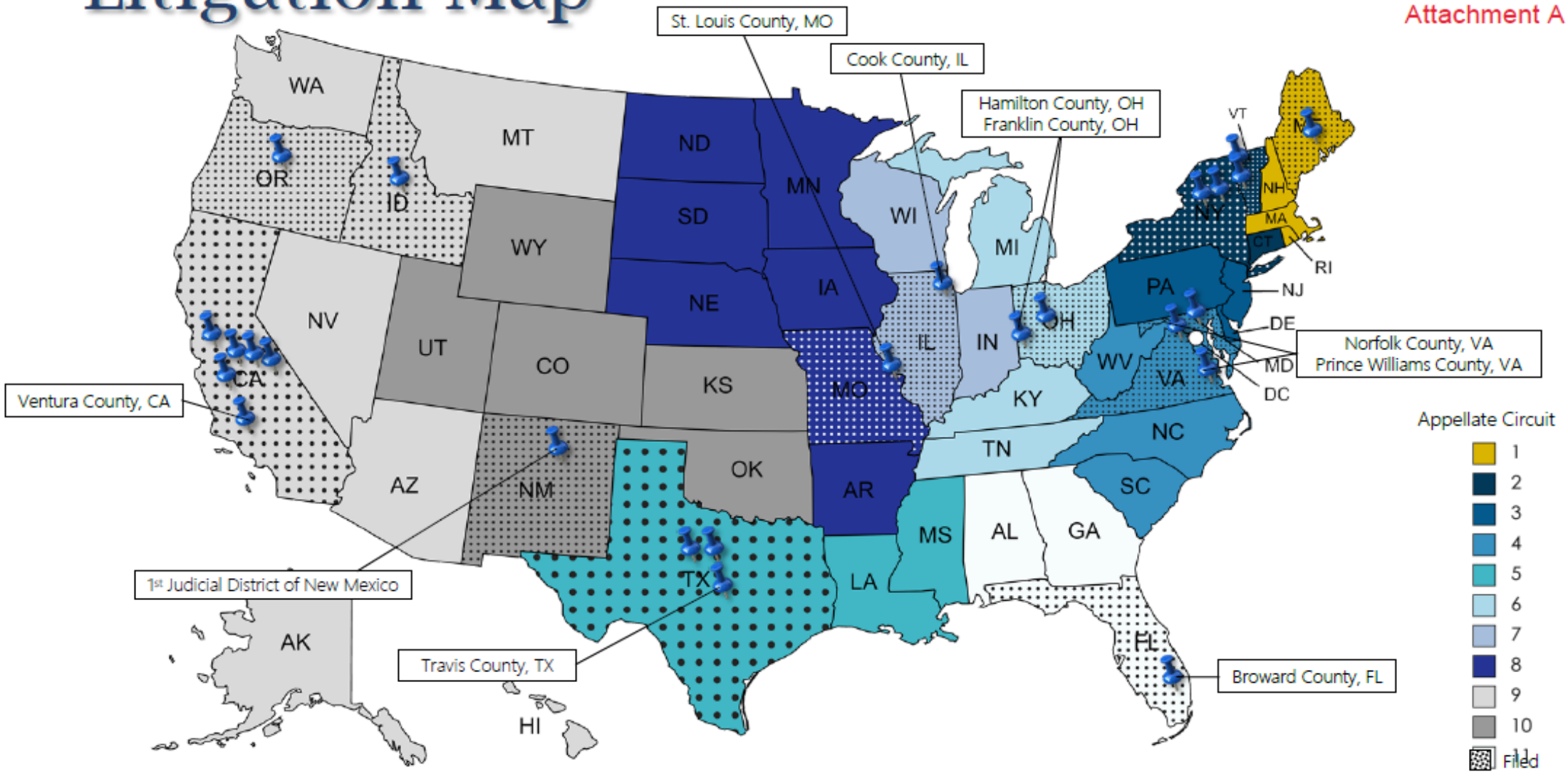
For about 230 years you could walk into a Missouri courthouse, into the clerk's office, and say, 'Hey can I see what's been filed today,' and now all of a sudden you can't.

--Judge Ralph Erickson of the Eighth Circuit

Litigation Map

PIERCE ATWOOD LLP

Attachment A



Outcomes …

- Some decisions have required immediate access, with definitions ranging from 5 business hours to 1-2 days after receipt.
- One court even enjoined state clerks from conducting any pre-access review
- Florida: "…upon receipt, but in no circumstances to exceed five minutes"

Time for
Questions