

2010

Information Guide for Journalists: Perry v. Schwarzenegger

United States District Court
Northern District of California (Revised 1.10.10)



VAUGHN R. WALKER
Chief Judge

RICHARD WIEKING
Clerk



Table of Contents

Purpose of this Guide.....	1
Court Contacts	1
General Information about Federal Court Proceedings	1
Information about Perry v. Schwarzenegger	1
Court Website	2
Media Access Passes.....	2
Simultaneous Broadcasts.....	2
Delayed Broadcasts.....	3
Obtaining Information about the Case, including Copies of Documents	3
Registering for <i>PACER</i>	4
Registering for the E-mail Announcement List.....	4
Viewing Files in the Clerk’s Office	5
Obtaining Information about the Attorneys.....	5
Obtaining Transcripts of the Proceedings.....	5
Viewing Exhibits	5
Courtroom Entry and Exit	5
Telephonic Proceedings	5
Rules of the U.S. District Court of the Northern District of California.....	6
Additional Information regarding Photography, Broadcasting and Recording in the Court	6
Other Resources for Members of the Media.....	7
Parking for Broadcast Satellite Vehicles	8
Parking for Other Vehicles	8
Food & Drink	8
GENERAL ORDER No. 58.....	9
Technical Info for Broadcast & Electronic News Media.....	11

Purpose of this Guide

There is significant media interest in the case of *Perry v. Schwarzenegger*, pending before Chief Judge Vaughn R. Walker. This guide is intended to provide optimum information and access to members of the media, while allowing court staff to continue to provide excellent service to the public and others. It is our hope that journalists and other members of the media will read this information carefully and follow the instructions and guidance. Please only contact court personnel, as indicated below, when the information contained in this document fails to provide answers to your questions.

Court Contacts

The Clerk of the Court, Richard Wieking, acts as the media liaison and represents the court regarding questions concerning court operations and other court-related matters.

For purposes of *Perry v. Schwarzenegger* and other routine media issues, the clerk has designated Joan Anyon as the media coordinator. In the first instance, any questions that are not answered on our website or by this brochure should be addressed to Ms. Anyon. She can be reached at 415.522.4051 or by e-mail at PerryProp8@cand.uscourts.gov.

DO NOT contact Judge Walker's chambers or members of his staff for any reason whatsoever.

General Information about Federal Court Proceedings

The U.S. District Court for the Northern District of California is one of 92 federal courts in the United States and is completely separate and distinct from courts in the state court system. If you need further information about the federal court system, consult either of the following documents:

- **The Journalists' Guide** prepared by the Administrative Office of the U.S. Courts, which can be downloaded at: <http://www.uscourts.gov/journalistguide/July2007.pdf>
- **The Federal Courts and What They Do** prepared by the Federal Judicial Center, which can be downloaded at: http://www.fjc.gov/library/fjc_catalog.nsf

Information about Perry v. Schwarzenegger

- Judge assigned to hear the case: Hon. Vaughn R. Walker
- Case number: 3:09-CV-02292-VRW
- Courtroom: No. 6, 17th Floor
- The trial in this case will commence on Monday, January 11, 2010. The trial is expected to continue for two to three weeks. Unless rescheduling is required by specific circumstances, the following is the schedule for proceedings:

Week of January 11:

Monday, January 11, 2010, 9:00 a.m.

Tuesday, Wednesday, Thursday, Friday - 8:30 a.m. to 4:00 p.m.

Week of January 18:

Monday - Martin Luther King, Jr. Holiday

Tuesday, Wednesday and Friday - 8:30 a.m. to 4:00 p.m. [Thursday - dark]

If necessary:

Monday, January 25 - 8:30 a.m. to 4:00 p.m.

Tuesday, January 26 - 8:30 a.m. to 4:00 p.m.

Please monitor the court's website for any changes.

Court Website

The court's website address is www.cand.uscourts.gov. The website contains a wealth of information about the court, judges, personnel, practice and procedures. A specific page has been established for *Perry v. Schwarzenegger*, which contains information of particular relevance to this case. You may access this page by logging on to the court's website and clicking on *Perry v. Schwarzenegger* under the cases category.

The topics covered in separate pages include:

CASE INFORMATION

- Case Docket and Case Documents
- Calendar for Chief Judge Walker
- Contact Information
- E-mail Announcement Lists
- Current Events (Dates for Upcoming Proceedings)
- Frequently Asked Questions (FAQ)

ACCESS TO PROCEEDINGS

- Obtaining access passes for the media and the public
- Rules for entering the federal building
- Location and Parking

The topics listed above also will be addressed in this brochure.

Media Access Passes

Passes for media reserved seating have been allocated.

Trial proceedings will be held in Courtroom 6 on the 17th floor of the Phillip Burton Federal Building, 450 Golden Gate Avenue, San Francisco 94102.

If you need further information please e-mail PerryProp8@cand.uscourts.gov or call 415.522.4051.

Simultaneous Broadcasts

A pilot, experimental program will allow simultaneous live broadcast of the proceedings to be transmitted to the Media Center on the 1st floor for the benefit of broadcast media representatives and to the Ceremonial Courtroom on the 19th floor, which is being utilized as overflow space for both the media and the public.

In addition, the same broadcast will be transmitted for viewing by the public in the following locations:

- James R. Browning U.S. Courthouse
95 Seventh Street
San Francisco, CA
Library Conference Room, 1st Floor

- U.S. States Court of Appeals
Pioneer Courthouse
700 S.W. Sixth Avenue
Portland Oregon
2nd Floor Courtroom
- William K. Nakamura U.S. Courthouse
1010 Fifth Avenue
Seattle, Washington
8th Floor, Courtroom 1
- Theodore Roosevelt U.S. Courthouse
225 Cadman Plaza East
Brooklyn, New York
8th Floor, Courtroom 8A South
- Richard H. Chambers U.S. Courthouse
125 South Grand Avenue
Pasadena, CA
1st Floor, Courtroom 3

Please note: The U.S. District Court for the Northern District of California will fully control the cameras, recording, and all other aspects of the process. Because this is an experimental effort, the court cannot guarantee the reliability, accuracy or availability of the audio/video presentation. Further, Judge Walker has reserved the right to terminate any part of the audio, or video, or both, for any duration, or to terminate the complete experiment at any time.

No photographs or recording of the audio and video displayed at any of the courthouse or remote viewing locations is permitted.

Delayed Broadcasts

Chief Judge Walker has requested permission from the 9th Circuit Court of Appeals to post a **delayed** recording of trial proceedings on the court's website; a decision by Circuit Court Chief Judge Alex Kozinski is pending.

Obtaining Information about the Case, including Copies of Documents

There are several ways to ensure that you obtain information about cases pending in U.S. District Court for the Northern District of California. Additional information about each option is detailed below.

1. Registering for Pacer
2. Registering for the E-Mail Announcement List
3. Viewing files in the clerk's office

Registering for PACER

PACER is the judiciary's electronic method of providing copies of court documents. You may register for Pacer at <http://pacer.psc.uscourts.gov>

In order to obtain a PACER login and password, complete the on-line PACER Registration Form. Once your registration has been processed by the PACER Service Center, a login and password may be retrieved on-line if a credit card is provided or sent by U.S. mail to the address provided on the registration form. **For security reasons, logins and passwords cannot be emailed, faxed, or given over the phone.** To expedite your registration, provide a credit card number. There is no registration fee.

The Judicial Conference of the United States has established a user fee to be collected for access to PACER by all registered agencies or individuals: \$0.08 per page.

To obtain notification prompt notice that documents have been filed in the case you should also register for the E-mail announcement list. You will receive notification via e-mail that a document is available to be viewed electronically via PACER.

Registering for the E-mail Announcement List

You are strongly recommended to join the e-mail announcement list for a case you are interested in following. By joining this e-mail announcement service, you will receive two types of notices:

1. **Case Activity:** This court uses an online electronic filing ("e-filing") system called "Case Management/Electronic Case Files" (CM/ECF). This system sends out e-mails called "Notices of Electronic Filings" (NEF), each time a filing occurs in a specific case. This is the method by which attorneys on the case receive notice that the court or documents have been submitted by the court or counsel. The NEFs are sent immediately after a document has been submitted to the system. By joining this list, you will receive a copy of the NEFs on this specific case.

NEFs are simply an e-mail which will contain:

- Who filed the document
- Who was served the filing electronically (via e-mail)
- Date and time of filing
- The title of the document(s)
- The docket text associated with the document(s)
- On whose behalf the document was submitted
- A hyperlink to download an Adobe PDF copy of the document.

NOTE: Although you will be able to view the NEFs without a login, you must still use a valid PACER account (see above) to view/receive/download all documents and all documents not subject to the E-Government Act of 2002 will be subject to a fee.

2. **Logistical Information:** You may receive important announcements from the clerk's office related to information regarding a case when immediate contact is necessary. For example, a 15-minute advisement that the court will resume because the jury has submitted a question or is ready to deliver its verdict. Other notices may also be provided through this method.

For detailed information about how to subscribe, go to:

<https://ecf.cand.uscourts.gov/cand/faq/email/smg.htm>

For detailed information about how to subscribe, go to:

<https://ecf.cand.uscourts.gov/cand/09cv2292> ; then click on E-mail Announcement List.

Or <http://www.cand.uscourts.gov/> and click on the button labeled



Viewing Files in the Clerk's Office

Any member of the media or the public may view files and make copies at a cost of \$.25 per page. In the San Francisco division, these services are available from 9 a.m. to 1 p.m. daily. The copy machine accepts coins and bills or a copy card can be purchased at the snack shop on the 10th floor of the federal building.

Obtaining Information about the Attorneys

The most current information is available on the court docket. (See above). The docket will show the names, addresses, phone numbers and e-mail addresses for all attorneys who have appeared on the case to date.

Obtaining Transcripts of the Proceedings

To obtain a transcript of any proceeding, arrangements must be made with the court reporter assigned to the hearing or trial. For contact information for a specific reporter, call Debra Campbell at 415.522.2079 or via e-mail at Debra_Campbell@cand.uscourts.gov.

Viewing Exhibits

Documentary exhibits introduced into evidence will be posted on the court's website on a daily basis at the end of the proceedings.

Courtroom Entry and Exit

Observers may exit the courtroom at any time. Entry and re-entry will be permitted by the Court Security Officer. If you have been provided with a pass for access to the proceedings and you must leave the courtroom for any reason, no matter how brief, you must leave some type of item or note to indicate your intent to return to your seat. Otherwise, the seat will be made available to another observer.

Telephonic Proceedings

If telephonic hearings or conferences are scheduled, the court will advise attendees accordingly. As with all other proceedings in the federal district court, tape recording is prohibited.

Rules of the U.S. District Court of the Northern District of California

The following are rules and regulations applicable to the U.S. District Court of the Northern District of California.

All parties entering the Federal Building must show a government issued picture ID and must pass through a security screening device. Acceptable forms of identification include official identification issued by any U.S. state or by the U.S. government. **The only acceptable international identification is a government issued passport with a current U.S. visa.**

Court security personnel will screen all electronic devices and cameras before permitting them to the courthouse and may bar any item that appears to pose a threat to security or safety. Subject to this screening, electronic devices may be brought into the courthouse and may be used in a non-disruptive manner. With the exception of laptops, PDAs or their equivalent used by counsel during and in connection with judicial proceedings, no electronic device may be used in any courtroom without advance express permission, from the presiding judge.

In the case of *Perry v. Schwarzenegger*, Chief Judge Walker has granted express permission for the following in Courtroom 6 and the overflow courtroom, unless otherwise ordered:

- Use of a laptop;
- Although generally prohibited, use of a Blackberry or other similar personal device for transmission of e-mail, including filing of reporter's stories, is permitted in Courtroom 6 and the overflow courtroom, unless otherwise ordered.
- Wireless internet access is not otherwise available in the federal court, but silent use of a wireless card to transmit from the courtroom is permitted.
- Unless a specific area is officially designated by U.S. Marshal's for photography inside the building (such as the Federal Bar Association Media Center on the first floor), cameras may not be used in the San Francisco federal building. Photography and interviews are permitted outside the building. No cabling is permitted in the federal building.
- Cell phones, pagers and other devices may NOT be used *except for text functions* and must be turned off or set to vibrate mode in the courtroom. "Tweeting" is a permitted form of texting. Cell phones may be used in the hallways outside the courtrooms and other public areas. A public phone is available on the second floor of the San Francisco federal building
- Broadcasting of proceedings is prohibited by policy of the Judicial Conference of the United States. This includes tape recording devices of any kind. As an exception, the court has specifically permitted short circuit broadcasting to an adjoining courtroom and other U.S. Courthouses to accommodate additional observers.

Proper decorum is expected of all visitors to the Federal Building and U.S. Courthouse.

Violation of these rules may result in the immediate loss of press credentials and be subject to contempt of court or other action as the court deems appropriate. General Order No. 58, U.S. District Court for the Northern District of California.

Additional Information regarding Photography, Broadcasting and Recording in the Court

As noted above, photography, broadcasting, and recording of proceedings is prohibited. General Order No. 58 regulates possession and use of electronic devices in the courthouse for the U.S. District Court for the Northern District of California. The General Order in its entirety

can be found on the courts website, www.cand.uscourts.gov ; click on General Orders on the left side of the webpage. General Order 58 is also included at the end of this brochure.

In addition, Civil Local Rule 77-3 provides:

Unless allowed by a Judge or a Magistrate Judge with respect to his or her own chambers or assigned courtroom for ceremonial purposes or for participation in a pilot or other project authorized by the Judicial Council of the Ninth Circuit, the taking of photographs, public broadcasting or televising, or recording for those purposes in the courtroom or its environs, in connection with any judicial proceeding, is prohibited. Electronic transmittal of courtroom proceedings and presentation of evidence within the confines of the courthouse is permitted, if authorized by the Judge or Magistrate Judge. The term “environs,” as used in this rule, means all floors on which chambers, courtrooms or on which Offices of the Clerk are located, with the exception of any space specifically designated as a Press Room. Nothing in this rule is intended to restrict the use of electronic means to receive or present evidence during Court proceedings.

Other Resources for Members of the Media

In the San Francisco courthouse, the court has set aside office space on the 18th Floor as a pressroom, where members of the print media who permanently cover the court maintain office space and equipment. This pressroom has work space to accommodate visiting reporters.

The Federal Bar Association Media Center has recently been established on the main floor of the federal building in San Francisco. ***Expedited entry will be facilitated for personnel with cameras only at the Turk Street entrance to the federal building.*** This space is primarily for use by broadcast media, although press conferences and interviews may also be held here.

To arrange for use of the Media Center for a press conference, contact Joan Anyon at 415.522.4051 or by e-mail at PerryProp8@cand.uscourts.gov. Technical information regarding broadcast transmissions from the Media Center is included as an attachment at p. 10 of this guide.

VIDEO RECORDING, AUDIO RECORDING OR THE TAKING OF PHOTOGRAPHS OF PROCEEDINGS STRICTLY PROHIBITED

Any broadcast feed to this Media Center of court proceedings from any courtroom of the United States District Court is subject to the same prohibitions as if the proceedings were occurring in the courtroom itself.

A violation of this Rule may result in the immediate loss of press credentials and be subject to contempt of court or other action as the court deems appropriate. See Federal Rules of Criminal Procedure 53; General Order No. 58, U.S. District Court for the Northern District of California.

Although the media rooms are available to all reporters, the permanent occupants bear the costs of equipment and supplies.

If you have questions regarding the use of these rooms or if you have concerns or questions during the course of the trial that will affect all media representatives, the following are contacts:

Print Media: For the 18th Floor pressroom, call the pressroom house phone, 415.436.7964, and request to speak with Paul Elias (Associated Press) or cell phone: 415-602-6329

Broadcast media: For the Federal Bar Association Media Center on the 1st Floor, Darryl Compton, NorCal RTNDA Executive Director at darryl@norcalrtnda.com or 650-341-9979 or 415-518-2421 (cell).

Parking for Broadcast Satellite Vehicles

Parking for broadcast satellite vehicles on the streets adjacent to the federal building is extremely limited. For further information regarding allocation of these spaces, contact the U.S. Marshal at 415.436.7677. Other parking arrangements may be made on an individual basis with public parking lots in the area. See below.

Parking for Other Vehicles

Civic Center Plaza Garage

355 McAllister
415-863-1537
Hours: 7am - 7pm

Federal Auto Parks

530 Turk Street
415-474-2237
Hours: 6am - 6pm

Federal Auto Parks

659 Franklin @ Golden Gate
415-626-6506
Hours: 6:30am - 12 midnight

UC Hastings Parking Garage

Corner of Golden Gate Avenue and Larkin Street
Hours: 6 am - midnight

Food & Drink

The following are available to the public:

- A cafeteria on the second floor of the Federal Building serves breakfast and lunch;
- A snack shop is located on the tenth floor of the Federal Building;
- A coffee cart is located on the second floor, serving coffee, tea and specialty drinks.

GENERAL ORDER No. 58
REGULATING POSSESSION AND USE OF
ELECTRONIC DEVICES IN THE COURTHOUSE

The purposes of this General Order are to promote security for all persons who enter federal courthouses (or the portions of federal buildings occupied by the District Court), to protect the integrity of judicial proceedings, to facilitate legitimate use of electronic devices for communication or for the storage, retrieval, or presentation of information, and to comply with the mandates of the Federal Rules of Criminal Procedure and the policies of the Judicial Conference of the United States.

- I. Definition: “Electronic Device”
As used in this General Order, the phrase “electronic device” embraces all equipment (regardless of how it is powered or operated) that can be used for
 - A. wireless communication; or
 - B. receiving, creating, capturing, storing, retrieving, sending, or broadcasting any signals or any text, sound, or images; or
 - C. accessing the internet or any other network or off-site system or equipment for communicating or for storing or retrieving information.
- II. Federal Rule of Criminal Procedure 53 prohibits “the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom.”
- III. Policy of the Judicial Conference of the United States prohibits, in both civil and criminal cases in all district courts, broadcasting, televising, recording, or photographing courtroom proceedings for the purpose of public dissemination.
- IV. Additional Rules in this District.

Except as may be otherwise ordered by a judge of this court, possession and use of electronic devices and cameras in federal courthouses in this district, and in the portions of buildings in which judicial proceedings are held, shall be governed by the following rules and policies:

- A. Court security personnel will screen all electronic devices and cameras before permitting them to be brought into the courthouse or into any facility or portion of any facility in which a judicial proceeding is held. The purpose of this screening is to make sure that the items do not contain weapons, dangerous devices or materials, or contraband.
 1. Court security personnel may bar from the courthouse, or from portions of a building in which judicial proceedings are held, any item that appears to pose a threat to security or safety.
 2. In response to a violation of any provision of this General Order, or of any court order addressing matters covered by this General Order, court security personnel may order immediate compliance, direct the offender to leave the courtroom or the

building, temporarily confiscate the device(s) used in violation of these rules, and/or report the violation to the presiding judge, the Chief Judge, and/or the United States Attorney.

- B. Subject to the screening described in the preceding paragraph and to other provisions of this General Order, electronic devices may be brought into the courthouse and may be used in a non-disruptive manner in the common areas of the building.
- C. Photographs may not be taken and images may not be captured by any means in the courthouse or in the courthouse portions of the building (this prohibition does not apply to sketch artists).
- D. Except as may be permitted pursuant to paragraph E, below, or as authorized for the taking of the official record of judicial proceedings or grand jury deliberations by a court reporter or court recording operator, or as necessary to facilitate necessary language translations, no part of any judicial proceedings or of any deliberations by a petit jury or a grand jury may be recorded, or transmitted.
- E. With the exception of court personnel and court reporters, and with the further exception of laptops, PDAs or their equivalent used by counsel during and in connection with judicial proceedings, no electronic device may be used in any courtroom without express permission, in advance, from the presiding judge.
 - 1. Counsel who wish to use electronic devices other than laptops, PDAs or their equivalent during and in connection with judicial proceedings must secure permission, in advance, from the judge presiding over those proceedings.
 - 2. Cell phones, pagers, and other electronic communication devices may be activated only in the 'vibration' mode inside courtrooms or jury rooms. Such devices may not be activated in courtrooms or jury rooms in any mode that uses any sound to alert the user to incoming communication.
- F. Jurors may not use any electronic device in a courtroom during judicial proceedings or in a jury room during or in connection with deliberations. Grand jurors may not use any electronic device during or in connection with any proceedings before or deliberations by the grand jury. Cell phones, pagers, and their equivalent may be activated in courtrooms or jury rooms only in the 'vibration' mode.

ADOPTED:
October 20, 2005

FOR THE COURT:

Vaughn R. Walker
United States District Chief Judge

Technical Info for Broadcast & Electronic News Media

Fiber Optic Cable Installation

With assistance from the Federal Bar Association and local media outlets, a Media Center has been established on the first floor of the federal building, 450 Golden Gate Avenue, San Francisco, California. Fiber optic cables have been installed to assist the media to more easily connect audio, video and/or data from inside the Media Center to media trucks parked nearby **for purposes of recording interviews and press conferences; unless otherwise notified, broadcast of court proceedings is prohibited.** The federal district court is providing the fiber connection only. All other equipment and electronic devices (data, audio, video, transmission, reception, distribution, etc.) using the fiber must be provided by news media (“others”).

Disclaimers

- The court is providing this installation as a benefit to the media, but reserves the right to discontinue it at any time.
- The court is not responsible for, and does not assume any liability for, any aspect of this installation, including, but not limited to: equipment installed by others, operational issues in relation to this installation (such as if broadcasts are interrupted, faulty, or impossible), safety of others (such as hazards due to cable installations by others), etc.
- The court provides no guarantees as to the installation.

Fiber Optic Cable Endpoint Locations (1 input, 2 outputs)

Inputs

Internal: “Media Center”, 450 Golden Gate Avenue, San Francisco, California (inside Turk Street entrance, north-east corner of the building). Fiber patch panel is surface-mount 12-port housing, located toward the rear (west) of the Media Center, on the north wall. Fiber Optic Cables are 6 strands (3 pairs) to each location (6 strands to Larkin St., and 6 strands to the 16th Floor). **All connections are “ST” type and labeled: “To Larkin St. (1-6)” and “To 16th Floor (7-12)”.** All fiber optic cables are Single Mode.

Outputs

1. **Primary** (external): 400 block of Larkin Street, west side. Approximately across the street from 444 Larkin Street. The fiber box is located above the black, exit-only door, 30 feet to the right of the entrance driveway. **All connections are type “ST” type and labeled “1-6”.** No electrical power is available at this location.

The box is locked with a padlock. The access key, with accompanying wrench for the bolts, can be obtained from the Court Security officer at the Turk Street entrance.

Secondary contacts, for further assistance or information are:

Joan Anyon at 415-522-4051 or Joan_Anyon@cand.uscourts.gov

ECF Helpdesk at 866.638-7829.

2. **Secondary** (internal): 450 Golden Gate Avenue, 16th Floor. Clerk’s Office, West side lunch room (which has a west facing window viewing Sutro Tower). **All connections are type “ST” type and labeled “7-12”.** Standard 110VAC power is available.

Access by appointment only via Joan Anyon at 415-522-4051 or

Joan_Anyon@cand.uscourts.gov (or see info above).

This location is intended for use only if the Larkin St. connections are unavailable due to security concerns. Media representatives are required to provide their own equipment (such as radio/microwave antennas) to broadcast from the lunch room. All equipment must be safe for use within just a few feet of personnel.