

Sunshine Week: In California, fees can add up for public access to court records

By Tim Sheehan



Fresno County Courthouse FRESNO BEE FILE

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Under California law, the public is entitled to a remarkable level of access to a vast array of government records. And the California Public Records Act, which ensures that the government's business is conducted in public, applies as much to the state's courts as to other state and local agencies including cities, counties, school districts and even cemetery districts.

Just be prepared to open your wallet.

While information and documents from Superior Courts across the state are available as public records, that doesn't mean they're going to come cheap, or without some effort. And open-government advocates say the fees being charged by some counties' courts serve as financial barriers to records that are otherwise public.

In the central San Joaquin Valley, the Superior Courts in Fresno, Kings and Tulare counties have systems in place that allow people to look up civil court cases online without having to visit the local courthouse. But Madera County, like many smaller counties, simply doesn't have the money to support online access to search court records, said Diana Bernardi, a financial analyst with the Madera County Superior Court. Bernardi said the courthouse has a self-help desk where people can look up a case on the computer and then take the case number to the appropriate



department to browse the case file.

Similarly, you'll have to go to the courthouse in Fresno, Kings and Tulare counties to examine a court file. And in all four counties, a copy of a court record costs 50 cents per page. That's a charge established in a statewide set of court fees.

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Some of the state's larger Superior Courts, including Sacramento and Los Angeles counties, have more robust technology that allows the public to search for cases online and view court records on their home computer — at a price. And those prices mean it can get pretty expensive to be a gadfly.

Say, for instance, that you're following the flurry of lawsuits against the California High-Speed Rail Authority over its controversial bullet-train project. Because the rail authority is a state agency based in Sacramento, nearly all of the litigation against it is filed in Sacramento County Superior Court. Up until mid-2014, one could look up the cases online, search the court files and view and download any of the filed records at no charge. But starting on July 1, the court began charging "public access fees" for name searches and looking at electronic documents through its website, and required users to use a credit card to pay for searches or documents.

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In Sacramento, the charge is \$1 per page for the first five pages of a document, and 40 cents for each additional page up to a \$40 maximum per document. Those charges would add up to almost \$235 to view the court records filed since July 1 in just one case: the lawsuit filed by Kings County farmer John Tos, Hanford homeowner Aaron Fukuda and the Kings County Board of Supervisors. Add in a slew of other cases against the rail agency, and you're looking at charges of more than \$1,100 to take a peek at all of the court records filed since last summer.

Why so much? "In order to provide electronic public access to case information, the court incurs technology development, maintenance and operational expenses," said Elaine Florez, a spokeswoman for the Sacramento County court.

"Historically, these services were provided to the public by the court free of charge," Florez added. "However, given the continued reductions to the court's budget, the court must recoup these costs in order to continue providing these services."

The fees were set, Florez said, after examining what it costs the court to offer the online access, forecasting how many transactions might occur in the first year and reviewing what other courts charge for access.

OPINION: [Public's access to government records faces roadblocks aplenty](#)

But electronic filing and record keeping, which was intended to create greater efficiency and reduce costs for courts, appear to represent instead an excuse for some courts to charge more instead, said Jim Ewert, general counsel for the California Newspaper Publishers Association.

Ewert said the state's general fund has, over the past decade, provided money to courts to improve electronic record keeping. "Theoretically, you'd have more efficient operations by not having clerks running back and forth between the public counter and wherever the files are stored," he said. "This is a service that the public has essentially already paid for (through taxes), and now they're being asked to pay for it again."

Because the state has trimmed court budgets in recent years, courts are now scrambling to come up with other sources of revenue — like charging for online viewing of court records that are maintained electronically anyway.

"It erects a barrier to public access to this information," Ewert said. "It's especially a barrier for those in the disabled community and others who may have a difficult time with physical access to the courthouses."

The online-access fees also confound the public because the fees are inconsistent from one county to another. In Los Angeles County, for example, there's a flat charge of \$7.50 for up to 10 pages, and seven cents per page up to a \$40 cap.

"I can tell you there are reporters and editors up and down the state who are increasingly frustrated," Ewert said. "It's made their job of covering the courts so much more difficult now." Because the legal system tends to be one that many in the public don't thoroughly understand, he added, "the next best thing is for newspapers to help sort through some of those mysteries."

"If newspapers charged with that task are having a difficult time doing that, we think the public is underserved."

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