

DECLARATION OF ROBERT J. ROSENTHAL

I, Robert J. Rosenthal, declare as follows:

1. I am the Executive Director of the Center for Investigative Reporting, a nonprofit nonpartisan journalism organization, a position I have held since 2008.

I have personal knowledge of the matters stated in this declaration and could competently testify to them if called as a witness.

2. The Center for Investigative Reporting (CIR) was founded in 1977. CIR conducts in-depth investigative reporting. Our staff of 67 people includes highly skilled reporters who know how to cultivate sources and find hidden information; engineers and analysts who create news apps, interactive maps and tools to help the public understand issues from the macro to the micro level; and radio, video and multimedia producers who create engaging documentaries, videos and animated features to demystify complex topics. More than 300 news outlets partner with us or have featured our reporting. Our web site may be viewed at the following URL: <http://cironline.org>

3. CIR has received numerous awards for our work, including the 2012 MacArthur Award for Creative and Effective Institutions, the 2011 and 2012 George Polk Awards in Journalism, and was a finalist for the 2012 Pulitzer Prize in local reporting and the 2013 Pulitzer Prize in public service.

4. Our reporters make extensive use of court documents in their work.

For example, our 2006 series “Conflicts on the Bench,” which appeared on Salon.Com, investigated two nominees for the U.S. Court of Appeals and potential violations of federal law and the judicial code of conduct by presiding over multiple cases involving companies in which they owned stock. Subsequent to these stories, Chief Justice John Roberts ordered a review of ethics policies and the judiciary mandates use of computer software to screen for conflicts of interest.

These stories may be viewed at the following URL:

<http://cironline.org/reports/conflicts-bench>

5. In our 1999 story, “Justice for Sale,” a co-production with “Frontline,” examined the fight of Louisiana residents in the courts to thwart the construction of a pollution-producing factory, and subsequent rulings by the California Supreme Court, which would have made future opposition to chemical plants more difficult. After these stories were published, the Governor of Louisiana announced a change in the previous policy of trying to attract chemical plants to what had become known as Louisiana’s “cancer alley.” These stories may be viewed at the following URL:

<http://www.pbs.org/wgbh/pages/frontline/shows/justice/>

6. Our 2013 series of stories on farmworker sexual abuse, “Rape in the Fields,” relied extensively on court documents to track down and document cases

of alleged rape and sexual assault across the country concerning the treatment of farmworkers and the response from agriculture companies. The series was a collaboration with PBS Frontline and the Investigative Reporting Program at UC Berkeley, and led to the state of California launching a series of hearings and investigations into the treatment of workers. Gov. Jerry Brown of California signed a new law requiring sexual-harassment training for labor contractors, supervisors and farm workers, the direct result of the series. These stories may be viewed at the following URL: <http://cironline.org/rapeinthefields>

8. Our 2012 series of stories about the failure to investigate abuse of developmentally disabled adults in the care of the state, “Broken Shield,” also relied heavily on court documents to uncover cases of abuse that were not reported by the state. The “Broken Shield” investigation led to widespread changes within California’s developmental centers and the state, including a landmark, unanimous California Supreme Court ruling that forces the state Department of Health Services to release uncensored copies of inspection reports on developmental centers. These stories may be viewed at the following URL: <http://californiawatch.org/broken-shield>

9. Court dockets, in particular the dockets for our federal judiciary, are one of our most important research tools. Both the technical structure and the fee

structure of the current PACER system preclude the examination of large numbers of documents, a common task we face when investigating a new story.

10. PACER is an instrumental and daily tool CIR uses in reporting and conducting investigations. It is a primary way to find sources, to uncover buried documents and find leads. CIR built a database around corruption within Customs and Border Protection that relied heavily on PACER, which we used to create dossiers on prosecuted law enforcement officials. Where the government may put out little information in press releases for some cases, CIR could bring misconduct to light with the help of such records. In the interest of public service journalism, unfettered access to public records is paramount. Where the federal government often ties up public record requests for months or years, access to PACER is often the best way to get information from the government.

11. Our ongoing and ground breaking coverage of the Department of Veterans Affairs is often based documents our reporters access using PACER. The VA is a federally-run health system serving more than 6 million veterans annually. When veterans have problems with that system they seek relief in the federal courts. In addition, the VA is the second largest government agency in terms of personal, with more than 300,000 employees. Many CIR's stories have originated with workplace disputes that ended up in the federal judiciary.

12. Having access to all the filings for a full district would be a very valuable capability, allowing us to tackle new stories that are not possible today. Having access to all the filings for more than one full district would be even more valuable, allowing CIR to look at differences in the administration of justice across different courts.

13. The cost of PACER access is a significant burden to CIR. Because of the high cost of the system, our reporters are required to get management approval before using the system and their use is tightly constrained to keep control over costs. Only a handful of our 18 reporters have direct access to the system, because it is so cost-prohibitive to our nonprofit organization.

14. While there is a fee exemption procedure available for specific stories, the process is cumbersome and because it requires us to specify in great deal the extent of PACER access contemplated, it does not allow our journalists to do the kinds of preliminary, exploratory research that often leads to new stories.

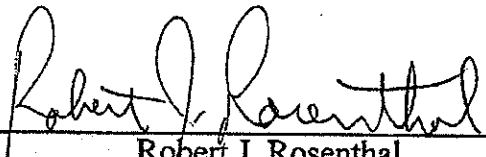
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15. For these reasons, this affidavit is submitted in support of the Public Resource fee exemption request, which would make the full proceedings of one or more courts available for access by the public.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this declaration was executed this 2nd day of April, 2015.

By 
Robert J. Rosenthal