

The Supreme Court of the State of Louisiana

IN RE: MEDIA ACCESS TO VIRTUAL ZOOM
COURTROOM

No. 2023-KK-00172

IN RE: Capital City Press, LLC d/b/a The Times-Picayune - Applicant Other;
Applying For Supervisory Writ, Parish of Orleans Criminal, Criminal District Court
Number(s) 538512, Court of Appeal, Fourth Circuit, Number(s) 2022-K-0798;

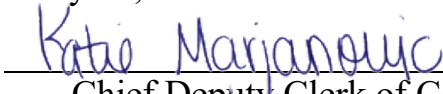
May 16, 2023

Writ application denied. See per curiam.

SJC
JLW
JTG
WJC
JBM
PDG

Hughes, J., recused.

Supreme Court of Louisiana
May 16, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KK-00172

IN RE: MEDIA ACCESS TO VIRTUAL ZOOM COURTROOM

On Supervisory Writ to the Criminal District Court, Parish of Orleans Criminal

PER CURIAM*

Relator, Capital City Press, L.L.C., d/b/a The Times-Picayune, seeks review of ruling of the district court denying relator’s reporter’s request for electronic access to a court session on November 2, 2022. For the reasons that follow, we find the application does not present a justiciable controversy and therefore deny relief.

It is well settled that courts will not decide abstract, hypothetical or moot controversies, or render advisory opinions with respect to such controversies. In order to avoid deciding abstract, hypothetical or moot questions, courts require that cases submitted for adjudication be justiciable, ripe for decision, and not brought prematurely. *St. Charles Par. Sch. Bd. v. GAF Corp.*, 512 So. 2d 1165, 1170 (La. 1987) (on rehearing).

A “justiciable controversy” connotes, in the present sense, an existing actual and substantial dispute, as distinguished from one that is merely hypothetical or abstract, and a dispute which involves the legal relations of the parties who have real adverse interests, and upon which the judgment of the court may effectively operate through a decree of conclusive character. *Abbott v. Parker*, 259 La. 279, 308, 249 So. 2d 908, 918 (1971). This traditional notion of a “justiciable controversy” is rooted in our Constitution’s tripartite distribution of powers into the executive, legislative, and judicial branches of government. *Cat’s Meow, Inc. v. City of New Orleans Through Dep’t of Fin.*, 98-0601 (La. 10/20/98), 720 So. 2d 1186, 1193.

* Hughes, J. recused.

Relator is not a party to these criminal proceedings and has no adverse interests to any of the parties. Moreover, the district court has indicated the internal rule of court which relator seeks to have us review is no longer in effect as of December 5, 2022, and virtual access is now limited to very specific circumstances involving inmates incarcerated outside of the parish.¹ Under these circumstances, any decision by this court would be advisory in nature.

In reaching this conclusion, we do not mean to minimize in any way the important issues of law raised by relator. The ability to conduct proceedings by electronic means was an important tool to ensure the continued operation of the judiciary during the height of the pandemic, and many courts continue to utilize virtual proceedings in different ways. It is important to ensure that rules of access to such proceedings be developed in a comprehensive and orderly manner to ensure the rights of the public and the parties are respected. This task addresses itself to our administrative rather than adjudicative role. *See* La. Const. Art. V, § 5 (providing that the supreme court “may establish procedural and administrative rules not in conflict with law. . .”).

In summary, without passing on the merits, we find the application does not present a justiciable controversy. Accordingly, relief is denied.

¹ The district court’s per curiam states:

This Court notes that as of December 5, 2022, this Court no longer utilizes Zoom outside of very specific circumstances, mainly for proceedings involving defendants incarcerated outside of Orleans Parish. Members of the public, attorneys, and media have and remain welcome to access the Court in-person, at any time that proceedings are being held.