



April 19, 2021

Via E-Mail

Hon. Kim Berkeley Clark
Mr. Christopher Connors
330 Frick Building
437 Grant Street
Pittsburgh, PA 15219

Re: Public access to landlord-tenant proceedings in the Fifth Judicial District

Dear President Judge Clark, Judge Connelly, and Mr. Connors:

We write as representatives of several civic and legal organizations regarding the public's lack of virtual access to landlord-tenant proceedings in the Fifth Judicial District. The Third Circuit has long recognized that "the public and the press possess a First Amendment and a common law right of access to civil proceedings." *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1071 (3d Cir. 1984); *see also* Pa. Const. Art. I, § 11 ("All courts shall be open."). We therefore ask that the Fifth Judicial District make all landlord-tenant proceedings accessible to the public through virtual means until it once again becomes safe for the public to observe these high-stakes civil proceedings in person.

As you know, most landlord-tenant proceedings in Allegheny County occur before magisterial district judges, who often preside in small courtrooms outside of the main County Courthouse. COVID-19 safety protocols at those locations vary widely, and social-distancing efforts are often constrained because of the small size of the facilities. Indeed, PURR's volunteers have occasionally been blocked from entering magisterial district courtrooms altogether due to court officials' purported public-health concerns. In the absence of any alternative means to observe the proceedings, those blockades raise serious constitutional problems.

The simplest way to address these problems is to provide members of the public and the press with virtual access to all landlord-tenant proceedings. The Fifth Judicial District has already (to its credit) taken steps to ensure that all magisterial district judges have the capacity to provide the public with virtual access to their criminal hearings during the pandemic. That technology can easily be used to ensure public access to landlord-tenant proceedings. We therefore urge the Fifth Judicial

District to make use of that existing technology in order to protect both the public health and the public’s constitutional right of access.¹

We thank you for your prompt attention to this matter. If you have any questions or concerns about any of the above, please do not hesitate to contact us if you would like to discuss further.

Sincerely,

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¹ Providing the public with remote access to landlord-tenant hearings would also accord with the other pandemic-related safety measures that the Fifth Judicial District has implemented in Housing Court. The Housing Court Help Desk is currently working to reduce in-person contact at courthouses by “assisting clients remotely” and “encourag[ing] parties involved in Landlord Tenant actions to consult the website and utilize the forms available on the website when possible.” Fifth Judicial District, Civil: Housing Court, https://www.alleghenycourts.us/civil/Housing_Court.aspx (last visited Mar. 25, 2021).