



MIKE HUNTER
ATTORNEY GENERAL

May 7, 2018

The Honorable Thad Balkman
District Judge
Cleveland County Courthouse
200 S. Peters Ave.
Norman, OK 73069

Re: State of Oklahoma *ex rel.* Mike Hunter, Attorney General of Oklahoma v. Purdue
Pharma, L.P., *et al.*, Case No. CJ-2017-816

Dear Judge Balkman:

I am writing in response to the April 10, 2018 letter request by The Oklahoma Publishing Company (“OPUBCO”) to allow members of the press to utilize cameras in the courtroom during trial of the above-referenced case. At the Court’s discovery hearing on April 19, 2018, you asked each of the parties to advise the Court of its position regarding this request. At that time, I stated on the record that the State would fully support such access. I am writing now to confirm the State’s position.

As Mr. Nelon points out in his letter on behalf of OPUBCO, there is nothing in statute or the local rules that would prohibit the use of cameras during trial. Instead, “district courts are indeed entitled to discretion in monitoring their own processes.” *Cities Serv. Co. v. Gulf Oil Corp.*, 1999 OK 16, ¶ 8, 976 P.2d 545, 548. With that in mind, I would note that, as the U.S. Supreme Court recognized over 70 years ago, “[a] trial is a public event. What transpires in the court room is public property.” *Craig v. Harney*, 227 U.S. 367, 374 (1947); *see also Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980) (“The crucial prophylactic aspects of the administration of justice cannot function in the dark; no community catharsis can occur if justice is ‘done in a corner [or] in any covert manner.’” (citation omitted)). As such, federal courts, as well as the Oklahoma Court of Criminal Appeals, have upheld trial courts’ decisions to permit the press to use cameras in the courtroom. *See, e.g., Blair v. Eagle-Picher Indus., Inc.*, 962 F.2d 1492, 1500 (10th Cir. 1992) (upholding trial court decision to allow video cameras at trial despite defendant’s claim that the presence of cameras violated its right to a fair trial); *Lyles v. State*, 1958 OK CR 79, ¶ 6, 330 P.2d 734, 739 (“[I]t has been many times held that these provisions of free press extend to broadcasting and television. Courts of the United States make no distinction between various methods of communication in sustaining freedom of the press.”).

This office reached a similar conclusion in the context of meetings of public bodies subject to the Open Meeting Act. In opining that cameras and tape recorders may not be categorically barred from the meetings of such entities, this office reasoned that “[t]he ability to tape-record and video tape, film or photograph the proceedings of public bodies greatly enhances the accurate reporting

of events transpiring at such meetings; and public interest in those events will be stimulated by news accounts using the products of those instruments.” A.G. Opin. 1981-109 at 199.

These ideals ring especially true here. The issues to be decided in this case carry tremendous importance to the citizens of Oklahoma. As alleged in the State’s Petition, by some measures more opioid medications are being distributed per adult resident in Oklahoma than in any state in the nation. Pet. ¶ 26. The Oklahoma Commission on Opioid Abuse documented similarly discouraging trends, finding that in 2014 Oklahoma had the highest rate of abuse of painkiller drugs in the nation. THE OKLAHOMA COMMISSION ON OPIOID ABUSE, FINAL REPORT at 4 (Jan. 23, 2018). None of our communities has been spared from this epidemic. Its effects are being felt statewide. Accordingly, *all* Oklahomans—whether in Elk City or Oklahoma City, Tulsa or Tishomingo—should have the same ability to follow this trial, to stay abreast of the dangers of Defendants’ products, and to learn the details of Defendants’ misconduct.

For these reasons, I respectfully submit that OPUBCO’s request should be granted and members of the press should be permitted to use cameras in the courtroom to document the trial of this case.

Respectfully,

A handwritten signature in black ink that reads "Mike Hunter". The signature is written in a cursive, slightly stylized font.

MIKE HUNTER
OKLAHOMA ATTORNEY GENERAL