

## Office of the State Public Defender

1111 Broadway, 10<sup>th</sup> Floor  
Oakland, California 94607-4139  
Telephone: (510) 267-3300  
Fax: (510) 452-8712



October 25, 2021

Hon. J. Anthony Kline  
Presiding Justice  
Court of Appeal, First Appellate District  
Division Two  
350 McAllister Street  
San Francisco, CA 94102-7421

Re: *In re Jeremy J. Foster*  
First District Court of Appeal Case No. A160713  
Humboldt County Superior Court Case Nos.  
CR974999, CR2001183

Dear Justice Kline:

We, the undersigned organizations and individuals, have a keen interest in ensuring access to the courts for incarcerated persons in California. We write in support of Mr. Foster's request for remote oral argument access. We urge this Court to issue an order to require the California Department of Corrections and Rehabilitation to make incarcerated persons (like Mr. Foster) available to watch oral arguments in their cases.

In response to the COVID-19 pandemic, this Court has instituted remote oral arguments that, for more than a year now, have been accessible to members of the public via an internet link on the Court's website. Indeed, the implementation across the state of remote access to court proceedings for litigants during the pandemic has proven so successful that there is strong

support for maintaining extensive remote access to court proceedings even as pandemic regulations are withdrawn.

Given the relative ease with which such remote access is possible, this Court should embrace this shift in communication technology and take this opportunity to expand access to the courts by allowing state prisoners to remotely access the oral arguments in their pending cases.

Allowing state prisoners to remotely access oral argument in their pending cases would promote access to justice and facilitate greater participation, transparency, and trust in the criminal legal system for incarcerated individuals. It would increase fundamental fairness for those who have the most at stake in the outcome of their cases.

In August of this year, a Judicial Council workgroup that was convened to examine successful court practices adopted during the pandemic published an [interim report](#)<sup>1</sup> regarding remote access to courts. The report recommended that “California courts should expand and maximize remote access on a permanent basis” and that “the Judicial Council should encourage and support courts to substantially expand remote access through all available technology and should work to promote consistency in remote access throughout the state to ensure that Californians have equal access to the courts while providing flexibility to meet local needs.”

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<sup>1</sup> Available at:

<<https://newsroom.courts.ca.gov/sites/default/files/newsroom/2021-08/P3%20Workgroup%20Remote%20Access%20Interim%20Report%2008162021.pdf>>

Access to the courts should include incarcerated litigants. We urge this Court to embrace the Judicial Council workgroup's recommendations by expanding remote access to oral argument in pending appeals to incarcerated litigants.

Sincerely,

/s/

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Michael G. Colantuono  
Amicus Committee Chair  
California Academy of  
Appellate Lawyers

/s/

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Jody Lewen  
President  
Mount Tamalpais College

/s/

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Mary K. McComb  
State Public Defender  
Office of the State Public Defender

/s/

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Donald Specter  
Executive Director  
Prison Law Office

/s/

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Keith Wattley  
Founder and Executive Director  
UnCommon Law

/s/

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Allison Zuvela  
President  
California Attorneys for  
Criminal Justice

**DECLARATION OF SERVICE**

Case Name: *In re Jeremy J. Foster*  
Case Number: First District Court of Appeal Case No. A160713  
(Humboldt County Superior Court Nos.  
CR974999, CR2001183)

I, **Christopher Gonzalez**, declare as follows: I am over 18 years of age and not a party to this action. I am employed in the County of Alameda. My business address is: Office of the State Public Defender, 1111 Broadway, Suite 1000, Oakland, CA 94607. Today, I served true copies of the following document:

**LETTER IN SUPPORT OF PETITIONER JEREMY J. FOSTER'S  
REQUEST FOR REMOTE ORAL ARGUMENT ACCESS**

The aforementioned document was served electronically (via TrueFiling) to the individuals listed below on **October 25, 2021**:

L. Richard Braucher First District Appellate Project 475 Fourteenth Street, Suite 650 Oakland, CA 94612  Via TrueFiling to: rbraucher@fdap.org	Jennifer Ross Office of the Attorney General 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004  Via TrueFiling to: Jennifer.Ross@doj.ca.gov
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was signed on **October 25, 2021**, in Sacramento County, California.

/s/ Christopher Gonzalez  
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CHRISTOPHER GONZALEZ