

4. I have reviewed the Complaint being filed with the Court in this case and based on my personal knowledge, information, and belief, it is true and accurate. This declaration is submitted in support of the Motion for temporary restraining order and preliminary injunction.

5. The Center Square was launched in May 2019 to fulfill the need for high-quality statehouse and statewide news across the United States.²

6. The Center Square's focus is state- and local-level government and economic reporting. As a result of this approach, our readers are better informed about the issues of state and local government and its cost to the citizens whose tax dollars fund governmental decisions.

7. The Center Square is staffed by editors and reporters with extensive professional journalism experience. We engage our readers with essential news, data, and analysis.

8. The Center Square distributes its journalism through three main channels at no cost to readers, including a newswire service to legacy publishers and broadcasters, its own website, and social media.

9. The Center Square is a project of the 501(c)(3) Franklin News Foundation, headquartered in Chicago.

10. The Center Square provides extensive news coverage throughout the United States, including the Southeast region and Tennessee.³

² <https://www.thecentersquare.com/site/about/about.html>.

³ <https://www.thecentersquare.com/tennessee/>.

11. As part of my duties as Executive Editor, I assign reporters to cover newsworthy events in Tennessee that I think would be keeping within The Center Square's focus on state- and local-level government.

12. As Executive Editor, I think reporting and covering Tennessee Judicial Conference meetings would be keeping within The Center Square's focus on state- and local-level government and would engage our readers with essential news, data, and analysis on the state court rulemaking process in Tennessee state courts.

13. Tennessee Judicial Conference members are required to meet annually to discharge their official duties and deliberate on state court policy and rules and then submit their recommendations to the General Assembly.

14. Reporting and covering Tennessee Judicial Conference meetings as members meet to discharge their official duties and consider rules, draft legislation, and then submit their recommendations to the General Assembly, would be newsworthy and engaging for our readers.

15. On or about June 6, 2022, I learned that Michelle Long, in her official capacity as Director of the Tennessee Administrative Office of the Courts ("TAOC"), had promulgated a new closure policy #3.04, preventing public and press access to Tennessee Judicial Conference meetings. A copy of the closure policy is attached to the Complaint as *Exhibit 1*.

16. This closure policy prevents me from assigning reporters I supervise as Executive Editor of The Center Square to report and cover future Tennessee

Judicial Conference meetings, either virtually or in person, including upcoming meetings beginning on June 15 in Franklin and metropolitan Nashville.

17. But for the closure policy, as the Executive Editor of The Center Square, I would make an editorial decision to assign reporters I supervise to report and cover future Tennessee Judicial Conference meetings, either virtually or in person, including upcoming meetings beginning on June 15 in Franklin and Nashville.

18. Last July 6, 2021, the TAOC published an article on its website about the annual 2021 Tennessee Judicial Conference that had just concluded in June and provided the names of the newly elected officers for the Tennessee Judicial Conference. This article further noted that the annual 2022 Tennessee Judicial Conference meeting “would be held in Middle Tennessee.”⁴

19. The Tennessee Bar Association (“TBA”) is a voluntary association that comprises the legal community in Tennessee including active licensed attorneys and law students.⁵

20. TBA’s Bylaws require the president of the Tennessee Judicial Conference to be one of the twenty-seven board members of the TBA Board of Governors.⁶

21. Of the twenty-seven board members that comprise the TBA Board of Governors including the president of the Tennessee Judicial Conference, other

⁴ <https://www.tncourts.gov/press/2021/07/06/new-officers-named-tennessee-judicial-conference>.

⁵ <https://www.tba.org/?pg=about-the-tba>.

⁶ See at “TBA Bylaws” link. <https://www.tba.org/?pg=Governance>.

Tennessee Judicial Conference members and state court trial judges are also board members of the TBA Board of Governors.⁷

22. The 2022 TBA annual convention is being held June 15-18, 2022, in Nashville, Tennessee at the Hilton Hotel, located in the heart of the city's entertainment district.⁸

23. It is publicly known that some members of the Tennessee Judicial Conference are also board members of the TBA Board of Governors and will likely be in Nashville for some of the TBA annual convention June 15-18, 2022. It is also publicly known that past Tennessee Judicial Conference annual meetings have been held in the month of June and that the 2022 annual Tennessee Judicial Conference meetings "would be in Middle Tennessee." Therefore, upon information and belief, some 2022 Tennessee Judicial Conference meetings are being held beginning on June 15 in Nashville, Tennessee in conjunction with the TBA annual convention.

24. Based on publicly available 2022 judges' calendars from the First Judicial District of Tennessee, June 15, 16, and 17 are blocked off judges' calendars and state, "TJC Franklin."⁹ Therefore, upon information and belief, some 2022 Tennessee Judicial Conference meetings are being held beginning on June 15 in Franklin, Tennessee.

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https://www.tba.org/?&pg=BoardDirectory&diraction=SearchResults&fs_match=s&seed=376462.

⁸ https://www.tba.org/?pg=2022_Convention.

⁹ <https://www.washingtoncountyttn.org/DocumentCenter/View/1245/2022-Judges-Calendar-PDF>.

25. A review of the TAOC website reveals that there is information published regarding the Tennessee Judicial Conference, but when I attempt to access the information, it indicates it is “password protected.”¹⁰

26. This includes attempting to access Spring 2022 Tennessee Judicial Conference continuing legal education “handouts” and it indicates that the information is “for judges and court personnel ONLY.”¹¹

27. I am seeking declaratory and injunctive relief to stop Director Long from enforcing TAOC’s closure policy and ending policy #3.04’s ongoing and continuing violation of my First Amendment right of access that prevents public and press access to future Tennessee Judicial Conference meetings, including upcoming meetings beginning on June 15 in Middle Tennessee in Franklin and metropolitan Nashville.

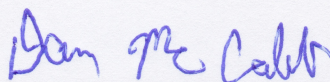
28. I am requesting relief ordering Director Long to provide me with both virtual and in-person access so that I may assign reporters I supervise as Executive Editor of The Center Square to report on future Tennessee Judicial Conference meetings, either virtually or in person, including upcoming meetings beginning on June 15 in Middle Tennessee in Franklin and metropolitan Nashville.

¹⁰ https://www.tncourts.gov/search/apachesolr_search/Judicial%20Conference.

¹¹ https://www.tncourts.gov/protected-node?destination=node%2F7766936&back=https%3A%2F%2Fwww.tncourts.gov%2Fsearch%2Fapachesolr_search%2FJudicial%2520Conference&protected_page=7766936.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

Executed on June 10, 2022
Crystal Lake, Illinois



DAN McCALEB,
Executive Editor of The Center Square