

## **Judicial-Media Committee**

Minutes of the meeting on February 8, 2010

Present: Claude Albert, co-chair; Melissa Bailey, Tom Appleby, Justice David Borden, Judge Patrick Clifford, Joe D'Alesio, Judge Nina Elgo, Melissa Farley, Morgan McGinley, Chris Powell, Thomas Scheffey, Adrianna Venegas, Dave Ward.

Also present: Judge Barbara Quinn, Attorney Sarah Eagan, Rhonda Stearley-Hebert

### I. Open meeting

Mr. Albert opened the meeting at 3 p.m.

### II Minutes

The committee unanimously approved the minutes from the meeting of October 19, 2009.

### III. Update on membership letters

Mr. Albert explained how the Judicial Branch wanted to make regular terms for members of the Judicial-Media Committee, and also set it up as a permanent committee. This led to letters that committee members recently received regarding terms, Mr. Albert said, adding that terms for original committee members will expire in 2011. Terms for later members are staggered, three-year terms, he explained, so that the committee membership is not turning over all at once.

Committee members may serve consecutive terms and may be reappointed, Mr. Albert added.

### IV. Subcommittee updates

Paul Giguere updated the committee on the upcoming *Law School for Journalists*.

### V. Presentation on Juvenile Access Pilot Program

Judge Quinn and Attorney Eagan, co-chairs of the Juvenile Access Pilot Program Advisory Board, provided information about the pilot program. Among their key points:

- The pilot program is the result of Public Act 09-194, which requires increased access to trial proceedings in which a child is alleged to be uncared for, neglected, abused, or is the subject of a petition for the termination of parental rights.
- Pursuant to this act, Judge Quinn established the pilot program with the assistance of the Juvenile Access Pilot Program Advisory Board and the Rules Committee of the Superior Court.
- The advisory board has been meeting since September 2009, has a broad membership that represents various stakeholders, and has reviewed best practices from other states.

- Advisory board members thought that a pilot program would be appropriate, and they have been working hard to determine how the pilot would proceed.
- The pilot site is the Child Protection Session at the Middlesex Judicial District and was to begin the week of February 16, 2010.
- Openness in juvenile court should not be viewed the same as other courts (i.e. adult). It should be a different standard, that is, what is in the best interest of the child.
- The advocacy community has been split on whether to open up these proceedings and the question has prompted a lot of controversy within this community. Some people feel that opening up this part of juvenile court will hurt the children and subject them to ridicule and humiliation. There is also the privacy of the affected families to consider. Others, such as Eagan's child advocacy group, have pushed for openness because it holds the courts accountable. Attorney Eagan said closure runs at odds to justice and fair play, and that "sunshine is required to ensure courts are working the right way." However, that said, moving toward openness must be done carefully, she added.
- Documents in a case will remain confidential, pursuant to statute, and cases involving sexual assault will remain closed to the public.

Mr. Albert expressed concern that documents remain sealed because "journalists rely heavily on the written record." Judge Quinn responded that these are the types of issues that will need to be worked through during the pilot program. Justice Borden added that this is precisely why it's a pilot program, and that the results presumably will be an evaluative tool.

Justice Borden also said that if no members of the public show up, then that could show that the fear of harm from publicity may be overblown. Mr. Powell added that his guess was that there would not be much coverage.

According to Attorney Eagan, opening up juvenile court also may help educate stakeholders and others who don't have access to such proceedings. Those groups, she said, could include law students, minority organizations and student groups. Judge Quinn added that she hopes surveys from the pilot program will provide useful information.

Responding to a question from Ms. Bailey, Judge Quinn then explained under what circumstances a hearing or a portion of a hearing would be closed and what standard would be used.

#### IV. Schedule next meeting: adjourn

The committee set its next meeting for June 7, 2010, and then adjourned.