

Minutes from July 14, 2008, meeting of the Judicial-Media Committee

Judicial-Media Committee members present: Mr. G. Claude Albert, Judge Douglas Lavine, co-chairs; Attorney Joe D'Alesio; Judge Nina Elgo; Mr. Paul Giguere; Judge Barbara Jongbloed; Mr. Ken Margolfo; Mr. Morgan McGinley; Mr. Chris Powell; Judge Barbara Quinn; Mr. Tom Scheffey; Judge Michael Shay; Ms. Adriana Venegas-McCormick.

Also present: Mr. Tom Appleby; Judge Patrick Carroll; Judge Thomas Corradino; Ms. Karen Florin; Judge Carol Wolven.

Agenda Item No. I – Call meeting to order

Mr. Albert and Judge Lavine opened the meeting and welcomed committee members.

Agenda Item No. II – Approval of minutes

Committee members unanimously approved the minutes from the meeting of April 21, 2008.

Agenda Item No. III – Appointment of informal working group to facilitate placement of op-eds by judges

Judge Lavine reported that Justice David Borden, Judge Corradino, Morgan McGinley, Peter Pach and Chris Powell have agreed to serve on this informal working group.

Agenda Item No. IV – Subcommittee reports

A. Events: Judge Lavine suggested to committee members that the next program to discuss this fall would be a journalism school for judges.

B. Survey: Judge Lavine praised the Survey Subcommittee for its “yeoman’s work” on the recommendations developed from last year’s surveys to judges and journalists. He then turned over the discussion to Judge Jongbloed, who is co-chair of the Survey Subcommittee along with Ms. Karen Florin.

Judge Jongbloed explained how the subcommittee developed the 22 recommendations, which are grouped into five categories: facilities; public service; outreach & education; judicial/media relations; and judicial process.

A. Facilities

- 1. Study courtroom acoustics and audio systems and make improvements to ensure that everyone in the courtroom can hear the proceedings.*
- 2. Study ways to adapt current sound systems to provide the media with adequate audio feeds, while protecting participants’ ability to have off-the-record, confidential conversations.*

3. *New construction of courthouses should provide accommodations for the media. For existing facilities, accommodations should be made available to the media, where feasible.*

In reviewing the survey results, the condition of Branch facilities jumped out at subcommittee members as something that should be reviewed, Judge Jongbloed said. Media representatives raised A-2 as a result of cameras being present more often in the courtroom, she explained. Mr. Giguere added that A-2 is very important because a good audio feed is key. No. A-3 would be very helpful as well, Ms. Florin said.

B. Public Service

1. *The Court Operations Division should continue its training of courthouse staff. This subcommittee should review the curriculum used for the training on a yearly basis.*
2. *Develop a public service/customer service incentive for clerks and other front-line employees. Encourage clerks to greet public immediately. Provide backup when lines form in clerk's office. Provide a way for public to praise/complain about the service. Every effort should be made on the media's part to inform the clerk's office beforehand that they are interested in a case.*
3. *Create a vehicle for feedback and/or suggestions from judges, judicial employees, the media and the public.*
4. *The cost of copies produced by the clerk's office should be reduced.*
5. *Audio recordings of court monitors should be available at cost.*

Regarding B-2, this was one of the major complaints of journalists, Ms. Florin said – how they are treated at the counter in the clerk's office. Keeping the public in mind, she added, a "Hello" or "I'll be with you in a second" would go a long way. Judge Jongbloed added that reporters are looking for consistency among the different clerks' offices.

Joe D'Alesio said that enhanced public service is a big part of the Public Service & Trust Commission's work. Some of the improvements will be included in the Judicial Branch's strategic plan, Judge Quinn said.

Regarding B-4 and B-5, the cost of copies keeps coming up, Attorney D'Alesio said. For B-4, a statutory change would be required, he said. B-5 would require a statutory change as well and would not supplant transcripts as the official record of a court proceeding.

C. Outreach & Education

1. *Expand the “frequently asked questions” section of web site and Judicial publications for media. Include sealing policies and procedures, information on availability of court exhibits and a section explaining the typical contents of a court file.*
2. *The Law School for Journalists should continue. Yearly informational sessions also should be provided by the Judicial Branch for members of the media who are interested in learning about how courthouses function generally.*
 - a. *External Affairs and court staff should make themselves available to new court beat reporters to provide basic information.*
 - b. *Expand the Judicial Branch’s Speaker’s Bureau to include judges willing to speak at media organizations.*
3. *Conduct a panel presentation of media members and judges at the Judges’ Institute relating to the media on the following topics:*
 - a. *Decision-making concerning editorials;*
 - b. *Degree of reliability required before publishing investigative articles;*
 - c. *Decision-making concerning value/need for video coverage;*
 - d. *Discussion among judges who have had experience having cameras in the courtroom and members of the media.*
 - e. *Discussion of the pros and cons of “off-the-record” interviews with members of the media.*
4. *Create opportunities for clerks and other staff to meet with media to learn about their respective jobs and priorities, including tours of courts and news organizations.*
5. *The Guide to Court Information should be updated. Ensure that the Guide to Court Information contains a compilation of statutes and Practice Book rules relating to media coverage in the courthouse, including discretionary matters on which judges may differ and rules pertaining to Juvenile Court.*
6. *The Branch should consider promulgating suggested guidelines for judges as to procedure to follow when:*
 - a. *contacted by media;*
 - b. *media coverage inaccurate/unfair.*
7. *Designate mentors for both judges and media members to consult when issues regarding media in the courthouse arise.*

Both Judge Jongbloed and Judge Wolven said they believed that C-3 would be useful to the judges. According to Judge Jongbloed, the survey results showed that a lot of judges are upset with what they perceived as unfair criticism. The subcommittee believes that it would go a long way if judges knew what went into the media's decision-making.

Mr. Powell responded that such a program would not address the problem, that is, what does a judge do when something is misrepresented? Judge Jongbloed answered that such misrepresentations actually do get addressed.

Judge Jongbloed added that another recommendation in Section D proposes that the role of the Fire Brigade be re-evaluated. It soon became clear that the Fire Brigade, initially envisioned as a "rapid response" team of judges and journalists, was not set up to react quickly or to convene quickly, she explained. The Fire Brigade might be better suited to more of a long-term analysis of access issues and also could be available for mentoring, she said.

C-6 was a big issue for the judges, Judge Jongbloed said. Nor is it a simple matter, she added; it may require a small group getting together to discuss possible guidelines. Some judges would like guidelines in place; others want to handle it their own way, she explained. Either way, the topic is worth reviewing, Judge Jongbloed added.

D. Judicial/Media Relations

- 1. Clerk's office supervisory personnel should receive more extensive /detailed training regarding media issues.*
- 2. Educate and inform judges on potential resources, such as External Affairs and/or the Fire Brigade.*
- 3. The role of the Fire Brigade should be re-evaluated.*
- 4. Clerks should consult judge on a file's availability for public/media review when the judge has the file. Encourage the judge to make available a portion of the file, such as the initial complaint and latest pleading.*
- 5. Provide opportunities for ongoing dialogue between judges and journalists.*

E. Judicial Process

- 1. The Rules Committee should promulgate rules for the audio recording of court proceedings by members of the public.*
- 2. Review procedures allowing the public to be heard on sealing issues.*

Regarding E-2, Mr. Scheffey said that while the Branch web site shows motions to seal in various court locations, it's difficult to know if something is actually going forward. He thought that the information could be better coordinated. All of the subcommittee members agreed that sealing issues were a matter that should continue to be looked at, Judge Jongbloed said.

Recommendation E-1 is very involved, Judge Jongbloed said, but all of the subcommittee members believe the subject should be reviewed. There was lot a lot of back and forth among subcommittee members on this topic, Ms. Florin added.

The discussion of individual recommendations concluded. Judge Lavine asked whether subcommittee members were unanimous in its recommendations. Judge Jongbloed and Ms. Florin answered yes.

The full Judicial-Media Committee will vote on each individual recommendation at its next meeting on Oct. 6, Judge Lavine said. He urged everyone to attend the meeting. Mr. Powell added that the recommendations are the most substantive work to come out of the Judicial-Media Committee to date.

Mr. Giguere added that the Pilot Program Committee has been meeting as well. He noted that Lynne Tuohy had recently left The Hartford Courant and is now working as a consultant at CT-N, where she has been working with Hartford court officials to arrange for the videotaping of criminal/civil matters.

The committee concluded its business and will meet again on Oct. 6, 2008.

The meeting adjourned at 3:40 p.m.