

Draft Minutes from Oct. 6, 2008, meeting of the Judicial-Media Committee

Present: Mr. G. Claude Albert, Judge Douglas Lavine, co-chairs; Mr. Tom Appleby; Judge Patrick Clifford; Attorney Joe D'Alesio; Judge Nina Elgo; Mr. Paul Giguere; Judge Robert Holzberg; Judge Barbara Jongbloed; Mr. Morgan McGinley; Judge Barbara Quinn; Mr. Patrick Sanders; Mr. Tom Scheffey; Attorney Stan Twardy Jr.; and Ms. Adriana Venegas-McCormick.

Agenda Item No. I – Call meeting to order

Co-chair Claude Albert welcomed everybody and announced the following changes: Karen Florin is now a member of the full Judicial-Media Committee and will co-chair the Events Subcommittee; Judge Susan Handy will co-chair the Events Subcommittee along with Ms. Florin and Attorney Stan Twardy; Mr. Tom Appleby, co-chair of the Pilot Program Committee, is now a member of the full committee, as is Mr. Dave Ward, who is a member of the Pilot Program Committee.

Agenda Item No. II – Minutes

Committee members unanimously approved the minutes of the meeting on July 14, 2008.

Agenda Item No. III – Committee updates

A) Judge Quinn updated committee members on the progress of the ad hoc committee to facilitate op-ed pieces.

B) Regarding the Events Subcommittee, Judge Lavine reported that the most recent discussion has been about scheduling a “Journalism School for Judges.”

C) Mr. Appleby and Judge Clifford provided an update on the Pilot Program Committee and the evaluations it has received so far regarding cameras in court. Judge Clifford added that the committee has had a lively debate about jurors and photographing/videotaping them outside of the courthouse when a case is over. Committee members suggested that the topic might be worth a full meeting of the Judicial-Media Committee.

D) Mr. Albert and Judge Lavine turned to the discussion of and vote on recommendations of the Survey Subcommittee. Mr. Giguere made a motion that the two co-chairs be allowed to vote on the recommendations, which the committee unanimously approved.

Judge Jongbloed, the subcommittee’s co-chair, reported that neither she nor co-chair Karen Florin received any feedback on the recommendations after presenting them to the committee at its meeting on July 14. One concern is funding, she added, but that is nothing the committee must address today. Judge Lavine said that he and Mr. Albert will send a letter and the recommendations to Chief Justice Chase Rogers following the vote.

Committee members then voted on each recommendation individually (additions are in boldface; deletions are bracketed).

A. Facilities

1. *Study courtroom acoustics and audio systems and make improvements to ensure that everyone in the courtroom can hear the proceedings.*

Committee members, upon a motion and a second, unanimously approved this recommendation.

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.*

Committee members, upon a motion and a second, unanimously approved this recommendation.

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

Committee members, upon a motion and a second, unanimously approved this recommendation. Mr. Albert added that this clearly would be a budgetary matter.

B. Public Service

1. *The Court Operations Division should continue its training of courthouse staff. **The Judicial-Media Committee or its designee** should review the curriculum used for the training on a yearly basis.*

Attorney Twardy made a motion to accept the recommendation, which was seconded. He then made a motion to add the following language to the recommendation: **The Judicial-Media Committee or its designee ...**

The motion to amend was seconded, and the committee unanimously approved the amendment. The committee then unanimously approved the recommendation as amended.

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.*

Committee members, upon a motion and a second, unanimously approved this recommendation. Attorney D'Alesio added that it fits in nicely with the efforts of the Public Service and Trust Commission.

3. *Create a vehicle for feedback and/or suggestions from judges, judicial employees, the media and the public.*

Committee members, upon a motion and a second, unanimously approved this recommendation.

4. *The cost of copies produced by the clerk's office should be reduced.*

Committee members, upon a motion and a second, unanimously approved this recommendation. The committee noted that this is a statutory matter.

5. *Audio recordings of court monitors should be available at cost.*

Committee members, upon a motion and a second, unanimously approved this recommendation. The committee noted that this also is a statutory matter.

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.*

Committee members, upon a motion and a second, unanimously approved this recommendation.

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.*

Committee members, on a motion and a second, unanimously approved this recommendation.

3. *Conduct a panel presentation of media members and judges at the Judges' Institute or **any appropriate forum** 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” **and not for attribution or background interviews or discussions** with members of the media.*

Attorney Twardy made a motion to adopt the recommendation, which Mr. Giguere seconded. Judge Lavine moved to add the words “**or any appropriate forum**,” which Judge Clifford seconded. The committee unanimously approved that amendment.

Committee members, on a motion and a second, unanimously approved another amendment, which added the language **and not for attribution or background interviews or discussions ...** to C-3(e).

The committee then unanimously approved the recommendation as amended.

- 4. *Create opportunities for **judges**, clerks and other staff to meet with media to learn about their respective jobs and priorities, including tours of courts and news organizations.*

Attorney Twardy made a motion to adopt the recommendation, which Judge Clifford seconded. Mr. Albert made a motion to amend the motion and add the word “**judges**” to the recommendation, which Judge Lavine seconded. The committee unanimously approved the amendment. The committee then unanimously voted to adopt the amended recommendation.

- 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.*

Committee members, on a motion and a second, unanimously approved this recommendation.

- 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.*

Committee members, on a motion and a second, unanimously approved this recommendation.

[7. *Designate mentors for both judges and media members to consult when issues regarding media in the courthouse arise.*]

Mr. Sanders made a motion to adopt the recommendation, which Mr. Giguere seconded. Committee members decided during a subsequent discussion that the recommendation needed to be further discussed. Mr. Albert made a motion to table the recommendation, which was seconded. The full committee unanimously voted to table the recommendation.

D. Judicial/Media Relations

1. *Clerk's office supervisory personnel should receive more extensive /detailed training regarding media issues.*

Committee members, on a motion and a second, unanimously approved this recommendation.

2. *Educate and inform judges on potential resources, such as External Affairs and/or the Fire Brigade.*

Committee members, on a motion and a second, unanimously approved this recommendation.

3. *The role of the Fire Brigade should be re-evaluated, **keeping in mind the desirability of providing information and guidance to judges and media representatives regarding issues of media in the courthouse.***

Mr. Giguere made a motion to adopt the recommendation, which Ms. Florin seconded. Committee members then discussed adding the following language: **keeping in mind the desirability of providing information and guidance to judges and media representatives regarding issues of media in the courthouse.**

Mr. Giguere made a motion to amend the original motion to include the new language, which Judge Holzberg seconded. The committee unanimously approved the amendment. The committee then unanimously approved the amended recommendation.

4. ***All files are presumed public, even if in possession of a judge.** [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.]*

Ms. Florin made a motion to adopt the recommendation, which Attorney Twardy seconded. Attorney D'Alesio suggested new language: **All files are presumed public, even if in possession of a judge.** He made a motion to

adopt the amended language, which Ms. Florin seconded. The committee unanimously approved the amendment and then unanimously approved the amended recommendation.

5. *Provide opportunities for ongoing dialogue between judges and journalists.*

The committee, on a motion and a second, unanimously approved this recommendation.

E. Judicial Process

[1. The Rules Committee should promulgate rules for the audio recording of court proceedings by members of the public.]

Judge Quinn suggested that a better idea would be for the Judicial-Media Committee to propose draft rules to the Rules Committee, rather than recommending that the Rules Committee promulgate rules on this issue. Committee members agreed that the matter is important, and a dialogue needs to start, but that the recommendation in its current form should be tabled. Mr. Sanders recommended that a subcommittee be appointed to draft proposed rules regarding audio proceedings of court proceedings. Mr. Giguere moved that the recommendation be tabled and placed on the agenda for discussion at the next meeting of the Judicial-Media Committee. Mr. Sanders seconded the motion. The committee unanimously approved the motion.

2. *Review procedures allowing the public to be heard on sealing issues.*

The committee, on a motion and a second, approved this recommendation.

Agenda Item No. IV – New Business

The committee's next meeting will be on Monday, Jan. 12, 2009, at a location to be determined.

Agenda Item No. V – Adjourn

The committee adjourned at 4 p.m.