

Judicial-Media Committee

Minutes of the meeting on April 9, 2014

Members Present: Co-chair Claude Albert and Judge David Gold; acting co-chair; Tom Appleby; Melissa Bailey; Judge James Bentivegna; Linda Cimino; Judge Patrick Clifford; Joe D'Alesio; Melissa Farley; Karen Florin; Paul Giguere; Judge Susan Handy; Judge Barbara Bailey Jongbloed; Attorney Dan Klau; Morgan McGinley; Attorney Pam Meotti; Attorney Alan Neigher; Eric Parker; Chris Powell; Nancy Schoeffler; Judge Elliot Solomon and Judge Dawne Westbrook.

- I. Open meeting -- Judge David Gold opened the meeting shortly after 3 p.m. and welcomed several new members to the committee – Judge Susan Handy, Attorney Dan Klau, Attorney Pam Meotti and Hartford Courant editor Nancy Schoeffler. The new members are replacing Attorney Chuck Howard, Judge Douglas Lavine, Andrew Julien of The Hartford Courant and Attorney Stan Twardy, all of whom resigned from the committee following the expiration of their three-year terms.

Judge Gold also informed the group that Judge Robert Devlin, the committee's new co-chair, was unable to attend the meeting, so Judge Gold agreed to serve as co-chair for this meeting. (Judge Gold served as co-chair prior to Judge Devlin's appointment.)

- II. Approval of minutes -- Committee members unanimously approved the minutes from their meeting on Dec. 2, 2013.
- III. Supreme Court Media Outreach -- Chief Justice Chase Rogers and Justice Dennis Eveleigh attended the meeting. Chief Justice Rogers first thanked the committee for all of the work it has done in the area of bench-media relations.

Chief Justice Rogers then addressed the reason she and Justice Eveleigh requested to be placed on the agenda: the Connecticut Supreme Court recently developed procedures by which the Court can better inform the news media of major rulings. Important public policy issues come before the Court, and it benefits the public to know and understand what the justices did, she said.

At the same time, she continued, the Court needs to do a better job of explaining itself. So court staff in the future will now be preparing summaries of certain noteworthy cases, including concurrences and any dissents to assist the media in understanding what the Court ruled and how it got there. Chief Justice Rogers noted that a case being newsworthy alone won't necessarily mean it gets a summary – for example, an important legal issue might make a case noteworthy and generate a summary.

In addition:

- The media is receiving notice in advance of cases that may be of interest.
- The Court is reviewing its policy regarding electronic devices.
- The Court is pursuing web streaming its arguments live.

- The Judicial-Media Committee will be asked to assist in helping the Court plan a half-day seminar for journalists on covering the Supreme Court.

In completing their presentation, Chief Justice Rogers and Justice Eveleigh asked the committee for any suggestions it might have, especially since the outreach efforts continue to be a work in progress. Suggestions included having the Court identify former law clerks who would be willing to speak to the media and help them understand a ruling; developing a pool of attorneys who would be willing to speak on background; and considering whether to develop a way for the media to request a summary of a case in advance.

- IV. Updates – Events Subcommittee and Arrest Report Work Group -- Judge Handy updated the committee on the *2014 Law School for Journalists*, which she and the Events Subcommittee organized in conjunction with the state Department of Correction. The program took place at York Correctional Institution, included a tour and was well received by the journalists who attended.

Ms. Karen Florin next updated the committee on the Arrest Reports Work Group. The group was appointed after the December 2013 meeting to review the situation that occurs when a speedy arrest occurs and a defendant makes bond, meaning that a judge does not make a finding of probable cause at an arraignment. When this happens, the arrest report is not available to the reporter through the Court because it is not made part of the court file.

The group has met once. According to Ms. Florin, judges do not believe they should get involved with the issue because the police report does not come before them. Mr. Claude Albert added that the group likely will concentrate on prosecutors and police in terms of trying to resolve the issue. Attorney Klau cited a case pending before the Connecticut Supreme Court that involves police reports and said it may resolve the issue to some extent.

- V. Discussion & vote regarding how media is defined for purposes of approving camera requests -- Committee members reviewed and discussed a proposal from the Media Subcommittee which suggested new criteria to use in determining whether an individual or entity should be allowed to bring in a camera to photograph/videotape court proceedings.

As defined by Section 1-10A of the Connecticut Practice Book, “‘media’ means any person or entity that is regularly engaged in the gathering and dissemination of news and that is approved by the office of the chief court administrator.” The subcommittee recommended the following be used by the Chief Court Administrator in making the determination:

- The person, entity or organization certifies that he/she/it has a permanent address for purposes of service of process, notice, and/or contact by third parties and the chief court administrator’s office.

- The person, entity or organization is engaged in news gathering or reporting via print, electronic, internet or any other means of publication or transmission now in use or which may in the future be in use.
- The person, entity or organization agrees as part of the certification process to comply with any court orders and practice book rules.

In addition, the subcommittee prepared a proposed form for the individual, entity or organization to fill out upon requesting to photograph or videotape a court proceeding allowed under the practice book.

Judge Gold moved that the proposed criteria and form be approved and forwarded to the Chief Court Administrator for final approval. The committee amended the motion so that the form includes language specifying that the approval applies to requests to videotape or photograph court proceedings. In its motion, the committee also amended the motion to include a provision that the criteria be reviewed in a year to see how it's working.

Attorney Alan Neigher moved the question, with the amendments, and Mr. Albert seconded the motion. The committee unanimously approved the amended motion.

- VI. *Adjourn meeting* -- The committee scheduled its next meeting for Monday, Sept. 8 at 3 p.m. and adjourned at approximately 4:45 p.m.