

Judicial-Media Committee

Minutes of meeting on April 19, 2021

Members present: Co-chairs Karen Florin and Judge Joan Alexander; Judge Michael Albis, Lisa Backus, Linda Cimino, Tais Ericson, Melissa Farley, Attorney William Fish Jr., Judge David Gold, Paul Hartan, Dennis House, Judge Barbara Jongbloed, Ed Mahony, Judge Vernon Oliver, Eric Parker, John Penney, Chris Powell, Gary Roberge, Judge Hope Seeley, Lauren Sellew, Andy Thibault, Judge Dawne Westbrook and Judge Omar Williams. Also in attendance were Deputy Chief Court Administrator Elizabeth A. Bozzuto, Deputy Director Ralph Dagostine, Deputy Director Adam Mauriello and Branch liaison Rhonda Stearley Hebert.

- I. Ms. Florin opened the meeting at 3 p.m., noting the one-and-a-half-year delay in meeting because of the pandemic. She also announced that this would be her last meeting, as she has accepted a new position at The Day. It has been an honor to serve on the committee, she said, which will be in good hands with Eric Parker as the new media co-chair. Judge Alexander then read to a letter from Chief Justice Richard A. Robinson, thanking Ms. Florin for her service.
- II. The committee unanimously approved minutes from its last meeting on Sept. 23, 2019.
- III. Judge Gold and Melissa Farley updated the committee on proposed rules changes regarding: 1) making hospital arraignments more accessible to the media; and 2) under certain conditions, allowing cameras into courtrooms to cover sexual assault cases where a murder has occurred.
- IV. Ms. Florin and Judge Handy updated the committee regarding the Law School for Journalists and Journalism School for Judges. The Events Subcommittee had done quite a bit of work for the 2020 Law School for Journalists, with the topic of probation and parole. However, the subcommittee canceled the program because of the pandemic. Both Judge Handy and Ms. Florin advised against doing the programs virtually as much of their impact is because they are in-person. Perhaps by September, the subcommittee can start planning a program for 2022.
- V. Attorney Bill Fish and Ed Mahony of The Hartford Courant updated the committee regarding Public Act 19-187, *Confidentiality in the Case of a Discretionary Transfer of a Juvenile's Case to the Regular Criminal Docket and Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee*. The Courant sued the Judicial Branch over the law, which made confidential all court records and court proceedings of any juvenile whose case was transferred to adult court, unless the defendant was convicted, at which point the records and court

proceedings would be open. U.S. District Court Judge Michael Shea granted the Courant's motion for a preliminary injunction; the Branch then appealed to the 2nd Circuit Court of Appeals, which found the law unconstitutional. The parties then entered into a stipulated judgment that will resolve the matter and is awaiting Judge Shea's approval. Assuming Judge Shea approves the stipulation, a permanent injunction would be entered prohibiting the defendants from sealing court records and closing court proceedings pursuant to the confidentiality provisions of Conn. Gen. Stat. Section 46b-127. In addition, nothing in the judgment prohibits a juvenile defendant whose case has been transferred to the regular court docket from moving to seal some or all of his/her court records or proceedings in accordance with the procedures provided under state law.

Mr. Powell brought up a case a JI reporter asked about; the response was that there is no public record of the case. He urged transparency, saying to do otherwise is against public interest. Mr. Powell added that his impression is that the courts didn't like laws prying open the court but are not so much opposed to laws that close the courts. He asked that the Branch keep in mind the state Constitution requires that courts be open. Mr. Powell also credited former Chief Justice Chase T. Rogers for all of the work she did to open up courts, however, he added, the Branch could do more.

VI. Judge Gold updated the committee on the movement of criminal cases since the pandemic began. The biggest change, he said, has been the use of remote technology. Many of the changes were long overdue, and, Judge Gold added, he suspects many of them will continue.

VII. Committee members who are journalists raised various issues they had encountered over the pandemic's course:

- John Penney of the Norwich Bulletin noted that court dockets sometimes did not bear any resemblance to what actually occurred in court, i.e. as with remote proceedings. He added that the "remote" designation on case lookup has been very helpful. On other occasions, Mr. Penney continued, the courtroom came very close to exceeding capacity, which in turn came close to impacting his ability to cover a case. Judge Gold responded that he expects things to improve and suggested that John contact External Affairs if he cannot get into a courtroom to cover a case.
- Lisa Backus asked whether there will come a time when criminal documents are available via the Judicial Branch website, just as civil documents are accessible. Criminal continues to be paper-based, Judge Gold answered, and while efforts are underway to modernize criminal, we're not there yet. Many others, he added, have the same hope as Ms. Backus.

- Ms. Florin asked what's expected once the eviction moratorium expires. This is a big issue, she said, and perhaps worth putting on the next meeting agenda. Attorney Ericson responded that the Branch is keeping a close eye on this.
- Mr. Thibault asked about the sealing of a criminal file once a defendant had filed for accelerated rehabilitation. How, he asked, would someone find out who the judge and attorneys are in the case? Attorney Dagostine responded that once someone applies for AR, the only statutorily disclosable information is the defendant's name and docket number. To learn such information about the attorneys and judge who hears the case, a person would need to attend the proceedings, which is in open court, he added.
- Ms. Florin asked whether the Branch will continue its practice of providing free audio of court proceedings, as it has done temporarily throughout the pandemic. Attorney Farley responded that the practice has been discussed briefly but not with all of the players. A decision on this will be forthcoming and will be shared with the media.

VIII. The committee adjourned at 4:05 p.m. and scheduled its next meeting for September 2021.