

Minutes From Dec. 10, 2007, meeting of Judicial-Media Committee

Judicial-Media Committee members present: Mr. G. Claude Albert, Judge Douglas Lavine, Justice David Borden (ex-officio), Mr. Scott Brede, Judge Patrick Clifford, Attorney Joseph D'Alesio, Judge Nina Elgo, Mr. Paul Giguere, Attorney Charles Howard, Mr. Ken Margolfo, Mr. Morgan McGinley, Attorney Lou Pepe, Mr. Chris Powell, Judge Barbara Quinn, Judge Michael Shay, Judge Barry Stevens, Attorney Stan Twardy, Adriana Venegas.

Also present: Mr. Tom Appleby, co-chair of the Pilot Program Committee; Judge Barbara Jongbloed, co-chair of the Survey Subcommittee and member of the Fire Brigade; Judge David Gold and Middlesex Judicial District Chief Clerk Michael Kokoszka, co-chairs of the Fire Brigade.

Agenda Item No. 1 – Call meeting to order

Judge Lavine opened the meeting; Mr. Albert invited anyone who was interested to attend the 4 p.m. news budget meeting of The Hartford Courant (the meeting was held at The Courant).

Agenda Item No. 2 – Approval of minutes

The committee approved the draft minutes of its meeting on Sept. 10, 2007.

Agenda Item No. 3 – Subcommittee reports by respective chairs

a) **Events Subcommittee:** Attorney Stan Twardy updated the committee on the subcommittee's work so far in preparing for the March 19, 2008, "Law School for Journalists: *Inside The Court/Behind the Scenes: Dilemmas Posed by Sexual Assault Cases.*" He said subcommittee members are excited about the upcoming program and hope that it will open up dialogue between judges and the media. Both Mr. Albert and Judge Lavine praised the quality of the people who will speak at the program and both expressed the hope that the event has a good turnout. Mr. Albert added that he would do all he could do to market it to journalists.

Judge Lavine added that the subcommittee also will need to start thinking about a program in the fall, and invited anyone with ideas for topics to submit them to Lynne Tuohy or Stan Twardy.

b) **Fire Brigade:** Judge Lavine explained that the idea for the Fire Brigade came up during the discussions of the Public Access Task Force. At the time, he said, there were enough issues to merit creating a rapid response team to resolve questions of access. Since then, however, many changes have occurred within the Judicial Branch, and there doesn't appear to be as much of a need for the Fire Brigade as originally envisioned, Judge Lavine said. More often, he added, the Branch's External Affairs Division operates as a Fire Brigade when necessary. Judge Lavine then posed the following question: What is the function of the Fire Brigade? He explained that the thought is to retool the Fire Brigade to act as a backup for access issues rather than as a first responder. Judge Lavine also stressed that the Fire Brigade is not being abolished. Attorney Kokoszka suggested

that the Fire Brigade could be used to review access issue post-mortem and recommend changes, if necessary. Mr. Albert suggested that it might be good to refer to the Fire Brigade systemic issues that require more in-depth study.

c) **Pilot Program:** Judge Clifford reported that he and Tom Appleby, the committee's co-chairs, met earlier in the day. The committee has not met yet and needs to develop a way to evaluate the program, Judge Clifford said. Mr. Appleby said the question now is whether the Legislature will provide CT-N with the money necessary to cover cases in the pilot program. Judge Clifford added that the Branch is trying to figure out what will happen come Jan. 2, 2008, when the rules change and allow greater camera access.

Mr. Albert added the committee will have to look at new media, as well as the more traditional news media.

d) **Survey Subcommittee:** Judge Jongbloed addressed the draft report prepared from the surveys distributed in October to judges and media representatives. She cited the many positive comments she read from members of the media and got the impression that things have improved. At the same time, she said, the surveys provided insight into procedural problems that reporters encounter. She added that she also believes that it was helpful for the media to read about judges' frustration with errors in the media. Overall, Judge Jongbloed said, the survey was a "very healthy process."

Judge Jongbloed summarized some of the judges' responses for the committee, focusing on questions regarding cameras in court, what judges do when they see unfair criticism, and whether it's important to develop guidelines to respond to unfair criticism. The judges also expressed interest in educational programs, she said.

Scott Brede summarized some of the media responses, adding that nearly all of the reporters were agreeable to participating in educational programs. Judge Jongbloed added that one thing that struck her from the media responses were inconsistencies among courthouses.

Judge Lavine asked what the surveys showed as the most significant concerns. Judge Jongbloed answered that the logistics of allowing cameras in court is one, and that unfair criticism "clearly hit a nerve." Scott Brede answered that a major issue among media representatives was the "hit or miss of trying to find" a court file.

Justice Borden cautioned that setting up a formal mechanism for responding to unfair criticism isn't going to solve the problem, and that it may be best to handle these types of situations on a case-by-case basis. Mr. Albert said that the media shares the judges' frustrations with inaccuracies; they don't want to get it wrong and then have an error perpetuated, he added.

Judge Stevens responded that there will be inherent conflict. The news media, he said, usually are interested in issues that are present and hot, i.e. pending cases. And under the Practice Book rules, a judge cannot comment on a pending case. What concerns him

more, Judge Stevens said, are the issues that may arise from a case that may impact the Judicial Branch or the interests of justice, and no one can comment on them. He asked whether that matter could be addressed by amending the rules.

Mr. Albert said it may be useful to think of factual error and unfair criticism separately; Judge Lavine responded that there is a big difference between factual error and opinion.

Attorney D'Alesio said a lot of these issues are coming up via the Public Service and Trust Commission. Some are easy to address; others not so easy, he said. He added that he hopes to establish a better understanding between the clerks' offices and the local media.

Mr. McGinley said he believes "a really muscular training program" developed by the Branch for reporters and editors would go a long way. Attorney Twardy added that "best practices" seminars might make sense. Justice Borden suggested putting together a group of law clerks who could serve as a resource for reporters and help them interpret a ruling.

Regarding the survey results, Judge Jongbloed said the subcommittee is willing to put together recommendations that also would be presented to the Chief Justice. The Judicial-Media Committee agreed that this would be a good idea.

Judge Quinn added that she thought it was important to make the results publicly accessible and post them on the Branch's website.

Agenda Item No. IV – New business

Judge Shay spoke about the importance of getting information about court procedures to individuals who don't speak English. He asked whether reaching out to the media was one way to get out this information. Attorney D'Alesio responded that the Public Service & Trust Commission is hitting this issue head on, and that it had been raised in several focus groups.

Agenda Item No V – Adjourn

The committee adjourned its meeting shortly before 4 p.m.