

**Minutes**  
Pilot Program Committee  
July 27, 2009

Present: Tom Appleby and Judge Patrick Clifford, co-chairs; Judge Marshall Berger, Sara Bernstein, Linda J. Cimino, Melissa Farley, John Long, Ken Margolfo, Robin Smith, Judge Elliot Solomon; Mike St. Peter, and Dave Ward.

*I. Open meeting*

Judge Clifford started the meeting at 2:08.

*II. Approve minutes*

Committee members approved the minutes from the meeting of June 15, 2009.

*III & IV. Continue discussion of draft committee report & next steps*

In discussing the proposed recommendations, Mr. Long said that the minutes of the June 15, 2009, meeting incorrectly reflected that the rules require gavel-to-gavel coverage of court proceedings. That has never been the norm, and he wanted to make sure that this error was corrected.

Committee members discussed various aspects of their recommendations, including the proposed standing order drafted by Judge Clifford. Some of the discussion focused on whether to expressly prohibit pictures/videotape of defendants in restraints and photos/videotape of a defendant walking into and out of the courtroom from lockup.

Judges on the committee indicated that they believe language regarding shackles is important to include and protects the media, because they will know what they can and cannot do. Media representatives on the committee asked why language in the standing order had to be in the negative. If some judges allow defendants walking into and out of the courtroom in restraints to be photographed or videotaped, Mr. Margolfo and Mr. Ward asked, why should it be prohibited?

Ms. Cimino asked whether too much emphasis is being placed on the standing order. Perhaps, she said, the topic would be better addressed during pre-bench training for new judges. Regarding the issue of addressing the topic in the first place, Ms. Smith added that when different courts have different practices, it's neither educational nor informational to have cameras in court, because the audience gets a skewed view of what is occurring.

Judge Solomon listed three ways the order could be written: 1) totally neutral; 2) slanted; or 3) with language that gives the court the discretion to impose restrictions as he or she deems necessary. The committee agreed that a compromise was appropriate and developed the following language for its recommendation:

“5. a) Photographers and equipment operators are prohibited from:

- 1) photographing, videotaping, televising or recording spectators in the courtroom;
  - 2) commencing videotaping, photographing or recording before legal argument on issue;
  - 3) recording conversations between counsel and client;
  - 4) filming or zooming in on documents of counsel, clerk or the court.
- b) The Court may impose such other conditions of recording, videotaping or photographing as it deems appropriate, including, but not limited to:
- 1) recording a defendant coming from or going into the lockup area;
  - 2) filming or photographing the prisoner's restraints.

Committee members also discussed language in the Practice Book rules regarding notice of objections to camera coverage. Judge Clifford suggested that someone compare the committee's proposed changes to the rules with the current rules to see exactly what's different. Ms. Farley agreed to do that.

#### IV. Adjourn

The committee adjourned and set its next meeting date for Aug. 31, 2009.