

Connecticut Judicial-Media Committee



*Results of Judges' & Journalists' Surveys
Conducted October 2007*



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February 28, 2008

Dear Judge,

Please find attached the results of the survey the Judicial-Media Committee conducted in October 2007. A total of 77 judges responded, and we are extremely grateful for the time and effort they put into their responses.

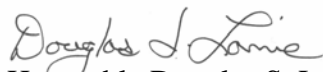
We are providing you with: the initial letter and survey sent out to approximately 250 judges; a summary of the results; and a tabulation of the responses broken down by question. The same information regarding responses from journalists is provided as well. By arranging the answers this way, we believe that you will be able to more quickly spot trends and/or similarities among comments, suggestions, concerns, etc. These results also will be posted on the Judicial Branch's website, at www.jud.ct.gov

Our goal in distributing this survey was to help identify areas of concern or friction as well as areas where improvements might be made. We believe that we exceeded this goal, based on the excellent and enlightening responses we received. We have no doubt that these responses will provide the basis for a wide array of activities and discussions by the Judicial-Media Committee and its subcommittees.

We would be remiss if we omitted recognition of the Survey Subcommittee, which put together the survey. Its co-chairs, Judge Barbara Jongbloed and Scott Brede, formerly of the Connecticut Law Tribune, and members Joseph D'Alesio, Karen Florin, Paul Giguere, Patrick Sanders, and Judge Carol Wolven are to be commended for the time and energy they put into this project. Nor is their work complete; we have asked the subcommittee to develop recommendations from the results, to be submitted in a report to the Chief Justice.

We hope that you find the results of the survey as interesting and educational as we did. We of course welcome any comments, suggestions or ideas that you may have. Please submit them to Rhonda Stearley-Hebert, Rhonda.hebert@jud.ct.gov

Very truly yours,



Honorable Douglas S. Lavine
Appellate Court Judge
Co-Chair, Judicial-Media Committee



G. Claude Albert
Managing Editor, The Hartford Courant
Co-Chair, Judicial-Media Committee

October 1, 2007

Dear Judge,

Enclosed please find a survey prepared at the request of the Judicial-Media Committee. The Judicial-Media Committee was formed “to foster and improve better understanding and relationships between the Judicial Branch of government and the media.” To further our goals, we determined that a survey, with broad participation by the judges and members of the media, could help to identify some areas of concern or friction as well as areas where improvements might be made.

To that end, the Judicial-Media Committee’s Survey Subcommittee -- chaired by Judge Barbara Bailey Jongbloed and Mr. Scott Brede, editor-in-chief of the Connecticut Law Tribune – prepared two surveys, one for judges and one for journalists. The subcommittee did an excellent job, and we are extremely grateful for its efforts. Now, we would ask that you respond to the attached survey and recognize that the quality of the results depends upon your participation.

The results of this survey will be tabulated and compiled and contained in a report to the Chief Justice. Your individual responses will be anonymous; however, if you wish to include your name, you may. Either way, we welcome any comments and suggestions you would like to offer.

We very much appreciate your efforts in taking a few minutes to answer the questions on the enclosed survey. Please send your completed survey to: Rhonda Stearley-Hebert, External Affairs Division, 231 Capitol Avenue, Hartford, CT 06106; email address Rhonda.hebert@jud.ct.gov by October 15, 2007.

Very truly yours,



Honorable Douglas S. Lavine,
Appellate Court Judge
Co-Chair, Judicial-Media Committee



G. Claude Albert
Managing Editor, The Hartford Courant
Co-Chair, Judicial-Media Committee

Survey For Judges

- 1) How long have you served on the bench?
- 2) a) How many times have you been contacted by the media about a case?
 - Never
 - 1-5 times
 - 6-10 times
 - 10 or moreb) What was the nature of the contact?
- 3) Do you have a practice about responding to media inquiries? If yes, what is the practice?
- 4) Have you ever contacted the media? If yes, what was the purpose and outcome of the contact?
- 5) a) Have you ever been contacted by the media to request a camera in your courtroom? b) If yes, how many times?
 - 1-5
 - 6-10
 - 10 or more
- 6) Do you see potential issues regarding cameras in a courtroom? If yes, what are they?
- 7) a) Do you advise jurors about speaking to the media following a trial?
 - Never
 - Sometimes
 - Always

- b) If sometimes or always, what advisement do you give?
- 8) Do you read stories about your cases or watch news reports about them?
Never
Sometimes
Often
- 9) What do you do if you see or read inaccurate information about judicial matters in the media?
- 10) What do you do if you see or read unfair criticism of yourself or another judge in the media?
- 11) a) Do you think it's important for the Branch to formulate guidelines for responding to unfair criticism?

b) If this would be helpful, what suggestions do you have?
- 12) a) Do you explain your decisions from the bench?

b) If you explain, under what circumstances?
- 13) a) Do you think reporters who cover the courts, in general, have sufficient knowledge about the court system?

b) If no, what should reporters do to learn more about the system?

b) If so, when and why?

19) Do you wish to make any comments regarding your dealings with the media?

20) Do you have any suggestions for improving interactions between the Judicial Branch and the media?

Summary of Judges' Survey Responses

1) How long have you served on the bench?

Of a total 77 responses:

0-2 years – Six

2+-5 years – Nine

5+-10 years – 17

10+-15 years – 18

15+-20 years – 11

20+-25 years – Six

25+plus years – Six

No response – Four

Within the categories:

0 to 2 years – [1 month (1); 5 months (1); 6 months (1); 1 ½ years, (2); 2 years (1)]

2+ to 5 years – [3 years (1); 3 ½ years (2); four years (6)]

5+ to 10 years – [6 years (2); 6 ½ years (2); 7 years (3); 7 ½ years (1); 7 2/3 years (1); 8 ½ years (1); 9 years (1); 10 years (6)]

10+ to 15 years – [11 years (1); 11 ½ years (1); 12 years (2); 12.8 years(1); 13 years (4); 13 ½ years (1); 14 years (5); 14 ½ years (1); 15 years (2)]

15+ to 20 years – [16 years (3); 17 years (3); 17 ½ years (1); 17-plus (1); 18 years (1) 19 years (1); 20 years (1)]

20+ to 25 years – [21 years (2); 22 years (1); 23 years (1); 24 years (1); 24 plus (1)]

25+ and above – [26 years (2); 29 plus (1); 30 (2); 30 plus (1)]

2) a) How many times have you been contacted by the media about a case?

Never: **21**

1-5 times: **38**

6-10 times: **7**

10 or more: **11**

***One respondent who marked “never” explained: “Directly, often calls are made to my clerk.” Respondent also referred to answer in No. 5, which asked whether the judge had ever been contacted by media to request a camera in the courtroom. The respondent marked yes.**

Another who marked never wrote: “I received calls but refused to take them. I screened all calls through the judges’ secretary.”

b) What was the nature of the contact?

See pages 18-20.

3) Do you have a practice about responding to media inquiries? If yes, what is the

practice?

See pages 21-24.

4) Have you ever contacted the media? If yes, what was the purpose and outcome of the contact?

No – 58

No response/NA – 3

See pages 25-26 for other 16 responses.

***One No response read: “No. (Not as a judge). Except as follow up to a question. The following response also is included in this category: “See No. 2.” No. 2 reads: “Indirect. A message was left with the clerk and I did not return the call.”**

5) a) Have you ever been contacted by the media to request a camera in your courtroom?

No: 45

Yes: 30

Not yet: 1

NA: 1

b) If yes, how many times?

1-5 times: **27**

6-10 times: **1**

10 or more times: **1**

Another response read: 1-5 times, Superior Court; 10 or more, Supreme Court.

6) Do you see potential issues regarding cameras in a courtroom? If yes, what are they?

See pages 27-32.

7) a) Do you advise jurors about speaking to the media following a trial?

Never

Sometimes

Always

Never/No responses/NA: 28

Sometimes/Always: 49

b) If sometimes or always, what advisement do you give?

See pages 33-37 for responses to 7(a) & 7(b).

8) Do you read stories about your cases or watch news reports about them?

Never – 5

Sometimes – 41

Often – 25

Yes – 2

Nothing marked/no comment – 3

NA – 1

Some comments:

“When the case is over and decided, lest I read something that is not in evidence. I do read articles about other judges’ cases all the time.”

“During the course of a proceeding, I always attempt to avoid media reports unless counsel bring particular issues or items to my attention. I often review media reports after the proceeding is completed at the trial court level.”

“Yes – if reported (rarely happens).”

“After the fact.”

“Only after I have written my decision.”

9) What do you do if you see or read inaccurate information about judicial matters in the media?

See pages 38-40.

10) What do you do if you see or read unfair criticism of yourself or another judge in the media?

See pages 41-43.

11) a) Do you think it’s important for the Branch to formulate guidelines for responding to unfair criticism?

Yes/Sure/Absolutely: 47

No: 7

Possibly/somewhat: 3

Probably: 1

No answer: Two

Seventeen other responses included: “I guess it might be helpful,” “I think it would be helpful,” “Sounds like a good idea,” “I think it should be looked into,” “General guidelines,” “Not very important, but it’s not a bad idea,” “Yes, but I think it would be better for others such as bar associations to respond,” “It could be useful but this should be left to the discretion of

judge, guided by Code of Judicial Conduct,” and “No comments should be made and no guidelines be prepared.”

Also: “Yes, but the tricky part is creating a mechanism by which the Branch can determine that the criticism was, in fact, unfair. It must be much more than the criticized judge saying it was unfair.”

“Really – at what ‘level’ of ‘unfair’ criticism? It does go with the job. Unfounded criticism – that calls for a response but we will be criticized.”

“‘Unfair’ is in the eyes of the beholder – difficult to do.”

“Depends – not as to opinions; only as to factual misstatement.”

“No. It needs to be done on an individual basis or we will be locked into.”

“You can’t formulate guidelines that regulate how a newspaper does or doesn’t criticize a judge. Just read the JI to get a sense of what they consider to be fair criticism.”

“Not guidelines, perhaps, but the Branch should identify possible ways of setting the record straight.”

b) If this would be helpful, what suggestions do you have?

See pages 44-47.

12) a) Do you explain your decisions from the bench?

The vast majority of respondents – more than 60 -- answered yes/usually/sometimes, although many qualified their answers. See pages 48-52 for further detail.

b) If you explain, under what circumstances?

See pages 48-52.

13) a) Do you think reporters who cover the courts, in general, have sufficient knowledge about the court system?

No/Absolutely Not/Generally No: 22

Answers in the “no” category included: “No. In fact it is obvious at times that they do not even understand the three branches of government. Most form their opinion from TV, such as Law and Order. They really believe that is how it happens or should happen. When a reporter knows what is going on it is obvious immediately, by the questions asked and by the articles written.

Unfortunately, it does not happen enough,” “No. It’s a combination of knowledge and experience,” “Not anymore in the majority of instances,” and “Most have no knowledge.”

Some do, some don’t/varies/depends/hard to generalize: 21

Answers in this category included: “The Courant appears to be accurate in my opinion but some of the smaller papers could use some education,” “Those who cover the court regularly seem to have sufficient knowledge about the court system. Others are lacking in sufficient knowledge,” “Some do, some don’t. As a trial judge, I found that most regular criminal court reporters were knowledgeable. The major reporters for the HC and the CLT are very good,” “Those who cover court proceedings frequently do; those who don’t often don’t,” and “Those who are there on a regular basis have a good understanding.”

Don’t know/unsure/hard to generalize/can’t & won’t try to generalize: 15

Answers in this category included: “Not sure – but my impression is no,” “Impossible to answer,” “Can’t generalize. Depends on the reporter,” “I have no point of reference, so I can’t form an opinion either way,” and “I have insufficient information on which to respond.”

Yes: 14

Answers in this category included: “Yes, in the Stamford area,” “Yes, Lynne Tuohy is particularly good,” “Yes, up to a point,” and “The ones in my experience do.”

NA/No response: 2

One judge answered: “B minus.”

One each for: Could always use more/Getting worse

(b) If no, what should reporters do to learn more about the system?

See pages 53-55.

14) a) Do you think the media could benefit from educational programs about the courts?

1	2	3	4	5
Agree				Disagree

(1) 53	(2) Nine	(3) Five	(4) Five	(5) One
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No opinion: Four

b) Would you participate?

Yes: 53
No: Eight
No Answer: Seven
If requested by the Branch/asked/asked and agreed with the format: 5
Possibly/maybe: 2
Don't know: 2

c) If yes, what topics would you like to have covered?

See pages 56-59.

15) a) Do you think judges could benefit from educational programs about interacting with the media?

1	2	3	4	5
Agree				Disagree

(1) 32 (2) 15 (3) 14 (4) Five (5) Six

No answer: Four

One respondent wrote: "Some judges absolutely. Other judges, forget it."

b) Would you participate?

Yes: 45

No answer: 13

No: 12

Maybe: 2

One each of: If asked and I agreed with the format/if asked, yes/only if I had to/don't know/probably not.

One respondent who answered "No" wrote: "I think a unified response through the Judicial Branch External Affairs Division would be an appropriate way of responding, or through a district's A.J. as opposed to individual judges making decisions on how to respond."

c) What topics would you like covered?

See pages 60-62.

16) a) Should the Branch have standard answers or policy statements addressing questions frequently asked by the media to judges, for example, whether the identity of jurors is public information?

1	2	3	4	5
Always/Yes				Never

(1) 37 (2) 20 (3) Seven (4) Four (5) One

No answer: 5

Depends: One

Another response was: “If there are standard answers, they should be formulated.”

One answer was unclear

Judges who answered yes offered these comments to 16(a): “Yes, but there are too many variables to make it a cookie-cutter approach,” and “Always, but with flexibility to add or subtract.”

b) If yes, what questions/answers do you suggest?

See pages 63-65; there were many “no” responses to this question, and several judges wrote that they lacked sufficient information to provide suggestions.

17) Should the Branch formulate guidelines for court staff who may be contacted by members of the media?

1	2	3	4	5
Always/Yes				Never
(1) 49	(2) 14	(3) Five	(4) Two	(5) Three

No answer: Three

Another answer: “For some types of questions.”

One respondent who answered yes added: “Yes, if you designate one responder, such as the clerk. To try to do it with more than one would create chaos.”

A respondent who circled No. 2 added: “The buck stops with the judges so staff should be discouraged from commenting about anything without notice to the court and court approval.”

18) a) Are there instances in which the media ought to exercise its discretion to avoid printing or publicizing information, even though it has a legal right to do so?

Yes – 69

No answer – 4

No – 1

Three other responses counting as one each:

“I perceive this as a legislative function, involving public policy questions beyond the judges’ purview, except when issues are presented in the course of litigation;” “Except for Peeler, they seemed to have exercised their discretion responsibly,” and “How can we tell them what to do? It is within their 1st Amendment right to report as they see fit as long as it can be substantiated.”

Additional comments in the yes category included: “Yes, as they do everyday in so many other matters,” “Of course – but that’s not the mindset of the media,” “Sure, but they won’t if it’s a hot topic since they fear their competitors might scoop them,” “Of course, that’s judgment. Because you can legally does not mean you should. However, the branch has no control over those decisions but can suggest in any education programs,” “When privacy interests trump public interest in disclosure,” and “Yes – just because you can – doesn’t mean you should.”

One other yes comment was: “Of course. Sir Edmund Hillary may have climbed Mt. Everest ‘because it was there’ but journalists don’t have to print the latest gossip for the same reason, even if it is heard more than once. A measure of discretion would be welcome in this no-holds-barred age.”

b) If so, when and why?

See pages 66-70.

19) Do you wish to make any comments regarding your dealings with the media?

See pages 71-79.

20) Do you have any suggestions for improving interactions between the Judicial Branch and the media?

See pages 71-79.

Question No. 2(b) – Judges’ Responses

2(a) How many times have you been contacted by the media about a case?

(b) What was the nature of the contact?

Those who marked Never under 2(a)

- No responses or N/A: **19**
- Never directly, often calls are made to my clerk. Respondent also referred to Question No. 5, which says that he/she has been contacted by the media 1-5 times to request a camera in his/her courtroom.
- Never – I received calls but refused to take them. I screened all calls through the judge’s secretary.

Those who marked 1-5 times:

- Phone call/telephone calls or verbal/phone call to clerk’s office/message left with secretary/direct phone call from reporter; relay of information from judicial secretary about media inquiry/phone call (twice)/attempted telephone calls/Indirect. A message was left with the clerk and I did not return the call – **8**
- A newspaper reporter looking for comments on a pending case in which I was the judge/Requesting information about a case/Comment on case/Request for comment/Newspaper reporter writing an article about the case/criminal case -- **6**
- Primarily phone calls seeking comment. Two were requests to have cameras in the courtroom/Request for television camera coverage/Request to take photographs during a sexual assault trial/An inquiry regarding my willingness to comment, and an inquiry about cameras in a courtroom: **4**
- Seeking a quote or explanation/General inquiry. One time/Request for more information/To explain a legal issue – **4**
- Requests for interview; comments on a deceased judge/Interview; inquiry about another judge -- **2**
- External Affairs contacted me twice after media inquiries and reporters have contacted me on their own./Indirect – through External Affairs—**2**
- On several occasions, there was a request to cover a juvenile proceeding,

which I did not allow. When I was Administrative Judge of a J.D. I was contacted with a question about an order another judge had issued. On several occasions, I have been contacted or approached with general questions pertaining to juvenile law and the Governor's Commission on Judicial Reform, on which I served. One media representative called my husband, another my son, and asked if I would talk to them. They were told probably not, so they never contacted me.

- The reporter wanted me to respond to an article in the paper about my referral to the grievance committee re: Nancy Burton.
- Approached by a TV news crew during a recess about an arraignment; I declined comment.
- Requested information re: operation of the court. I do not answer questions about individual cases or juveniles. If promise to mask identity of court participants, I allow the reporter into court with party approval.
- Status of complex litigation docket.
- Indirect on sealing of arrest warrant.
- Wanted to do a feature on the court interpreter.
- Once or twice about cases, once or twice about court facility issues and once about judicial committee work.
- Question: 'Why did you do what you did?' Answer: 'I stated the reasons for my decision on the record as best I could. If you weren't there, you can order a transcript.'
- Mostly about the time of day the proceeding will take place. Some calls were inadvertently made to me, the caller thinking he was calling the clerk's office.
- One judge who marked 1 to 5 times under 2(a) had no response to 2(b).

Those who marked 6-10 times:

- Queries of a miscellaneous nature; reasons for decision; when decision will be published, etc./Mostly telephone calls re: status of cases and reasons for decisions/Telephone call to the secretary: **3**
- To obtain information from the arrest warrant pursuant to a pending case. Also, to have media cover the trial in court.

- Procedural questions about case status. Request for prepared notes upon which verdict was delivered to ease preparation of story recounting verdict.
- Contact during a high profile trial; discussion of written decisions; interview to obtain legal general law background.
- Desire for background info. In one instance, a request to cover a trial (TV).

Those who marked 10 or more times:

- Information, clarification/Inquiries concerning scheduling or request for general discussion on a case/Inquires about cases -- **3**
- It depended on the particular discipline I was assigned to. In GA it was about dockets, docket management, and specific cases, especially as it related to sentencing. In Part A Criminal, it was always about a specific case, especially about sentencing. In family it was non-existent. In Civil it was rare and case specific. In Juvenile it was always about the system and how it worked.
- For background information about judicial processes; comments about issues of judicial administration and appointments to Appellate and Supreme Courts.
- To ask questions about my decision.
- Various. The most frequent request was to allow cameras to film a court proceeding or to allow another kind of film coverage.
- Inquiries about file contents or feelings after a case has been completed
- Request for any useful legal background on the case.
- Questions concerning the work of the Supreme Court.
- Most contacts when I was on trial court. Usually reporter was seeking information or explanation of what was happening, case scheduling, etc. A few requests since on appellate bench – usually not related to particular cases of mine but general comments about judicial procedures, roles, etc. Occasionally some requests for interviews generally.

Question No. 3 – Judges’ Responses

3) Do you have a practice about responding to media inquiries? If yes, what is the practice?

-
- Generally, no comment.
 - No/None/NA -- 13
 - If contacted I would refer to external affairs.
 - I do not respond at all unless someone is seeking general information, unrelated to cases, about juvenile or other court procedures. I have given interviews on general topics. Sometimes I talk to External Affairs first and ask them to identify the caller, get some information on what the story is about, etc. I want to know how reputable the reporter and/or the publication is if I’m not familiar with them. I would never return a call about a pending case, whether it’s before me or another judge. That is unethical.
 - Case by case, usually don’t comment.
 - If contacted, I would speak with Melissa Farley’s office.
 - Minimal comment and suggest he/she review the transcript.
 - Most time I do not unless I know and trust the reporter.
 - Check with AJ and/or External Relations/Affairs Div.
 - Generally, refer the call to External Affairs.
 - Not to comment-refer to ext. affairs
 - I always respond, but sometimes I am unable to comment.
 - For those with whom I have a long standing relationship I speak to them directly. If it is about a specific case I only comment after it is completed and the appeal period has run, and then only very generally. If I do not have a relationship with the reporter, I refer them to External Affairs. On many occasions I have spoken to them with a representative of External Affairs in the room with me and we were on speaker phone.
 - Do not respond to inquiry about a specific case such as Tauck v. Tauck, which received media attention.

- To decline to respond about pending cases.
- I always respond, even if to say, “No comment.”
- I forward all contacts to External Affairs.
- I try to be helpful.
- I don’t respond if a case is pending. I give very little information after the case is resolved.
- My general practice has been to consult with External Affairs and follow (usually) the advice tendered.
- No practice – never contacted.
- I denied the requests.
- Follow recommendations of External Affairs.
- I call External Affairs.
- No comment.
- Refer to Judicial External Affairs.
- I never speak to the media about pending files.
- Generally, no comment about the case. I may point to certain facts in the public record.
- Yes, generally I have a secretary call to say I have no comment.
- Yes, I do not respond.
- Yes, contact Melissa Farley and have her office deal with media request.
- I usually do respond, but only “off the record” and giving only neutral legal background, if requested.
- No practice – predisposed toward “No comment.”
- Refer to External Affairs.
- I make a referral to External Affairs.

- Yes, I avoid responding.
- I refer these requests to the AJ and to Hartford.
- I will not respond to a media inquiry.
- I require all inquiries to go through external affairs.
- I would not respond to the media.
- Never speak on record or off record about pending case. Occasionally speak off record after case is over to clarify technical point.
- Avoid response if possible. If response is made it must be correct and carefully made.
- Basically – avoid contact.
- Do not discuss pending cases or individual matters.
- Non-prejudicial clarifications about what happened in court.
- Not yet – I’ll be interested in what other judges do.
- I would not discuss pending or decided cases, but otherwise I would call the reporter back after having had time to consider the question.
- I am cautious. I will not talk about a pending case. I will sometimes discuss general legal issues “off the record” and “not for attribution.”
- As a trial judge, I would not respond re: the case in question. As the Chief Administrative Judge of Criminal, I may be asked by the Chief Court Administrator’s Office to respond.
- Yes. Allow reporters during hearing if 1) promise to mask identity of juvenile and parents and 2) consent to reporter presence.
- A reluctant limited response.
- Generally I avoid any case specific communications. I do talk to representatives of the media about matters of general interest.
- I have always responded to reporters to listen to their questions, explaining what I could comment about and what I could not. Most times, I was able to answer some portion of question, at least. Usually, I would take a few moments to

compose comments, even writing them out. I would then speak with the reporter carefully limiting myself to my planned remarks. With interviews requested by trusted reporters, I have sometimes answered without advance prep.

- Refer them to Hartford.
- Don't respond. Call Hartford.
- I respond and have done so many times in my role as CAJ – Civil. For example, I have answered inquiries re: the complex litigation docket, civil blitzes, caseflow, the defeat of the backlog, court organization, resources, etc.
- Yes, if I received a request to speak to the media, I would discuss it with my mentor, administrative judge, presiding judge and external affairs as appropriate. I do not expect that I would ever personally respond, but some response from a spokesperson of the branch might be appropriate depending on the facts.
- Not beyond given guidelines.
- I don't discuss cases pending.
- Judge referred to answer to Question 2(b). That answer was: "I stated the reasons for my decision on the record as best I could. If you weren't there, you can order a transcript."
- Yes, I respond to all inquiries, and sometimes speak to the journalist off-the-record. Sometimes, however, I am unable to assist – but I always return the call.
- If contacted, I would refer the question to the office of the Chief Court Administrator.
- Avoid.
- On a case that is the court's, I do not talk to the media. On administrative matters, I always talk to them.
- Usually "no comment;" a couple of times I gave background info to help reporter understand.

Question No. 4 – Judges’ Responses

4) Have you ever contacted the media? **If yes, what was the purpose and outcome of the contact?**

- Occasionally, but only in response to their inquiries. I have allowed my name and my statements to be included in prepared press releases. One such release was necessary to correct an inaccuracy.
- Background information and clarification.
- I contacted an editor to request that a defendant’s identity not be published because his name had been improperly released by the court clerk.
- To correct inaccurate information contained in a story about judiciary or particular judge.
- As probate judge I contacted the media to promote understanding of the role of the court in the community and the availability of services for mentally retarded persons and those suffering from incapacities.
- Yes, to speak to editorial boards when I was Acting Chief Justice.
- I have regular contact with members of the media, but only as family friends.
- I’ve never initiated contact. I’ve contacted the media in response to requests to interview me personally.
- Twice. Once to report to respected reporter colleague about misconduct by different reporter who wrote article about trial based upon review of arrest warrant, and thus woefully, misreported about the case. Once to correct a misunderstanding as to the basis for a ruling so the ruling would be properly understood in future cases where same issue would arise.
- To defend a judge or point them to proper authorities on legal issues.
- Yes, after publication to correct or expand on story.
- Twice by phone – Info re: a case was the purpose – I thought it inappropriate to respond.
- I do so only through Rhonda Hebert.

- Only to tell them about visiting Russian delegations.
- Very rarely. On occasion, however, I have done so to alert 2 journalists about the existence of a particular case. The journalist always has been appreciative.
- Yes. I was Chief Court Administrator and had daily contact but always used external affairs for background.

Question No. 6 – Judges’ Responses

6) Do you see potential issues regarding cameras in a courtroom? If yes, what are they?

-
- No – 8
 - N/A or No Response – 2
 - Distractions. Effect on behavior of witnesses, lawyers, judges. Effect on jurors, willingness of jurors to serve.
 - Only if they disrupt the trial or distract the witnesses and/or jury.
 - Yes. I hope that they will not contribute to chaotic arraignment scenes as everyone in the courtroom strives to achieve his/her 15 minutes of fame. We absolutely must have sufficient marshal control. Right now, NO marshals are provided to Hartford’s civil trial judges. I also believe it will inhibit jurors from serving and witnesses from testifying. Getting witnesses to crimes to testify is already extremely difficult due to fear of retaliation. I also believe that lengthy hearings when one party or the other objects to such coverage will stall the start time of trial evidence, costing us more time when jurors “drop out” due to the extended time, which then requires additional voir dire, or worse a mistrial. I would suggest that in jury cases, requests for camera coverage be required to be submitted prior to the commencement of voir dire, rather than the commencement of evidence.
 - Criminal cases, protecting witnesses.
 - 1) Protection of the privacy of jurors. Even with TV coverage, it is sometimes hard to find jurors willing to serve. 2) Potential to distort trial situations.
 - Inability of judge who is technologically deficient to properly control the proceedings. The danger [*can’t read next word*] and the time & energy necessary to control the proceedings will adversely impact the judicial responsibilities.
 - Yes. Loss of juror anonymity. Disturbance of proceedings – “playing” to the camera.
 - Yes – victim/witness concerns.
 - 1. Victim/witness reluctance to testify
2. Juror reluctance to serve.

3. Lawyers/judges playing to the camera.
 4. Use as a wedge to coerce unfair civil settlements.
 5. “Cherry picking” of the most salacious aspects of trials.
 6. Time and resources devoted to dealing with the practical aspects of media coverage.
- Beyond the Judge Ito fiasco, I see only a few issues. If there is one video camera as a feed to all who want it, I see no problem. If it is a bunch of them, as occurred at the LOB during the Judicial Review hearing recently, it was a mess. It was distracting, disrespectful, and demeaned the solemnity of the proceeding. If the issue is still cameras, I can see allowing more than one if the photographers stand at the back, use cameras which are absolutely silent, and use no flash. However, I have an absolute objection if a jury is impaneled because there is no way of stopping the photographing of individual jurors, which is unnecessary, intrusive and a huge security risk.
 - I am currently serving in Family Court and the issues of the privacy of the minor children would be an issue.
 - Judges will require a period of time to become comfortable both with the concept and the practice.
 - Yes, I fear it will change the culture of the courtroom. Televisions have an amazing effect on *[answer stopped there]*
 - Not that shouldn't be able to be resolved.
 - Yes. Witness, victim, jury safety, use of video at judge's confirmation hearings, use of portion of video to get dramatic effect for television, and playing to the camera by parties.
 - Yes. Distraction, expense, increased reluctance to participate on the part of jurors, witnesses and others. Perhaps more importantly, I think that the editing and selection processes may yield unrepresentative impressions of judicial proceedings. There are, of course, arguments to the contrary.
 - Yes, security for jurors in high profile criminal cases.
 - Yes. The camera taking over the fairness of the trial.
 - Many courthouses are ill-equipped to accommodate such coverage. New claims of error, constitutional or otherwise, will be unnecessarily injected into criminal proceedings. Technical difficulties will either delay proceedings or create complaints by the media if no delays are granted to resolve such difficulties.
 - Issues are well addressed by extant rules.

- Impact on due process, failure of public, victims and defendants to appreciate the whole system, context, relationship to other cases as they would if present in court during a portion of the day.
- 1) People playing to the camera; 2) Witnesses will be reluctant to get involved if they know they could be on camera for trial.
- There may be occasional episodes of participants trying to show off for the cameras. Also, there will probably be more sidebars or chambers conferences because we will have to be more guarded in what we say with the cameras on.
- Yes. A concern that jurors and witnesses not be influenced by the cameras.
- Yes – In a jury trial it would be a distraction to jurors and may take away from focus of presentation of evidence.
- My experience is that the “potential issues” – interfering with the dignity of the proceedings and lawyers or judges playing to the camera and witnesses being inhibited – do not *??occur??* [*unsure if occur is the word*]. They can be managed by firm but flexible courtroom control by the judge in court.
- Yes, very serious issues. Influence on jury. Attorney and witnesses play to the camera. Trials turning into a media circus. I believe the potential problems are much greater in jury trials than in court trials. I also have less problem with complete coverage such as may be provided by CTN than with sound bite coverage.
- Lawyers & witnesses “playing to” the camera. Juror intimidation/witness intimidation.
- Yes. I am concerned about the willingness of witnesses to testify and of jurors to serve. I am also concerned about the “professionalism” of the installation and operation. I thought the late arrival and subsequent behavior of one of the news stations (I believe it was Channel 8) at the CJI – when the operator approached the podium while Judge Lavery was speaking and then Mr. Davis went through the room to question judges until he was prevented from doing so – was unprofessional and discourteous.
- I agree with access, whenever possible, but there are serious logistical issues to be resolved.
- Serious concerns about the chilling effect it would have on the testimony of certain witnesses. Also have serious concerns about the safety and security of jurors.

- Yes. Sensationalizing, exploitation, inappropriate emphasis on factors, possible tainting of jurors, witnesses, etc.
- Yes, counsel and participants will pander to the camera.
- My concern is with the protection of juror identities.
- In cases where violence is involved, I think there is potential for the testimony and affect of witnesses/victims, who are frequently already very intimidated by the process, to be affected by the presence of cameras. It may affect the truth-finding function of the fact finder.
- Absolutely. In drug cases, we are often faced with bad and dangerous people. Juries should not have their faces all over the media, and as a judge, I am not crazy about the exposure. Cameras could put lives at risk – CT Post and Peeler, for example.
- Several issues, particularly at criminal arraignments and in jury trials. Eliminating prejudicial publicity, including file photos of presumptively innocent defendants in jumpsuits and handcuffs, is key.
- Interference with trial. Distraction of parties. Identification of jurors.
- Yes. Distraction especially of and to lawyers and jurors.
- Not really, so long as it is not disruptive.
- Very few. The one case I did nearly 25 years ago went without a hitch after the ground rules were established. Sensitive cases involving children or battered or raped women need more restraint.
- Rights of other litigants.
- The conflict with protecting the identity of certain victims in criminal trials.
- 1) Maintaining control in the courtroom. 2) Maintaining the dignity of proceedings. 3) Protecting the identities in some instances, of jurors, witnesses, victims, children, etc.
- Attorneys' behavior, jurors' identities and concerns, witness intimidation. It will be an added responsibility for the trial judge.
- Yes. Photographs with strong emotional content.
- 46b-15 hearings should be excluded since they are family types cases in the main.

- Many may find it difficult to ignore that they are there and act differently because of it.
- Only those generally recognized, confidential matters, sexually explicit and/or sensitive cases, the victims, witnesses and juror concerns.
- I believe I had cameras in courtrooms on three occasions as trial judge. All were very satisfactory. Crafts case 1 was lengthy and extensive. There are issues, of course, which have been exhaustively discussed during the past year or so. I resolve the issues in favor of cameras, taking care to make sure that they do not interfere with fair trial, etc. SC coverage is well done and CT-N coverage at AC was approved but has not happened due to funding. Apparently, prior to leaving AC, I was entrusted with dealing with CT-N on that project.
- Yes, disruption of process. Making jurors, witnesses nervous.
- Protection of jurors, witnesses, disruption of proceedings.
- The issues have all been raised.
- Yes! Would be distracting; concern about how come across or appear on T.V. Playing to the camera.
- None other than those discussed in tremendous detail and frequently during the last 2-3 years.
- I would review the request under the standards and procedures set forth in the Practice Book section on point, and I would consider the safety and security of the litigants, witnesses, jurors, etc.
- Witness intimidation, courtroom distraction.
- Logistics in older courthouses.
- Sure! If I truly felt they were trying to inform or educate the public, that would be one thing. But based on the cases the media has tended to follow, the principal purpose has been at best to entertain, and, at worst, to titillate, the public. The courts are not in the entertainment or titillation business. And I see no reason to allow the press the opportunity to gain an advantage over an ordinary spectator (e.g. to position camera so that they can photograph lawyers and parties' faces, something spectators in the back of the room can't do).
- Victims and jurors are problems, especially in criminal cases. Victims, especially in sex cases, are frightened as it is to come forward. Jurors are difficult in giving of their time. Both will have bigger issues regarding safety if cameras are in some cases.

- Yes. The Public Access Task Force has identified the pros and cons. On balance, I'm in favor of having trial and appellate court proceedings televised.
- Effect on jurors (if disclosed) and witnesses and certain alleged victims.
- Yes; space, technical logistics, security and confidentiality issues of the parties, but particularly of the jurors and non-party witnesses.
- Sexual assault cases, gang-related cases, street crimes. Can you envision a state's attorney telling an already reluctant witness – "There's a camera in the courtroom but not to worry it won't focus on you, it'll be turned off, etc." That is a real *[world??]* problem.
- Unless it is CT-N or some other network with coverage from start to finish, there will be a problem with what is selected for broadcast to the public.
- Yes – in a headline case the trial judge has to spend a lot of time making sure cameras off jurors and some witnesses. I did a murder trial in the 80's on TV in Waterbury.
- I did then – it was close to O.J. Today I'd be concerned about witness and juror intimidation.

Questions 7(a) and 7(b) – Judges’ Responses

**7(a) Do you advise jurors about speaking to the media following a trial?
(b) If sometimes or always, what advisement do you give?**

Never/No responses: **20**

*One respondent who said never wrote: “I always advise jurors that they are free to discuss the case with anyone, but they are equally free to refuse to discuss the case with anyone.”

Another wrote: “None of my trials have been close to high profile, so there’s been no need.”

Another wrote: “Never had the occasion to consider this question.”

N/A --**8**

- a) Sometimes.
b) Make general comments – no individual vote or position.

- a) Sometimes.
b) That they are free to speak or not speak.

- a) Always.
b) I don’t mention the media specifically, I do tell them they are free to speak to anyone they wish, but they also are free NOT to speak to anyone.

- a) Always. They are free to speak or not to speak.

- a) Always.
b) I advise they are under no obligation to speak with anyone. If they do speak, they should respect the privacy of fellow jurors.

- a) Yes. Not just with regard to media. Jurors are advised that they do not have to speak with anyone should they choose not to and if they do, they should not discuss the deliberation process.

- a) Sometimes.

- a) Always, yes.

- a) Not specifically as to the media.
b) I tell jurors that it is up to them whether they wish to speak to anyone about the case.

- a) Sometimes.
b) They have the right to speak with the media after case is resolved, but may not wish to do so. Also to respect the deliberation process and their fellow jurors.
- a) Sometimes, depends on public profile of case.
- a) Always.
b) That it is their right to talk with the media, but the communication may result in further legal proceedings.
- b) I release them from their oath obligations and tell them they are free to talk to anyone about the case and are free not to.
- a) Always.
b) Jurors can speak to the media, but I advise against it.
- a) Always.
b) It is up to the jurors as to whether to talk to anyone regarding their jury service.
- b) I advise that, although discharged jurors may talk about the case, I strongly recommend that they avoid such conversations or they may very well find themselves back in court on the witness stand.
- a) Always.
b) Information about jurors' option to communicate, pursuant to Branch recommendations.
- a) Sometimes.
- a) Always.
b) Allowed at their discretion.
- b) I advise jurors generally that they are under no obligation to speak to anyone about the case and that they don't have to do so if they don't want to.
- a) Always.
b) I tell them that it is their choice whether to speak to media representatives and if they do, they should not disclose specific comments made during jury deliberations because deliberations are confidential.
- a) Always.
b) 1. They are not obligated to speak to the press. 2. There is a potential for appeals or motions to set aside verdict where their comments may come into play.

- a) Always.
b) It is your decision to talk to them or not. You may – but you are not obligated to – speak and answer questions.
- a) Sometimes.
b) I tell them they have the right to speak to anyone they want to but may wish to consider that any statements they make could be misconstrued and form the basis for post-trial motions.
- a) Always.
b) That it is strictly up to them about whether they wish to speak to the media. I also invariably remind them of the juror's oath.
- a) Sometimes I tell jurors they are free or not to speak to counsel and the media once the trial is concluded and they are discharged.
b) Definitely not speak with anyone during the pending trial. Afterwards, as recited above.
- a) No response.
b) None of my jury trials have generated any media attention thus far.
- a) Always. But not specific to the media, just the risks generally about talking about their deliberations.
- a) Sometimes.
b) I tell them they are free to speak to the media, but they run the risk of becoming an issue if their beliefs are printed.
- a) Always. I tell them they can now speak or refuse to speak to anyone at all, at their sole option, and that just as it is OK for others to approach them, it is OK for them to decide for themselves whether or not to speak. Court will protect them as officers of the court in making that decision.
- a) Sometimes.
b) They are not obligated to media.
- a) Sometimes.
b) They are not required to talk to media, and comments can be misconstrued and provide further difficulties.
- a) Always.
b) It is their right to speak or not to speak.
- a) Always. I always tell them it is up to them but once their jury service is through they have no duty to speak to anyone about the case.

- a) Always.
b) I advise them that it is their decision as to whether or not they want to talk to the media. I remind them that they are under no obligation to speak with them.
- b) I advise jurors that they are permitted to speak to anyone about the case after the decision but that discussion could cause further proceedings. The decision is up to each individual juror. With that instruction given in open court, jurors do not give post decision interviews even with trial counsel.
- a) Sometimes.
b) Their right to communicate, no obligation to talk to the media, and the wisdom of doing so in the present case.
- a) Sometimes. My recollection is that I did so advise jurors. Many years ago, jurors were warned not to talk to the media. I haven't been in that position for a long time.
- a) Always. I always say they are free to talk or not to talk to anyone without reference to the media.
- a) Generally, in that I advise jurors about speaking with anyone following a trial.
- a) Always.
b) Don't do it or do it at your peril.
- a) Always.
b) I tell them that they can talk to the media or others at their discretion and the choice of doing so or not is entirely up to them.
- a) Always (I always give this advice, but not necessarily with respect to the media.)
b) In any case, that they have the right to speak to anyone, and the right not to; that sometimes those who wish to speak to them have worthy motives, e.g. to find out how to improve their skills as attorneys, etc.; and sometimes not so noble, e.g. to ferret out a detail or two that they can later use to try to change the outcome. That they should make the decision to speak with care and with consideration for their fellow jurors, who might not wish to speak about their decision-making process.
- a) Always
b) You may speak, not required to – up to you.
- a) Always.
b) The decision to speak to the media is their individual decision.
- b) Not specifically: The jurors receive a standard instruction that they are free to speak to anyone; they are not required to speak to anyone, and depending on what they say and to whom they say it, the discussion may form the basis of further proceedings that may require their return to court.

- a) Not directly. I usually inform them that they have a choice, they may, but do not have to but should not discuss the deliberations.
- a) Always.
b) You do not have to talk to the media and I advise you not to because it could be taken out of context and you will find yourself a witness down the road in a habeas case.
- a) Sometimes – just that they have no obligation to do so.
b) See A.

Question No. 9 – Judges’ Responses

9) What do you do if you see or read inaccurate information about judicial matters in the media?

- One word response of “Nothing” – 29

Next 13 Responses involve further explanation of “Nothing/Generally Nothing/Usually Nothing, Etc.”

- Nothing. I assume they will get it wrong and they usually do. It is an issue of education. Most of the ones I have had experience with knew little or nothing about law or process, and it showed in their reports. There is nothing worse than an ignorant, arrogant reporter. But then there are several who are absolutely outstanding and when I see them I congratulate them on a good job. I have spent countless hours talking with one particularly good reporter about how the process works and why things happen the way they do. I did this because he was genuinely interested and I felt it important for him to understand why some things happen the way they do.
- Nothing. The case is decided on what is heard in the courtroom.
- Often times nothing.
- Usually nothing. Sometimes talk to External Affairs.
- Up to this point, I have not done anything.
- Has not happened in any of my cases.
- Generally, nothing – except when I was Acting Chief Justice, when I occasionally arranged to write an op-ed piece or give an interview to reporter, rebutting the inaccuracies.
- Nothing, although it makes me feel uncomfortable.
- Nothing, I have never had anything reported that required correction in the interests of justice.
- Nothing now – but as a trial judge, if reporter was frequent visitor and good relationship existed, I probably commented about the inaccuracy, if it was a matter on which I would comment ethically. Most reporters I dealt with cared to get things right.

- Usually nothing. But I did write a letter to the editor in defense of a judge who was unfairly attacked.
- Generally nothing. On rare occasions, I will contact the author of the piece and, off the record, explain the inaccuracy.
- Generally, take no action.

Other Responses

- Stew.
- Stew and consider canceling my subscription if it is reported in a newspaper.
- Suffer.
- Suffer in silence.
- Swear under my breath.
- Seethe.
- Fume and get frustrated.
- Get frustrated.
- Complain to my husband and fellow judges.
- I experience exasperation and then go on to something else.
- Get frustrated.
- I bemoan/lament the fact of it and move on.
- Grin and bear and then contact Melissa Farley.
- Contact External Affairs.
- If it was important, I'd contact External Affairs.
- I call External Affairs.
- Complain to my spouse, then ask questions of staff or attorneys involved.
- Discuss it with the Adm. Judge and other judges.

- Talk about it with other judges and determine whether something should be done.
- Tell only my wife that they are inaccurate.
- I call reporter or editor or editorial writer.
- Note it, most of the time. Calling an unknown reporter only complicates the issue.
- I'm hoping the Judiciary-Media Committee is going to provide a viable, workable solution for this. There are ethical constraints. Compare the new ABA Model Code Rule, Sec. 2.10, with Connecticut Code of Judicial Conduct, Canon 3(a)(6). They're very different. Ours appears to allow broader commentary by the presiding judge.
- The reporter sees only a small portion of the trial and the story is inaccurate because only part of the information is known to the reporter. I do have to say that the reporting of the Tauck divorce in The Hartford Courant was accurate but the reporter reviewed the entire file and sat through many days of testimony.
- If a case is on trial, I inform jurors to disregard what they read or saw in the media and if any jurors feel it has influenced them.
- If it concerns an ongoing trial, and the reportage is erroneous and potentially prejudicial, I bring it up with counsel and suggest that the jurors be canvassed individually to determine if they have seen it and, if so, if they've been affected by it. I've had to dismiss some jurors who have read erroneous and prejudicial news stories about pending cases that they were instructed not to read.
- Not much until the trial is over. If there is no prejudice to either side I might correct inaccurate information about judicial matters on the record after consulting with counsel.
- See Question No. 4 re: whether respondent has ever contacted the media. Answer was: Yes. After publication to correct or expand on story.
- Headlines.
- Four other responses: Has never occurred/Has not occurred yet/Have not had that situation as a judge/That has not happened to me.
- Two responses of: This has not been a recurrent problem for me/ I have no set response.
- NA

Question No. 10 – Judges’ Responses

10) What do you do if you see or read unfair criticism about yourself or another judge in the media?

-
- Nothing/generally nothing/probably nothing – **25**
 - Nothing, but would like to.
 - Nothing. It comes with the territory.
 - Up to this point, I have not done anything.
 - Basically nothing. What could you possibly do? Judges get little or no support. See recent letter to editor in CL Trib regarding Judge Zoarski’s decision reported in CLT on 8/20/07 by Thos. Scheffey.
 - Nothing. I might call it to the attention of the judge involved if I thought he or she had not seen it.
 - Nothing when it involves others; I feel bad when it involves me, but still do nothing.
 - Same as 9, which read: Usually nothing. Sometimes talk to External Affairs.
 - For myself, nothing. As Chief Court Administrator, when I saw a judge being unfairly criticized, I used External Affairs and the Connecticut Bar Association.
 - As to criticism of myself, nothing. As to another judge, I usually call or e-mail them to tell them to not let it bother them.
 - See No. 9: Usually nothing. But I did write letter to editor in defense of a judge who was unfairly attacked.
 - Contact Judges Assoc.
 - Speak with my AJ.
 - Call the judge and offer moral support.
 - I sometimes call the other judge just to indicate my support.
 - Contact the judge and provide support.

- See No. 9 above, which read: Talk about it with other judges and determine whether something should be done.
- Same as No. 9, which read: Complain to my husband and my fellow judges.
- Call the judge and offer support if he/she is a colleague I am close to.
- Vent to one or more other judges.
- Complain to my spouse, then ask questions of staff or attorneys involved.
- Complain to my spouse.
- Speak to Melissa Farley.
- Contact External Affairs.
- See No. 9: If it was important, I'd contact External Affairs, but I have never done so.
- I call External Affairs.
- I would contact external affairs but not the media directly.
- Call reporter or write letter to editor.
- Read it, save it or throw it away. Sometimes I will call the subject of the article to sympathize. You learn to develop a thick skin, but it's nice to hear from your colleagues.
- Note it.
- Has not been a problem.
- The press has been good to me for the most part and I don't remember any criticism that I felt was unfair. I recognize that there is always another point of view and (Lord have mercy!) sometimes I'm wrong. If it happened, however, I would do nothing but make extensive notes for myself about it for the future if the Judicial Selection Commission or the Judiciary Committee has questions about it for the future. I believe in the old adage that it is unwise to engage in debate with one who buys newsprint by the ton.
- I have been very fortunate to not have received unfair criticism from the media since my appointment to the bench.

- I try not to show those articles to my children. I mention in public speaking assignments that the public is entitled to react unfavorably to any judicial or juror decision but in fairness to the system and the litigants, they should acquaint themselves with the actual facts before drawing any conclusions.
- That has not happened to me. When it happened to a colleague, I called External Affairs.
- It hasn't happened yet. If/when it does, I'm not sure what I'll do. Probably call upon someone more knowledgeable/experienced with handling such things.
- Suffer in silence.
- Swear.
- Myself – has not happened. Others – I lament.
- Seethe and consider canceling the subscription, if the report is in a newspaper.
- See response to No. 9: I experience exasperation and then go on to something else.
- Grin and bear it, hoping that others, particularly lawyers, will clarify the situation. Such moments have been rare.
- Suffer.
- I am afraid judges do too little to defend each other, which is horrible for the public perception of us.
- Goes with the job.
- Accept it as part of the job.
- Get frustrated.
- It's sometimes a tough business, you can't be too thin skinned about it.
- I commiserate.
- Seethe a lot.
- See No. 9: Fume and get frustrated.
- N/A. Yet. Another judge answered N/A.

Question 11(b) – Judges’ Responses

11(a) Do you think it’s important for the Branch to formulate guidelines about judicial matters in the media?

(b) If this would be helpful, what suggestions do you have?

-
- Judges Assoc Comm., which I had set up as Pres. of Assoc.
 - To respond immediately, definitively. To correct mistakes, mistaken assumptions, mistaken perceptions.
 - A prominent judge, preferably the CCA, should hold a press conference, issue a press release or write an opinion letter to respond, but we need to do a better job of ensuring coverage of the response.
 - Part of our job is to make decisions that someone thinks is unfair. It is important to explain the context of the decision and educate the public in the role of the judges.
 - A public relations committee who will accurately report the facts.
 - Affected parties be found and have input.
 - Have a team to prepare and provide appropriate responses to unfair criticism.
 - Ask the Chief Court Administrator’s office to review the unfair criticism and respond on behalf of the branch if appropriate.
 - We should have a “hit squad” made up of judges and lawyers to correct the record.
 - The Branch must be as open as possible with each media outlet, while at the same time encouraging that outlet to open its pages or cameras to a meaningful response to or explanation of the item alleged to be unfair, such as a well placed letter to the editor or an article explaining the Branch’s position.
 - 1) Determine whether it will respond to factual inaccuracies only or to “unfair criticism;” 2) Must not be defensive or appear to circling the wagons around “judicial independence” if that is not an issue; 3) Must be prompt; 4) Should continue to enlist assistance of bar associations.
 - Reference to transcripts may be useful.

- I think the only thing the judicial branch can do is point out inaccuracies regarding procedure, personnel or chronology. The branch cannot engage in a debate with the media regarding the propriety of judicial rulings or conduct.
- External Affairs provides excellent assistance and its resources should be uniformly utilized.
- Ombudsman that can provide contact.
- This varies from case to case. It may be the media do not have the facts straight, in which case they should be corrected. Or it may be that the media does not understand that the judge must make his or her decision based on the facts and the law, and not on what seems popular or easy.
- We should have a way to correct inaccurate information.
- When a criticism or misstatement of the facts are made by the press, our silence indicates acquiescence. We should at least set the record straight.
- I think it has to be done through the Chief Court Administrator's Office – either informally or formally in some manner.
- The branch should encourage response by the bar and interested parties not generally directly by the judiciary. The judiciary must be alert to the media's propensity to claim that its only interest is to protect the public. Often, it is the judiciary whose interest is to protect the public from unreasonable invasion of privacy.
- The judge should be able to explain the unfairness to a branch spokesperson who would then make a statement for publication.
- I leave that to more experienced judges.
- Have a group available to review the basis for the criticism and to suggest a response.
- Any response reiterating the role of a judge and the support the Judicial Branch has for the particular judge is important. No direct rebuttal of the criticism is necessary. It's just important that there be a response as opposed to no response.
- I would suggest that a) factual correction type responses come from the branch; b) responses to ad hominem type criticism emanate from the organized bar.
- An official response can be sent to the media if it does not impact on the pending case. Also, on the Petit case, there was a Channel 4 one hour program recently, which disclosed all of the details of that case and was outrageous.

- Something akin to a “truth squad,” which confronts those who criticize the judiciary unfairly and/or inaccurately.
- The Bar is the best vehicle for responding. Better still, perhaps a “fire brigade” to communicate procedural matters to know-nothing journalists who stubbornly misreport about events they don’t really understand would be helpful.
- Response would be best by an independent source – such as bar assn.
- Judicial should respond on behalf of all judicial department employees, with consultation and input from all parties involved.
- A small conference call committee of experienced judges should have a group response. Also CBA can do more in this area.
- That External Affairs lets judges know that if there are factual errors, it will, on the judge’s behalf, contact the appropriate media to correct the error.
- There should be one or two specific identifiable individuals to communicate with the media such as Chief Court Administrator or Deputy Chief Court Administrator.
- A fair and measured response, trying to avoid a media battle.
- One designated person should correct the record if necessary.
- None, except “Seek God’s guidance.”
- There should be an office spokesperson that can supply accurate information to correct misperceptions in those rare cases where a response to a grossly unfair and erroneous criticism is imperative, but not in every case where there is a disagreement or opposing opinion being debated in public.
- Central, unified response policy.
- Refer all such inquiries to the OCCA.
- There should be a “go to person” to whom these concerns can be [???] and that person should investigate and respond on behalf of judge, if necessary.
- Great care must be taken in developing any such guidelines.
- Gather all the facts; determine appropriate response.

- Yes, but more than that, the Code of Judicial Canons, Sec. 3(6) should be amended to explicitly allow the Chief Court Administrator's Office to comment on or respond to any issue affecting the administration or operation of the Branch even if the issue arises from or involves a pending case.
- Judges should be contacted to ascertain his/her feelings about responding. Can't respond if case pending in any event.
- First, define what would be unfair criticism. Second, one person or office should be designated to respond after discussion with the judge.
- Always go through the Chief Court Admin and External Affairs so as to not make things worse.
- Take it; commenting only worsens the situation.
- We should be independent of the media.
- It needs to be done on an individual basis or we will be locked into following guidelines when no response is appropriate. Unfair criticism is in the eye of the beholder and comes with the turf.

Questions No. 12(a) & (b) – Judges’ Responses

12(a) Do you explain your decisions from the bench?

(b) If you explain, under what circumstances?

-
- a) Yes. b) Under any circumstance which would require the lawyers and litigants to understand the rationale and reasoning of the decision.
 - a) If I issue a bench ruling I do.
 - a) If I issue an oral decision or I’m sentencing someone, I do. In a busy arraignment court, it’s difficult to explain every bail decision. b) If I issue a written decision, I don’t convene another hearing to “explain” it. I hope it speaks for itself. If it’s inarticulate, counsel will let me know.
 - a) Yes. b) Anytime I think it would be helpful to the attorneys or their clients to understand the court’s rationale and to avoid adverse rulings in the future.
 - a) Difficult sentencing requires an explanation.
 - a) When possible. Lengthy discussions are not amenable to such a procedure. b) If I am ruling from the bench on a substantive issue where I could also decide the issue by written memo.
 - a) Sometimes. b) I explain decisions when I think it’s important for the public or the defendant/parties to understand why I am taking the action I’m taking. I also might give a more full explanation if there is an indication that one of the parties may be considering an appeal.
 - a) Usually. b) I try to explain the reasoning behind any significant oral ruling or sentencing.
 - a) Yes, always. b) Anyone who has the right to know what the decision is has the right to know how and/or why the decision happened.
 - a) Sometimes. b) If I think I can reach the parties in front of me and explain why the decision did not go the way they sought and how they still need to co-parent their children.
 - a) Generally yes. b) Explain legal or factual basis for decision.
 - a) Sometimes. b) In criminal, if victim present and sentence is likely to be controversial.

- a) Sometimes. b) I do it when I think it is in the best interests of the parties for issues of appeal. I also will do it when I really want the parties to understand what my thinking was when I made the ruling.
- a) Yes. b) If I rule from the bench or sentence absent agreed upon sentence, I like to think that I have given an explanation.
- a) Yes. b) When I think it is appropriate given the profile of the case.
- a) Usually. b) When the decision otherwise might appear unclear or arbitrary.
- a) Yes. b) Under most circumstances.
- a) To pro se litigants at times.
- a) Sometimes. b) When the grounds for my ruling may not be obvious or there are multiple grounds upon which the ruling could be based.
- a) In the course of rendering a decision, I strive to always provide at least a summary explanation of the legal and factual bases therefore. b) See response to 12(a) above.
- a) Yes. b) If I announce a decision from the bench.
- a) Usually, if sentencing.
- a) Yes. b) Written or oral reasons always given.
- a) Yes. b) Court trial where I render a decision from the bench or a motion where I make a decision from the bench.
- a) Yes. b) Almost always.
- a) At times. b) If I feel an issue is one which may be subject to appeal or clarification.
- a) Sometimes. b) Evidentiary rulings and matter on which I rule from the bench. The explanations are brief and I seldom rule from the bench in trials.
- a) Usually. b) Any significant ruling (not ordinary evidence rulings)
- a) Yes, if the decision is oral. b) Most.

- a) Generally, yes. b) Depends on the nature of the proceedings – if rendering a decision, I recite the standard of proof, the elements required to be proven and sufficient evidence to support the decision.
- a) Yes. b) Whenever the reason is not apparent.
- a) Sometimes. b) Sometimes on evidentiary or short calendar rulings an explanation is given so the parties understand the rationale behind a ruling.
- a) Invariably my decisions are written.
- a) Yes, when I make an oral decision. b) Obviously, when I decide the case from the bench.
- b) If I make a ruling from the bench, I almost always explain the basis for the ruling. More complicated rulings get more of an explanation.
- a) Yes, generally. b) In criminal matters, in sentencing where there is an agreement for judge to decide the sentence, I explain rationale.
- a) To the extent necessary. b) NA.
- a) Yes. b) In almost all circumstances, I explain my rulings completely since it's the best chance I have to make sense of what I am doing, at least by my *[litigants???* If either disagree with my logic or conclusions, at least they'll know why I have reached those conclusions.
- b) I always try to explain my decisions. Often decisions are written and from the bench.
- a) Yes. b) Where explanation would be of assistance in proceedings.
- a) Sometimes. b) When I have time and decision involves some specific or unique fact, reason or condition – to assist parties in understanding why I decided as I did.
- a) Usually. b) It is good P.R. in most cases and if done in the manner of the recent white paper by Judges Leben (&) Burke. It gives solace even to the loser.
- a) Usually. b) When I wish to make clear that I'm being [*?consistent?*] with prior decisions.
- a) Yes, but in the sense of the reasoning – legal and factual.
- a) Yes – I'm an Appellate Court Judge.

- a) Yes. b) Whenever required, if no written decision is rendered.
- a) Yes. b) Where it is needed for a proper understanding of my ruling.
- a) Sometimes. b) To eliminate delay in resolution.
- a) Yes, occasionally. b) Where required or appropriate.
- b) I articulate each oral decision with facts, law and procedural comments sufficient to satisfy the Practice Book requirements since it takes a lot of extra time to prepare a written decision. On some occasion, I will compliment the lawyers for a good job and that is the only comment I will make outside of my decision.
- a) I do try to. b) Always, when justifying certain action taken, i.e. raise bond, deny a motion, etc.
- a) On trial court, anything of substance was written, if appropriate for oral decision, (as many criminal matters are) I attempted to explain thoroughly. Oral rulings are not adequate except for truly simple, straightforward matters in civil or family cases.
- a) Sometimes. b) If the rationale is not obvious.
- a) Occasionally. b) High profile – the decision gets written and then read from the Bench. This has only occurred twice in 12 years.
- a) Yes, sometimes. b) When the matter is not complicated as to the facts or the law and the decision is clear.
- b) I only explain the legal basis for my rulings but not in routine matters such as rulings on evidence except for crucial matters such as expert evidence.
- a) Always. b) I have a civil assignment. All decisions are explained in writing or orally announced and transcribed.
- a) YES! b) If the reasons are bad, they have a remedy; if they are good, the decision will stand. Either way, agree or disagree, people will understand why you took a position and that it was principled, even if they don't agree with the principles.
- a) Yes. b) I try and do in all cases.
- a) Yes. b) To protect and make the record.

- a) Yes, if a ruling or decision is issued from the bench. b) Under all circumstances, except there are some motions (for example discovery motions in civil cases) that may be heard from the bench, taken under advisement, and decided by the court without articulation.
- b) I always try to explain my decisions.
- a) Yes. b) As a matter of course, but in particular when a pro se is involved.
- a) My written decision is my only explanation.
- a) Yes, if decision is oral.
- a) Yes. b) All circumstances.
- One judge responded yes to 12(a), with no narrative; another answered yes to 12(b), no narrative provided.
- Five judges answered “No” to 12(a).
- Two judges responded not applicable.
- Two other responses were: “That question is too broad to answer. I write long decisions in most cases (TPR),” and “I don’t know what that question is asking about.”

Question No. 13(b) – Judges’ Responses

13(a) Do you think reporters who cover the courts, in general, have sufficient knowledge about the court system?

(b) If no, what should reporters do to learn more about the system?

- One problem is they sometimes don't cover the whole case, from start to finish. The members of one of my juries noticed this and spoke to me about it when the verdict was over. They noticed a reporter only came to observe part of the case. They expressed concern that there might be commentary on their decision based on incomplete information.
- Sensitivity to competing interests that judges are dealing with.
- Spend some time watching the whole process of justice.
- Spend time in court and speak with those involved.
- Work harder; they miss a lot of good stories.
- It is probably too late for them to get a good foundation in civics, our system of law, other systems of law around the world, and the importance of understanding the relationship among the Executive, Legislative and Judicial Branches and how it impacts law as we know it. But it would not hurt them to read as much as they could get their hands on about it. Of course, that presumes a degree of intellectual curiosity, which may be a stretch in some cases.
- Investigate it more.
- Speak with colleagues; ask questions of court personnel, discuss with attorneys.
- Study Rules of Professional Conduct and Code of Judicial Conduct.
- Read – 2 judges had this response.
- Age.
- Just as anyone who needs legal advice, they should consult with legal experts in the particular field in question before, during and after the proceedings about which they are reporting.
- Maybe the department should print a media guide outlining the procedures, programs and terms used in court.
- Obtain some general knowledge on the law.

- I think we should have a “Law School for Journalists.”
- They should attend a court orientation program (sponsored by the branch) before covering the courts.
- The branch should offer a course or seminar or primer on the subject.
- Reporters should know more about victims, why victims report when they do, when they don’t, perceptions of the system and its effectiveness, the criminal justice system, the effects of the media on witnesses, testimony and juries and victims.
- They should have a legal or civics background.
- Care about knowing, to begin with. A real professional is driven by the need to get things right. This requires work, and time, and consultation with others. Patience to develop contextual knowledge of a situation is the sine qua non of honest and effective reporters.
- Spend more time in court.
- Take a class; read an article; have the ability to observe and ask questions for an “internship” period when they don’t report on it.
- Provide a seminar for them – or/and survey their questions.
- Sit in court and watch; talk to the attorneys; learn before they write.
- Consult educational materials.
- Learn; study; go to seminars, educational programs, etc.
- Training sessions.
- There should be an annual or biannual meeting with Chief Court Administrator or designee, i.e. media committee chairs and major media representatives.
- Ask the appropriate questions or hire experience[*d*] people.
- Attend a Judicial Branch seminar on how the courts operate.
- Study, learn, discuss, interact with judges.
- Be present on a more regular basis – not just for a short period during a high profile case to record a sound-bite.

- They are basically lazy and you have to spoon feed them.
- Contact External Affairs.
- The kinds of pleas and what they mean. The responsibilities of judge vs. DOC vs. parole vs. probation.
- I suppose that the branch can, on occasion, offer seminars to reporters on the working of the judicial system.
- Instead of doing perp walks or 5-second sound bites ... outside court, reporters should try to sit through whole trials and even try to familiarize themselves with some of the legal issues involved in a case.
- Have a J.D. and/or an experienced attorney to be a reference source.
- The Judicial Branch should sponsor a seminar every other year with both experienced judges and respected journalists.
- Appreciate the meaning of due process and its significance vis a vis 1st Amendment issues.
- The judicial process and how it works in various divisions.

Question No. 14(c) – Judges’ Responses

14(a) Do you think the media could benefit from educational programs about the courts?

(b) Would you participate?

(c) **If yes, what topics would you like to have covered?**

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- Explain basic procedures, judicial ethics and other limitations, e.g. lack of personal law clerk, need to avoid provoking juror impartiality, need to avoid a mistrial or create reversible error. Example: If proceedings outside presence of jury or sidebars will not be filmed, need to explain why it’s necessary at times to conduct business this way.
 - Reasons for plea negotiations, importance of having an independent judiciary.
 - The judicial code of conduct and the judge’s responsibility to all parties.
 - Bonds/sentences – complexity of judicial decisions.
 - Restraining and protective orders, §46b-15
of cases heard & decided
of cases handled @ short calendar, GA [???] sessions
% of “problem” cases & challenged decisions from total #s handled
Volume handled per judge
 - Plea bargaining.
 - Basic civics, process, some law, procedures, rules of evidence, Constitutional considerations and the non-existence of “loopholes,” whatever it takes to get them to understand. A baseball game is much more enjoyable to watch and report on if you know something about the game, even if you are never going to be a player or a coach.
 - Explanations of sentencing and results of a plea bargain.
 - Judicial process, terminology, concepts in sentencing; judicial ethics.
 - Everything, since most reporters don’t have a clue about court orders or sentencing.
 - Judicial process, including pleadings, burdens of proof, elements of causes of action that have to be proved, etc. Judicial ethics.
 - Understanding or role of judge and constraints placed on courts by legislation.

- The roles and powers of the various players, such as probation versus parole, the prosecutor, etc.
- Judges' obligation to remain fair, impartial and independent notwithstanding media criticism.
- Pretrials.
- Administrative appeals, juvenile.
- See Q13b, which read: Maybe the department should print a media guide outlining the procedures, programs and terms used in court.
- It is hard to exclude anything, since the media should have some understanding of the governing law and procedures in the case, which will run the gamut from one case to the next.
- What appellate decisions do and don't do.
- Role of judge & jury/difference between issue of fact and issue of law/role of precedent/ reasons why victims cannot control criminal dispositions/reason why parties & witnesses should not have to totally surrender their privacy because they use the court system to resolve a dispute/difference between private disputes and public disputes (involving government)/reasons for privacy rights of jurors.
- Importance of judicial independence. How judicial assignments take place.
- Some basic criminal law terms – such as the difference between cash and cash or surety bonds – may be helpful.
- The process required prior to a final decision, and the scope of our authority to decide cases.
- Procedural aspects of civil and criminal cases.
- Family violence, sexual assault cases and cases involving violence.
- I would like to see basic and advanced programs about all kinds of cases, with particular emphasis on criminal and civil matters.
- See 13, which reads: Reporters should know more about victims, why victims report when they do, when they don't, perceptions of the system and its effectiveness, the criminal justice system, the effects of the media on witnesses, testimony and juries and victims.

- Ethics – lawyers, judges and, yes, journalists. The attorney-client privilege and the reporter’s source privilege – what they are, what they protect, what they don’t protect. Constitutional law. The limits of judicial power.
- Bail, sentencing, pretrial procedures.
- Court procedures – the whys and [???] the judge’s role.
- Why should we do the job of educating them? They don’t care to educate themselves now.
- Anything and everything.
- Many. Too many to list here.
- Nature of juvenile courts.
- What is legitimate for dissemination. What is not appropriate for public consumption.
- Mostly criminal process, arraignments, motions and bond considerations. What does “The plaintiff seeks more than \$15,000” mean? (Civil) And an overview of family and juvenile, especially sensitivity and confidentiality.
- Judicial procedures, discretion, some substantive law ... Enough so that reporters will understand the significance of what they hear.
- I’m not sure at this juncture. I’d leave to those who’ve had more experience with the media.
- No matter what you do they will cover only what sells.
- Practice Book procedures, timetables, organizational structure of the Branch, appellate remedies.
- Privacy vs. public need to know.
- Procedural issues. Ethical codes for lawyers, judges.
- This is their issue. I don’t have a particular agenda. I’d rather respond to questions.
- Generally, the role of the judiciary, the extent to which it is appropriate for judges to communicate with the media.

- Too broad to answer, particularly because it depends on what division of court is at issue. Topics for civil court would be much different from criminal. Maybe best to ask the potential participants.
- Voir dire process and its importance; basics on trial practice and procedure; difficulties presented by media coverage.
- Importance of educating the public e.g. define terms and procedure accurately. Distinguish between fact and opinion.
- Why you don't give jurors' names and addresses – like the Conn Post in the Peeler case -- and why witnesses in inner-city case need no publicity because their life is in danger.
- Role of courts vis a vis other branches; role of judge at trial; constitutional principles.

Question No. 15(c) – Judges’ Responses

15(a) Do you think judges could benefit from educational programs about interacting with the media?

(b) Would you participate?

(c) **If yes, what questions/answers do you suggest?**

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- What are the best procedures for implementing and heading off potential problems with camera coverage. Procedures for correcting inaccuracies. Procedures for granting interviews, conducting interviews. Example – Is it wrong to require that the interview be tape-recorded?
 - Create an understanding of why newspapers/TV/radio are so invested in openness.
 - See above. (To Question 14(c) respondent wrote: Restraining and protective orders, §46b-15; # of cases heard & decided; # of cases handled @ short calendar, GA [???] sessions; % of “problem” cases & challenged decisions from total #s handled; volume handled per judge.)
 - Dealing with requests for cameras in the courtroom.
 - The role of editors.
 - Basic media. How they operate, what sells, what doesn’t, understanding the true meaning of “agenda,” understanding the economics of media especially in current times when they are in a tailspin. If we want them to understand us and how we work, it might be nice for us to understand them and how they work.
 - How to answer a reporter’s questions and not be misquoted. The ability to designate something “off the record” or “on the record.”
 - Limits of judicial discussion; “on the record” v. “off the record.”
 - Journalistic ethics, and more practical issues such as deadlines and the functions and authority of editorial boards and editors.
 - Judges should avoid interactions with media.

- How to help the public understand the judges' obligation to remain fair, impartial and independent notwithstanding media criticism.
- Journalists' ethics.
- Any.
- How to talk to a reporter – what the various terms mean to them, e.g. “off the record,” etc.
- When is it proper ethically to speak with press/how specific can judge's comments be? Etc.
- Importance of not responding to unfair criticism.
- 1) How to effectively go off the record; 2) how to find out the subject of their inquiry before engaging in a conversation; 3) our ethical obligations.
- How the media intends to frame their coverage.
- Meeting with other judges who have done this in other states – cameras in courtroom specifically.
- We don't need tactical education on how to answer questions without getting burned, or how to help reporters deal with deadlines.
- Editorial policies.
- There is a book on the subject by a reporter (title escapes me).
- Anything and everything.
- Many. Too many to list here.
- When not to talk.
- Protocols for dealing with the news media.
- The results of this survey. Semi-annual course of sealing/closing the courtroom at the Judicial Institute.

- Not sure what trial judges' needs are in this regard. Appellate CTs are different ... little interaction and fairly good reporting. Judges have to accept that reporters may see things differently and interpret things from different perspective but readers have a right to expect accuracy and a solid amount of neutrality.
- All of them.
- When best to decline comment altogether and when to refer inquiries to External Affairs.
- The business of news, freedom of press, confidentiality of sources, news deadlines, use of spokespersons, personal interviews.
- Privacy and public need to know. 1st Amendment duties vs. rights.
- The importance of stating reasons for decisions.
- The role of the media is covering the judiciary, and what journalists would like to see the judiciary do to make itself more accessible to the media.
- What to do if you are approached.
- How to stay out of trouble.

Question 16(b) – Judges’ Responses

16(a) Should the Branch have standard answers or policy statements addressing questions frequently asked by the media to judges, for example, whether the identity of jurors is public information?

(b) If yes, what questions/answers do you suggest?

- **No response/Question mark (b): 42**
- I’m not sure what they frequently ask, so this is hard to answer.
- Need more study on this issue in order to properly respond.
- It might be helpful to have a handbook similar to the “Media and the Law” handbook produced in 2001 by the Media and the Law Committee of the CBA and the Hartford County Bar Association. Such a handbook could be used by both the media and court personnel to answer frequently asked questions.
- Impossible to formulate, but there could be a list culled from the usual questions that flow into External Affairs.
- Unless a juror is willing to disclose his/her identity, it should remain private.
- I don’t know yet.
- I have insufficient information on which to respond, because I don’t know the other questions frequently asked by the media to judges.
- No suggestions.
- Sealing law, FOI law.
- Every case is different – standard answers may not be appropriate.
- I haven’t been in the trial court enough recently to answer this question.
- Your example is good. But if the same “canned” answers appear verbatim over and over they lose their impact.
- The example above as to jurors should certainly be included. Perhaps also an explanation of the Youthful Offender and Juvenile proceedings (why the courtrooms are closed)

- We go to great lengths to prevent inappropriate contact with jurors to assure a fair trial, and we have the responsibility to assure that right.
- Unable to answer, without knowing the FAQ.
- Identity as suggested above and revealing names in sensitive cases not only involving children.
- We should compile a list of FAQs and 1) prepare answers thereto and 2) make sure the local media people know the answers exist.
- That's hard, given the varied circumstances.
- Sure. It would sometimes help. Still, why don't media outlets commit their own lawyer, instead of seeking free legal advice? The law is accessible to them too.
- Many questions.
- FAQ should be based on a study of FAQ.
- We need more standards, rather than letting every judge create their own policy – this is wider than one individual judge – makes perfect sense to have a policy.
- This needs further dialogue.
- Really depends on the situation. Hard to respond in the abstract.
- Re juror identities, the response should be that the name and town of the juror are public information.
- To be determined.
- Not sure what is asked now.
- Not sure.
- I would need to research the issues before answering.
- For what purpose are jurors' identities disclosed?
- Basic procedure questions, rules on sealing.
- Need more time to think about this one.
- Not sure, I would poll the Superior Court judges.

- Questions having to do with law and procedure that do not vary by jurisdiction. Questions concerning discretionary rulings that vary by judge cannot have standard answers.

Question No. 18(b) – Judges’ Responses

18(a) Are there instances in which the media ought to exercise its discretion to avoid printing or publicizing information, even though it has a legal right to do so?

(b) If so, when and why?

-
- e.g. Release of names of jurors in Peeler case ...
 - Where children are involved; where publicizing may result in harm or places the public at risk; or sexual assault case where victim’s name may get published.
 - Sexual assault and juvenile cases. Certain lurid details out of respect for victims or victim’s family. Show respect for the deceased or injured. An example: There’s apparently a picture of the injured Princess Diana in the car after her accident, but the reporter who took it chose not to release it. This is a great example of decorum and respect, especially since the photo undoubtedly was worth a lot of money. Even the paparazzi have scruples.

Juror identities – especially information that would allow them to be located. These people perform a public service, and deserve a degree of protection. I think the laws should be changed to protect them from the disclosure of their actual address and place of employment absent good cause shown. When I was on the Governor’s Commission, I learned that one could file an FOI request for the payroll records that reflect jurors’ receipt of their \$50 a day and obtain their street addresses.

Information that is supposed to be confidential should be honored as such. Why is it okay to release information that is received as a result of another person’s breach of guaranteed confidentiality?

- Peeler situation was outrageous.
- Juror identification; victim or child identity.
- When lives can be unfairly and prematurely ruined by publication of half-truths.
- Sordid cases involving sex/minors.
- Public and personal safety; protection of reputation by unfounded statements/complaints.
- In certain sensitive cases, there will be times when the media should exercise its discretion to avoid publicizing certain information. This may be necessary to protect victims and witnesses, as well as jurors.

- When the invasion of a private citizen's privacy outweighs the news value of publishing their identity.
- Age, sensitivity, security, there can be a number of reasons. But again, one must understand what is driving the media, and it isn't altruism.
- Victim information. Respect persons who are not public figures and are involuntarily present in court.
- Issues of juror identity, identity of sexual assault victims.
- Yes, for example giving the names and information that identified the jurors in the Peeler case. I believe that this cause[d] a great deal of stress for those individuals and the ramifications of publishing the information probably will be felt for years.
- Any matters not in the public interests i.e. private suicides, victim identification in some cases.
- It should be reviewed on a case by case basis.
- When disclosure could jeopardize safety and sometimes (such as in the case of children) embarrassment. I do not think the identities of jurors should be publicized, even if there is a right to do so.
- It is probably useless to suggest that the media exercise any restraint or good taste.
- If it would affect the fairness of the trial.
- When innocent parties will be harmed in matters of little public importance or matters which are tangential to the main story.
- Issues involving kids or victims of sexual misconduct.
- Jurors' names and addresses, the names and addresses of victims and witnesses.
- Certainly, the names of minor victims of crimes and rape victims.
- I thought disclosure of the names and residence towns of the jurors in the Peeler case was a terrible mistake.
- When it serves no public interest.
- Yes, e.g. identity of jurors in case of potential danger.

- Names and hometowns of jurors. Detailed reporting on financial circumstances of family cases, custody cases. For safety reasons and out of respect for privacy in a non-public dispute.
- Medical info. Info affecting mental and emotional state of children.
- I don't think witness names should always be circulated. I think it may have a chilling effect.
- If injury may occur, such as the location of victims, or if they are attempting to influence the case.
- When the safety and security of jurors, litigants or court staff are at issue.* Also, when highly sensitive matters (e.g. sexual assault victims, minors) or highly personal information is involved (e.g. Social Security #s, bank account info, name of children of parties in a divorce action).

*e.g. The recent disclosure of the identity of jurors in the Peeler death penalty hearing was an absolutely irresponsible decision by the media. If the mission of the media is to benefit the general public, the disclosure ran counter to that mission by putting people's safety at risk.

- The question really supplies the answer.
- Highly unusual cases especially murder or other violent or sexual cases.
- In those cases where the damage to the persons involved in the case exceeds the public's interest in/need to know the information.
- Jurors' names, addresses, personal info about lawyers, judges, victims, witnesses' addresses even though most of this is publicly available.
- Respondent referred to answer for Question 6, which read: "In drug cases we are often faced with bad and dangerous people. Juries should not have their faces all over the media, and as a judge, I am not crazy about the exposure. Cameras could put lives at risk – CT Post and Peeler case, for example. For Question 18(b), respondent added: As an aside, I have had dealings as a judge with dangerous gang members. I always vary my driving routes and times when I come and go. My house is alarmed and well illuminated. My spouse does not share my last name. That is how serious I consider this risk.
- That's a [*long? lay?*] conversation. Perhaps journalists should consider the social impact of any decision to publish and should try to set standards for a change instead of stooping to mirror those set by Fox News and The National Enquirer.
- When safety concerns are an issue for either jury or litigants or both.

- That's up to them and their standards.
- Child sexual assault victims and identities of other sensitive victims. After verdict, perhaps a different response.
- Juror identity.
- Cases involving children.
- Many, especially where the privacy or security of a victim, witness, or juror would be significantly compromised.
- Identities of victim in sexual assault cases Jurors' identities ... witnesses in certain gang related cases.
- Emotional pictures.
- Identity of victims, jurors, disclosure of information, which disclosure might prejudice a party or put into question fairness of process.
- When it is not newsworthy.
- Frankly, I would need time to formulate something that I think is fair and would be effective. I can't do that quickly. I respect the idea that public information is fair game.
- I think the recent situation where the Connecticut Post published information on jurors just before the beginning of a new penalty phase case was a good example.
- Do not reveal identity of jurors or addresses of jurors and witnesses.
- All the time.
- To avoid security breaches, invasion of privacy, discrimination, gratuitous humiliation or embarrassment.
- Cases involving minors, personal finances, other sensationalized areas.
- When [???] would result or the right to privacy is unnecessarily violated.
- Sexual assault info, juror info, anything that exposes a reluctant participant to extraordinary risk.
- For example, the identity of jurors, especially in serious criminal cases.

- Example: Peeler case and disclosure of jurors' names.
- Too broad a topic to answer succinctly. The general reasons include security, privacy, confidentiality and privilege concerns.
- IDENTIFICATION OF JURORS. Family cases where coverage may identify children. Any case where coverage may have adverse effect on children.
- Jurors' names, victims' names, witnesses' names who may be placed in danger in criminal cases.

Questions No. 19 & 20 – Judges’ Responses

***Please note that not everyone responded/or responded to one or the other**

19) Do you wish to make any comments regarding your dealings with the media?

20) Do you have any suggestions for improving interactions between the Judicial Branch and the media?

19) I haven't had any interactions with the media since I've been on the bench.

20) Educational programs with the media: These programs should include judges and media.

19) Some have been very positive, usually interviews for articles that allow me to explain what it is judges or the branch do. My negative experiences always involved a situation where I was unable to comment due to the pendency of a case or confidentiality provisions, so I never got a chance to explain my position or clarify error.

20) The judges will have to be convinced the reporting will be fair, unbiased and accurate.

The pilot program must involve the responsible and reputable media representatives.

Use reporters who understand the legal system.

An individual press ombudsman who works for us, not a committee. Too unruly and unmanageable. Incapable of responding swiftly.

(I think we already have one!)

A uniform protocol on handling press/cameras.

19) I think we need to be more open to the press so as to educate the public about the job judges perform. We need to protect the privacy of our decision making process before rendering a final decision and to consider the rights of the litigants.

20) We should be more aware of the natural tensions that exist when individuals use the court (a public forum) to resolve in a dignified and civil manner their differences and the press's right to witness the use of public forums.

19) Thankfully, thus far, they have been very limited.

20) You have taken a giant first step by doing what you are doing.

19) My dealings have been mostly positive.

20) Open communication between the branch and the media is helpful to improving relations. The more each understands the other, the less likely it is that problems will occur.

19) I was dismayed and disappointed that the Connecticut Post published the identity of jurors selected for the Russell Peeler death penalty trial. The publication was on the front page of the Sunday edition and featured a graphic of juror chairs with the name, town and biographical information for each juror. This in a case where the defendant had been convicted of capital felony for murdering a witness against him. The witness was an 8 year old boy. Two jurors were deeply traumatized by the publicity and had to be excused.

19) My dealings have been mostly positive, but that is because I know whom I am talking to before I talk or I don't talk until I do know. If there is talent there, I have always talked to them. But I sometimes have trouble suffering fools and it is better simply not to engage.

20) We need always to be, not just try to be perceived as, open to legitimate discussion and debate, while at the same time maintaining a relationship with the media where they understand why we take the positions we do. The media is nothing more than a collection of individual businesses trying to make a profit, and to the extent we can help them we should. But we cannot lose sight of our mission. Individuals who use the courts for the purpose of resolving dispute must be give a fair hearing and anything the media feels it needs to do to cover "the story" which interferes with that individual's right to a fair hearing must be curtailed. Individual businesses which seek to use the courts to sell as entertainment "the story" should not be allowed to diminish those rights of an individual trying to use the courts legitimately. The media is in a position to do great good and great damage (i.e. Nancy Grace and Court TV and the suicide of a young mother) and a meaningful ongoing interaction between the Branch and the media might influence the media to seek the former. It will not always happen (we understand the agenda) but there is a greater chance that it will if we pursue the ongoing dialogue. Or have I been around too long?

19) I have found them to be very positive and rewarding, and the stories to be generally fair and accurate.

20) We must continue the recent policy of encouraging media-judiciary cooperation; stop sounding defensive and viewing the media as the enemy. If we reach out and respond timely and accurately to inquiries and criticism the coverage will reflect that attitude even if the stories do not always portray us in a positive light.

20) This is a good start. I believe my colleagues are inclined toward suspicion born of inaccurate or incomplete or uninformed reporting. I do object strongly to editorial boards opining on dispositions or sentencings prior to imposition.

20) I think the current atmosphere is most constructive and should continue.

20) The bar should resume its traditional role of rising to the defense of judges criticized in the media.

20) There should be basic understandings, so that the litigants enjoy a fair and just trial of the case.

19) No, thank you – if I did, I would refer you to External Affairs!

19) I permitted cameras in the courtroom in a case that I thought was well-suited for that coverage – there were no jurors or witnesses. The media complied fully with all of my requirements and the coverage was accurate and fair.

19) Yes. By and large my limited contact has been cordial. Some newspapers, however, have consistently been rude and are more interested in selling newspapers than in reporting truthfully what has occurred.

20) There needs to be an educational process so they understand what the competing interests are with all the players involved in each case. That way they would know better how they report a matter will offset those interests.

19) Generally, my dealings have been cordial and mutually helpful.

20) Law School for Journalists. Journalism School for Judges.

19) I personally have never had a problem with the media as a judge. The only complaint I ever had about sealing a file was an appeal by a non media party when I unsealed a file at the request of a newspaper. I do think some media unreasonably attribute bad motives to the judges and editorially paint all judges as stupid or evil for the actions of a few. Separation of powers is an important Constitutional power as is freedom of the press. In my opinion our personal freedom demands a wise balance of the two. I believe separation is important in State Courts whether or not it is spelled out in the State Constitution.

20) I think the branch should be proactive in issuing media pieces about how the system works. For example, the local bar and branch in many jurisdictions offer informational tours, observation of courtroom proceedings, and talks with courthouse personnel/judges for school children, esp. high school students taking civics courses. These tours happen frequently, but are never covered by the media, though there would be opportunity for interesting comments from feckless teenagers. The branch could inform local media when such tours are going to happen and invite coverage.

19) Most people who I know as reporters try to get “the story” in an accurate and credible manner. They have great pressure to get an accurate story before a deadline. Therefore, we should help them do their jobs within the boundaries of our view of the propriety of disclosing information.

20) When we know they’ll be interested in a story, we should provide them with materials that will make it as easy as possible to file an accurate and appropriate story.

20) The External Affairs Division, if it does not already do so, should have regular (e.g. every 6 months) meetings with editors/staff of key media outlets to educate them as to regular procedure and policy within the Judicial system.

19) I attempt to avoid all dealings involving specific cases. If general matters or applications of law are involved, this is a different matter.

20) Yes, keep the media at a distance, respectfully. Their function, the way they perceive their duty, could be harmful to the Branch's mission. Responsible media is one thing; most media are another. Please keep in mind, television shows such as Judge Judy and its ilk. If you talk to the average Joe, he thinks those TV shows are real life. My prediction is that the media will be only interested (in the long run) [in] high profile, salacious and scandalous cases, to sell newspapers, advertising, etc. and provide entertainment. It will not deal with important issues of the day in other than a "sound bite" manner, thus drastically distorting the proceedings.

20) The only chance of improving the relationship is vigorous response to inaccurate coverage of what the judiciary does. It is almost impossible to read/see/hear/coverage of a court proceeding or decision which is wholly accurate, and gross inaccuracies are the rule, not the exception. We need to confront these inaccuracies and unfair criticism of what judges do, when the problems emerge.

19) For the most part, the media has been fair to me, and the reporters that I see on a daily basis have been professional.

20) I do not believe that individual judges should interact with the media. The Branch should have relations that are necessary to provide information to the media. An individual judge should be independent of media scrutiny, whether it be good or bad.

19) Mostly positive over time. Real pros in the field are hard-hitting and honest but always – always – scrupulously well informed. They know what they speak because they have paused to learn enough about the context of which they are speaking to make sensible observations. Their criticisms, even if trenchant, are well founded and on point. Lynne Tuohy comes to mind. Others fancy themselves as rock stars or heroes or crusaders to reform the world. Once they become part of the story, their objectivity is compromised. Mr. Powell comes to mind.

20) Get to know each other in problem-solving settings. Get to appreciate each other as sentient human beings with many common goals but different life experiences, and thus different approaches to how to achieve those goals. Stop demonizing each other and painting each other with broad brushes. Identify common problems and endeavor to address them together. Stop the infernal chest-pounding and ill-informed preachiness that pervade so many editorials. Check your facts before you write! When you err, admit it in a manner designed to reach the very audience you misinformed. No one is perfect, but we can all do better if we work together.

20) More accessible communications or Public Information Officer so all questions are addressed and responded to in a timely fashion.

20) Already stated – COMMUNICATION and knowledge!

20) It is unfortunate that we bear the brunt of the poor levels of reporting in this state, due mostly to young, inexperienced and unknowledgeable reporters, so the various papers should recognize and remedy that. But this is economics driven – no \$ to pay good reporters, so go from there – you get what you pay for. We can't solve their shortcomings – and how does the branch do “damage control?” I think we need more policies so we don't have rogue judges doing bizarre things that bear badly on all of us.

This is not an easy task.

20) I think the Judicial Media Committee is off to a good start and should be supported for its efforts.

19) In general, it has not been bad.

19) So far no problem. I wish there were more contact.

- 20) 1. Identifiable, clear point of contact.
2. Agreement as to what is permissible/impossible disclosure.
3. Understanding regarding legitimate interest of media in covering newsworthy events.
4. Understanding regarding intent of the Judicial Branch to protect integrity and fairness of justice system while acknowledging legitimate interest of media.

19) The information that I read, when I know what actually happened, is usually inaccurate by embellishment for omission, or the information is presented in an improper context.

20) The nature of the entities makes it difficult to make specific suggestions. i.e.

- Media focuses on controversial cases.
- Judges have to make these “tough” decisions.
- Media makes no decision re: the controversy.
- Media gets to criticize a decision which by its nature has pros & cons.
- Media can make good judge look bad.
- Judges are limited by statutes as to what they can do.

Etc. etc. etc.

19) It’s always risky. It’s sometimes useful and helpful. Risk vs. reward analysis.

20) Conduct an annual seminar.

19) I will comment first (and perhaps this should go above) that reporters should report facts and not blend information with opinions. That is endemic in journalism today and we can’t change that culture ... but it is a good topic for discussion.

My experiences with reporters are excellent and highly favorable. I can’t think of an instance when I was seriously misquoted or what I said was distorted. Sometimes I would prefer that the info be said differently, of course, but I accept that is not within my control. Occasionally, antagonistic relationships have developed between editorial boards and the judiciary – which is a different matter. I believe that generally speaking judges should learn to respect reporters and attempt to be helpful when possible. That was my view when I left the trial bench at least – and I have not changed my view during the past 15 or so years. Perhaps I have been fortunate in my dealings with journalists.

20) Please see answer to 19. Help educate journalists about the courts. Treat journalists helpfully within proper bounds and after careful thought.

19) I’ve had no dealings with the media.

20) Yes, take it to the Lord in prayer.

19) My dealings with the media have been cordial and they have reported fairly. But in all areas I wanted to cooperate to get our story out accurately and I spoon fed them quotes and information which made it easy for them to write a story.

20) Hard to do. They act entirely from self-interest and they will never be satisfied if you don't give them everything they want.

19) I worked as a newspaper reporter and news desk editor for a major daily Connecticut newspaper in the 1970s.

20) Some cross-education and personal interaction at the management level is appropriate.

19) Pleasant so far.

20) Delicate balance must be maintained.

19) Generally, my dealings have been favorable.

20) This committee appears to be a good way to improve interacting.

20) From our side: State reasons for what we do. From their side: We are not here to help them sell their product.

20) We are doing it with the Judicial Media Committee, Fire Brigade, Public Trust Commission.

19) I think it's important that judges return media inquiries, even to say that no comment is forthcoming or appropriate.

19) I've never had any contact with media.

20) Why can't we meet with them in our local courthouses and explain problems we have with media coverage – maybe they can allay our fears or we can sensitize media to some issues and problems they haven't considered.

20) I think the media needs to have a better understanding of what a judge does and why. The media needs to accurately represent what happens in the courtroom. They can't be restrained by a one minute television account or a newspaper story that is cut to make space for a story about dancing bears. Judges are not going to seek out more interaction with the press, they can only hope that whatever story is presented is fair and not slanted in one direction or the other.

19) They are not your friends; they are not the friends of the Judicial Branch – be careful as they will turn on you in a second.

20) Stop getting so chummy. We have a job to do and so do they. Their goals are different from ours. Our goal is fairness. Sensationalism sells their product. Fairness is secondary.

19) During my years as a trial judge and App CT Judge, I had minimum contact with press. As Chief Court Administrator, daily contact was part of job.

20) The [???] type committee of members of the press and judges will be helpful.

The judges' job is to try and dispose of cases, not to issue press releases. All press inquiries should go through Chief Court Administrator's Office and external affairs for judges' protection.

February 28, 2008

Dear Media Representative,

Please find attached the results of the survey the Judicial-Media Committee conducted in October 2007. A total of 33 journalists filled out the entire survey and another answered one question in detail. We are extremely grateful for the time and effort they put into these responses.

We are providing you with: the initial letter and survey sent out to nearly 190 media representatives; a summary of the results; and a tabulation of the responses broken down by question. The same information regarding responses from judges is provided as well. By arranging the answers this way, we believe that you will be able to more quickly spot trends and/or similarities among comments, suggestions, concerns, etc. These results also will be posted on the Judicial Branch's website, at www.jud.ct.gov

Our goal in distributing this survey was to help identify areas of concern or friction as well as areas where improvements might be made. We believe that we exceeded this goal, based on the excellent and enlightening responses we received. We have no doubt that these responses will provide the basis for a wide array of activities and discussions by the Judicial-Media Committee and its subcommittees.

We would be remiss if we omitted recognition of the Survey Subcommittee, which put together the survey. Its co-chairs, Judge Barbara Jongbloed and Scott Brede, formerly of the Connecticut Law Tribune, and members Joseph D'Alesio, Karen Florin, Paul Giguere, Patrick Sanders and Judge Carol Wolven are to be commended for the time and energy they put into this project. Nor is their work complete; we have asked the subcommittee to develop recommendations from the results, to be submitted in a report to the Chief Justice.

We hope that you find the results of the survey as interesting and educational as we did. We of course welcome any comments, suggestions or ideas that you may have. Please submit them to Rhonda Stearley-Hebert, Rhonda.hebert@jud.ct.gov

Very truly yours,



Honorable Douglas S. Lavine
Appellate Court Judge
Co-Chair, Judicial-Media Committee



G. Claude Albert
Managing Editor, The Hartford Courant
Co-Chair, Judicial-Media Committee

October 1, 2007

Dear Media Representative,

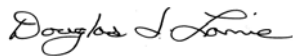
Enclosed please find a survey prepared at the request of the Judicial-Media Committee. The Judicial-Media Committee was formed to foster and promote better understanding and relationships between the Judicial Branch and the media. To further our goals, we determined that a survey, with broad participation by the judges and members of the media, could help to identify some areas of concern or friction as well as areas where improvements might be made.

To that end, the Judicial-Media Committee's Survey Subcommittee -- chaired by Judge Barbara Bailey Jongbloed and Mr. Scott Brede, editor-in-chief of the Connecticut Law Tribune -- prepared two surveys, one for judges and one for journalists. The subcommittee did an excellent job, and we are extremely grateful for its efforts. Now, we would ask that you respond to the attached survey and recognize that the quality of the results depends upon your participation.

The results of this survey will be tabulated and compiled and contained in a report to the Chief Justice. Your individual responses will be anonymous; however, if you wish to include your name, you may. Either way, we welcome any comments and suggestions you would like to offer.

We very much appreciate your efforts in taking a few minutes to answer the questions on the enclosed survey. Please send your completed survey to: Rhonda Stearley-Hebert, External Affairs Division, 231 Capitol Avenue, Hartford, CT 06106; email address Rhonda.hebert@jud.ct.gov by October 15, 2007.

Very truly yours,



The Honorable Douglas S. Lavine,
Appellate Court Judge
Co-Chair, Judicial-Media Committee



G. Claude Albert
Managing Editor, The Hartford Courant
Co-Chair, Judicial-Media Committee

Media Survey

1) a) How long have you been covering the court system?

- 0-1 year
- 2-5 years
- 6-10 years
- More than 10 years

b) If not your primary beat, then what percentage of your job is it?

- Less than 25 percent
- 25-50 percent
- 50-75 percent
- More than 75 percent

2) a) Are you able to get access to court files on a timely basis in the courthouse(s) you cover?

- | | | | | |
|--------|---|---|---|-------|
| 1 | 2 | 3 | 4 | 5 |
| Always | | | | Never |

b) Describe the problems that you've experienced.

3) For files that are partially sealed, are you able to get access to the non-sealed portion of the file?

- | | | | | |
|--------|---|---|---|-------|
| 1 | 2 | 3 | 4 | 5 |
| Always | | | | Never |

4) a) Are court clerks helpful in answering questions you have about access to court information?

- | | | | | |
|--------|---|---|---|-------|
| 1 | 2 | 3 | 4 | 5 |
| Always | | | | Never |

b) Explain problems.

c) Do you have suggestions on how they can be more helpful?

5) a) Do you use the Judicial Branch website for help in covering court cases? If so, how helpful is it?

1	2	3	4	5
Extremely helpful				Not helpful

b) Explain.

6) What information not currently on the website would be most helpful to you?

7) a) Do you have problems obtaining copies of court documents, including exhibits?

1	2	3	4	5
Always				Never

b) If yes, what kind of problems have you encountered?

8) a) Have you ever experienced any difficulties in covering trials that are open to the public?

1	2	3	4	5
Always				Never

b) Explain.

9) a) Are court calendars adequate in providing notice of upcoming trials/hearings?

1	2	3	4	5
Always				Never

b) If no, how can they be improved?

10) a) Are judges cooperative in allowing media access to open court proceedings?

1	2	3	4	5
Always				Never

- b) If not cooperative, please explain.
- c) Do you have suggestions to enhance cooperation?

11) a) Have you had any other problems regarding access to court proceedings and/or records?

- b) If yes, please explain.

12) a) Do you think reporters who cover the courts, in general, have sufficient knowledge about the court system?

- b) If no, what should reporters do to learn more about the system?

13) a) Do you think the media could benefit from educational programs about the courts?

1	2	3	4	5
Yes				No

- b) Would you participate?
- c) If yes, what topics would you like to have covered?

14) a) Do you think judges could benefit from educational programs about interacting with the media?

1	2	3	4	5
Yes				No

- b) Would you participate?
- c) What topics would you like covered?

15)a) Are there instances in which the media ought to exercise its discretion to avoid printing or publicizing information, even though it has it has a legal right to do so?

b) If so, when and why?

16) Do you wish to make any comments regarding your dealings with the Judicial Branch?

17) Do you have any suggestions for improving interactions between the Judicial Branch and the media?

Summary of Media Survey Responses

Total responses: 36

Total surveys filled out: 33

1 respondent answered one question only, No 15

Other 2 explained that they don't cover courts on a regular basis and did not fill out the survey.

1) a) How long have you been covering the court system?

Of the 33 fully completed surveys,

0-1 year **Three**

2-5 years **Eight**

6-10 years **Four**

More than 10 years **17**

One respondent listed 1 ½ years, which was counted separately.

b) If not your primary beat, then what percentage of your job is it?

Less than 25 percent **Ten**

25-50 percent **Seven**

50-75 percent **Six**

More than 75 percent **Four**

Nothing circled, meaning from the question that it is the respondent's primary beat: Six

2) a) Are you able to get access to court files on a timely basis in the courthouse(s) you cover?

1	2	3	4	5
Always				Never

(1) Two (2) Thirteen (3) Thirteen (4) Four (5) Zero

No response: One

b) Describe the problems that you've experienced.

See pages 92-96.

3) For files that are partially sealed, are you able to get access to the non-sealed portion of the file?

1	2	3	4	5
Always				Never

(1) Five (2) Ten (3) Seven (4) Three (5) Zero

Also, eight N/As or no responses; one N/A also circled 3.

One respondent wrote: “Again, case-by-case. Folks in clerk’s office vary in understanding what they can and can’t release.”

Another respondent wrote: “In my relatively few experiences with this, the clerks tended to rule automatically on the side of caution and not permit viewing the entire file.”

4) a) Are court clerks helpful in answering questions you have about access to court information?

1	2	3	4	5
Always				Never

(1) Four (2) Fourteen (3) Ten (4) Five (5) Zero

b) Explain problems.

See pages 97-101.

c) Do you have suggestions on how they can be more helpful?

See pages 102-105.

5) a) Do you use the Judicial Branch website for help in covering court cases? If so, how helpful is it?

1	2	3	4	5
Extremely helpful				Not helpful

(1) Ten (2) Fourteen (3) Five (4) Two (5) One

No response: One

b) Explain.

See pages 106-108.

6) What information not currently on the website would be most helpful to you?

See pages 109-111.

7) a) Do you have problems obtaining copies of court documents, including exhibits?

1	2	3	4	5
Always				Never

(1) Zero (2) Six (3) Seven (4) Thirteen (5) Five

No Response: Two

***One respondent who circled (2) wrote in “often.”**

b) If yes, what kind of problems have you encountered?

See pages 112-114.

8) a) Have you ever experienced any difficulties in covering trials that are open to the public?

1	2	3	4	5
Always				Never
(1) Zero	(2) One	(3) Three	(4) Ten	(5) Fourteen

Two respondents answered that the question was not applicable to them.

Two respondents had no response.

One respondent boldfaced both 4 & 5; not counted in the figures above

b) Explain.

See pages 115-117.

9) a) Are court calendars adequate in providing notice of upcoming trials/hearings?

1	2	3	4	5
Always				Never
(1) Five	(2) Ten	(3) Six	(4) Three	(5) Two

Six had no response. One of them wrote in: “Not sure, I’ll have to ask for one.”

One respondent marked both No. 3 & 4

b) If no, how can they be improved?

See pages 118-119.

10) a) Are judges cooperative in allowing media access to open court proceedings?

1	2	3	4	5
Always				Never
(1) Eighteen	(2) Six	(3) Four		

***One respondent who circled No. 1 added: “It’s kind of a non-issue. I just walk in.”**

Two N/A – One wrote: “If the open court proceedings are open, why wouldn’t the media have access? This question I don’t understand.”

Three had no response.

b) If not cooperative, please explain.

See pages 120-122.

c) Do you have suggestions to enhance cooperation?

See pages 120-122.

11) a) Have you had any other problems regarding access to court proceedings and/or records?

Yes: 13

No: Four

No Response: 12

***One No response added: "The only exception is: I would love to get a court staff list with court employees' extensions."**

3 referred to previous comments in survey as their response. (These were counted separately, although they also could qualify as "yes.")

One respondent said "See attached" but nothing corresponded.

b) If yes, please explain.

See pages 123-125.

12) a) Do you think reporters who cover the courts, in general, have sufficient knowledge about the court system?

Yes: Seven

No: 12

No Response: Four

Neither yes nor no: 10

b) If no, what should reporters do to learn more about the system?

See pages 126-128. Comments will include some responses to 12(a) as well; difficult to separate the two questions in some responses.

13) a) Do you think the media could benefit from educational programs about the courts?

1

2

3

4

5

Yes

No

(1) 23

(2) Seven

(3) Two

One respondent highlighted both 2 & 3

b) Would you participate?

Yes: 25

No response: Two

6 additional responses counting as one each. They are:

“Probably, as time allows.”

“When I covered courts, I would have enjoyed this opportunity.”

“Maybe.”

“Time permitting.”

“Possibly, depending on the topic.”

“If editors allow time for it.”

c) If yes, what topics would you like to have covered?

See pages 129-130.

14) a) Do you think judges could benefit from educational programs about interacting with the media?

1	2	3	4	5
Yes				No
(1) 21	(2) Six	(3) Two		

No response: Four

b) Would you participate?

Yes: 23

No: 1

No Response: 6

Maybe/possibly: 3

***Respondent who answered no added that it would be a conflict.**

c) What topics would you like covered?

See pages 131-133.

15)a) Are there instances in which the media ought to exercise its discretion to avoid printing or publicizing information, even though it has a legal right to do so?

Yes: 23

No Response: Three

On Occasion: One

No response to 15(a), but to 15(b): Five

Narrative responses to 15(a): Two

***Please note that there are 34 responses to this question; one respondent answered this question only.**

b) If so, when and why?

See pages 134-139.

16) Do you wish to make any comments regarding your dealings with the Judicial Branch?

See pages 140-146.

17) Do you have any suggestions for improving interactions between the Judicial Branch and the media?

See pages 140-146.

Question No. 2(b) – Media Responses

2(a) Are you able to get access to court files on a timely basis in the courthouse(s) you cover?

(b) Describe the problems that you've experienced.

- There are certain courthouses where historically it has been difficult to get files, particularly criminal files. The courts that come to mind are Danbury and Bridgeport and New Britain and New Haven, the Elm Street office.
- There often is a line, clerks aren't always polite, sometimes they act resentful when you are there frequently asking them for files.
- Clerks who want to know who you are and why you want the file. Standing at the counter for a minute or more before an exasperated clerk acknowledges my existence, usually with a sigh. Files being with the judge, and therefore, inaccessible. Sealing of files absent a solid reason, but merely because a prosecutor asked that it be sealed. Clerks saying it's a sexual assault case, and the file is sealed.

However, all of these problems – save for the rote sealing of files – seem to have improved markedly in recent months.

- Major crime files are sometimes not available because they are being sent via interoffice mail from initial arraignment to Part A court.
- Court files taking too long to get from courtroom to the clerk's office, files remaining sealed despite 14-day period expiring.
- Warrants, depending on the courthouse, are frequently not available. Often need to go the state's attorney's office to fetch them. Civil files depending on courthouse sometimes not available – reasons vary. I still don't understand the routine 14-day seal that judges approve on the warrants. If someone has been arrested, it seems to me the warrant should be available immediately.
- I don't have many problems with files for criminal cases, but files tied to civil suits can sometimes be difficult. Clerks sometimes have trouble tracking them down. I know there are tons of files, but some clerks are unwilling to even talk to you if you don't have a docket number. That isn't standard procedure, but it does happen. Also, a system to review files of cases that are before a judge or jury would be great. I'm not aware of every civil case out there. Quite often, I see a case on the daily docket that looks interesting but I can't get the file because they are in use by the judge or some other official. Couldn't a copy of the original complaint be available separate from the in-use file? Or how about requiring someone to author a synopsis of the case that's available in lieu of the file?

- Lately there have been delays in access to Hartford Superior Court criminal files attributed to data entry. There have also been delays stemming from the clerk's office's practice of allowing only one person or group of people to use the anteroom off the clerk's office at one time. The clerks sometimes insist that court files be reviewed only in that room. (At other times, however, I have been allowed to review files in the open area in front of the clerk's windows. These practices have resulted in delays, sometimes on the order of one-half hour to one hour in getting access to files.

In the past, I have experienced much longer delays, sometimes for weeks, in getting access to newly filed civil cases due to filing delays in the Hartford Superior Court civil clerk's office. I haven't needed such information in some time, and I don't know what the current situation is.

- Depends on the person behind the desk. Usually the information is very basic, but you have to be very patient as there are always other people asking for court materials. Also, I don't feel a reporter should have to pay a fee for copying charges. It is a real pain to fork over my cash and get reimbursed much later.
- It sometimes takes a seemingly inordinate amount of time to find files. Also, redundancy in double- and triple-checking for redactable information seems excessive.
- There is seldom a problem in getting files in criminal cases. Civil case files are another story. In searching for a relatively mundane ruling that was more than a month old in one case, I went to New Haven Superior Court just about every day for more than a week. I was told each time that the judge had the file and it was unavailable. The case had not been on the docket for some time and there didn't seem to be any imminent rulings that the judge was working on. As a result, I asked the clerk to see if the judge would part with the file for a few minutes so I could look at it. The clerks refused multiple times, to even ask. I called the judge, but my messages were not returned. On one occasion the judge's secretary refused to even take a message. I finally contacted Rhonda Stearley-Hebert, who got the information I needed in a matter of hours. While her help was greatly appreciated, this was routine public information that should have been readily available.
- In New Haven Federal Court: Fresh cases are sometimes not available to the public on the day they are filed. They appear on PACER the next day despite never appearing in the box for new cases.

In New Haven Superior Court: Clerks are often reluctant to pull files for journalists. They will only pull three at a time. Cases on the foreclosure docket are unavailable for the entire week prior to their being heard, meaning a journalist can't even find out the address of the property in question prior to the hearing.

- Unhelpful clerks.
- Staff in Bristol Superior Court are generally excellent to work with.
- The Manchester courthouse clerk's office seems to be understaffed. It takes a long time to get the files out of the courtroom, into the clerk's hands, and, if needed, redacted. My average wait: one hour.
- It depends, case-by-case basis but sometimes there can be a long lag time from Court adjourning to documents making it to the clerk's office. In one jury trial I waited over 2 hours before being able to see the specific verdicts on each count.
- Because files are paper, we rely on knowing when the police have dropped them off. Whose office the files are in at the time, etc. It can create a bit of a guessing game and ties up the clerks. Files are lost if names are typed wrong, etc.
- Timely for me isn't always timely for clerks. While I expect and anticipate to have to wait in line like everyone, sometimes delays occur simply because the clerk's office (in Hartford) seems awfully short-staffed. Also, there now seems to be a policy in place there whereby one lawyer/clerk has the final look-see of all Part A files before they can be handed over to whomever wants to see the information. While I understand the need (the law) for redaction in some cases (sex assaults, usually) this seems an onerous way to handle file requests. The clerk has other duties; she can't *[be]* expected to be tethered at her desk awaiting file checks. A more efficient way to handle this, I believe, would be to have more than one clerk trained to redact affidavits/ supplemental reports

On a recent weekday afternoon, I asked to see a file on a case that had been disposed of the prior day. I was told the clerk wasn't available to look at it to ensure its redaction, and it wasn't known when she'd be back. I was told to check back in an hour. That's an awfully long wait for a case that had already been disposed of.

The court may want to consider adopting a policy of redacting the affidavits in sex cases when they are disposed of. That would save time if there is a subsequent file request.

Better still, obviously, would be the immediate redaction once the 14-day seal period elapses.

- The clerks sometimes take their time coming to the window and finding the files.
- The lines are long. The court clerks are very unfriendly. Usually (almost always!) they'll say a file is with a judge's office and there's no idea when it'll be back; if pressed they'll tell me where else I can hunt in the building.

- Sometimes files are sealed without any clear reason. After 14 days, the files are opened to the public but sealing delays the news.
- I cover Rockville and the clerks are quite helpful.
- I cover juvenile courts mostly. Documents are sealed. Much of the information I am able to get about cases comes from non-court sources. But I did cover state courts for four years prior to my current assignment. As a matter of note, I think many reporters are very frustrated with the new rules regarding defendants under age 18 and closed files and proceedings.
- It's not uncommon to call up in advance for the availability of the file, and then show up and be told it's in the judge's chambers.
- 1. At times I have been denied them outright. One instance of this in Stamford criminal clerk's office has already been documented for the judiciary and legislators.
- 2. Procedures for gaining access to cases that are not presently in the clerks' office's vaults can be cumbersome and sometimes even futile. Asking questions to get past the first denials yields access to forms for requesting them in one courthouse and notes to judge's clerks which eventually leads to access to the files. In another courthouse, case flow was the contact for a case that was in chambers for a long period of time. Most cases seem to return to the clerk's office within a reasonable amount of time, but judges and clerks need to hammer out a policy that recognizes the value of public access to files so that requests don't seem like a shot in the dark. In one extreme example a high profile civil case was in chambers for months in New Haven and requests for access never yielded access to the file. Because it was a large case involving the attorney general, a copy of the complaint was acquired from his office instead, but other papers were never viewed. Clerk's Post-its to chamber's staff requesting the file were futile. Because I had the minimum I needed from the AG's office, I gave up asking for it but not after about 6 months of queries, just to see if I would ever get it. Maybe if I had been extremely persistent, repeatedly asking to call chambers I would have gotten it. (That would be perceived by the court as being demanding.) Anyway, it became something of a joke.
- 3. On a high priority deadline matter, where your story is due that day, asking for special effort to see a case because of that can bring success. In criminal cases I have noticed that cases files are more tightly controlled than civil and in New Haven Superior in high profile cases, the office is able to respond quickly and consistently to reporters' requests for access to them.
- 4. In one civil case in Stamford on the day of a hearing in a complex case, I hoped to view the file the next day and asked for that. Surprisingly, the judge made it available during lunch hour, same day.

5. Not every clerk's office uses the bar codes that log the location of a file, so if it is not in the vault and a request of chambers comes back negative, clerks can't tell you where it is: En route, another department etc.
 6. At times I have been able to call chambers and speak to a judge's clerk to obtain information about scheduling or about seeing a file.
 7. I know that one reporter expressed the opinion that the clerk's office should not be the point of access, but I think the clerk's offices could be if the process and authority is revamped, with judges on the same page with the clerk's office.
 8. For the average member of the public who is not a reporter, and for reporters who have not become adept at what are casually referred to as 'extractions' for the process of getting access, the first answer often is simply, 'the file's not here, try another day' or 'the file's in chambers and we can't call there.' This is not good, especially for people who have driven from out of state hoping to see a file.
- A handful of court clerks often have trouble locating files while others seem to have a handle on where everything is at all times. I often respond with something like, "Well, the file has to be in this building somewhere, right?" The question is usually met with a shrug. I have found this is much more likely with criminal clerks rather than civil clerks.

I have also experienced several incidents where court clerks, instead of releasing files where sealing orders have expired, call a prosecutor, inform them of my request and give the prosecutor a chance to re-seal the file. This is likely against regulation – it is a prosecutor's responsibility to follow sealing deadlines – and is, in most cases, not preventing the disclosure of sensitive information.

This has probably happened a dozen times since I took the beat two years ago.

- Files in judges' chambers.
Files with documents missing or out of order.
Files bound so disassembly is a risky or arduous process.
Very limited space in some courts to review large files in peace.

Question No. 4(b) – Media Responses

4(a) Are court clerks helpful in answering questions you have about access to court information?

(b) Explain problems.

-
- Most of the time the clerks are helpful, some courts more than others. Among the best are New Haven, the State Street office, Hartford and New London.
 - Some clerks are better than others. Lou Pace in Danbury has been very helpful and courteous. So has been Cindy Rosato. Others seem to act imposed upon.
 - Clerks who appear ignorant about where the file is and don't feel it's their job to locate it. Also, some clerks' offices have no space for actually sitting and reviewing a file.
 - Sometimes clerks will not explain why files are sealed.
 - None come to mind.
 - It really depends on the courthouse – helpfulness and morale of staff seems to vary widely.
 - Some clerks are unaware of policies on access to juror information. This can usually be remedied, however, with the help of the “Field Guide.”
 - If they know the answer, they'll help you. If not, it's not their problem, and don't know who/what to ask; nor do they care.
 - While many clerks are helpful, there are some who seem greatly inconvenienced by a reporter's presence. There is no doubt that the workload they face on a daily basis is intense. But it generally takes several minutes of being at the counter before anyone helps you. More problematic, I often get contradictory, if not flat out wrong, information from clerks. For instance, I once spoke to three clerks in Waterbury who all assured me that search warrants are not kept in courthouses. It's clear they had no idea what was going on. At the same time, I have come across helpful clerks who have gone above and beyond and made my life much easier. One clerk in Waterbury civil court chased after me after I had just left the building to let me know a filing [I] was previously looking for had just been filed. Overall, I try to get information from clerks as an absolute last resort, because they are generally uninformed and quite often provide incorrect information.
 - At Superior Court, many clerks have disdain (sic) for those who are asking for information for journalistic, as opposed to personal reasons. The Elm Street

courthouse clerk room is even worse: You have to know exactly what you want and phrase it in the exact terminology, or you will be dismissed for wasting clerks' time.

- It takes awhile to get questions answered. Others – attorneys, bail bondsmen and criminals – are a higher priority for the clerk's office.
- Most staff is very knowledgeable and helpful but there some who get very tight with info once they know I'm a member of the media. I know they don't want to screw up but they should have enough info to avoid that.
- (Over the phone) Give continuance dates but unless asked does not voluntarily give info on a plea if made or change in bond.
- Mostly just busy. It can be hard to hear through glass walls.
- The clerks in Hartford are by and large terrific, as are the ones I've dealt with in Manchester. I have run into serious problems with each of the two times I've covered the Rockville JD.

In the latter cases, I was able to resolve the problems – which both times involved being denied access (by the same clerk!) to what clearly was public information – by making phone calls to both External Affairs and Court Ops.

In the first instance, I asked for a case that had been disposed of on Friday (it was the following Monday) and was told the file had already gone to Enfield's old records division. When I called Enfield, the clerk there (who was very helpful) assured me they had received no such file and in fact, was still waiting for the JD files from the previous three to four weeks. I went back to the clerk who denied me access and explained what Enfield had said, and then made a phone call to external affairs who told me to ask for a certain clerk. I did, and eventually, that clerk brought me some of the file. That was odd; I had to specifically ask to see the entire file, rather than the parsing out I was getting. I did eventually get the info I asked for, but it took nearly 3 hours from start to finish.

The second case involved a complete denial of access. The clerk told me that the two files I wanted to look at "might have information that needs to be redacted, and there's no one available because they're all in training." I would have to come back the following business day – it was Friday, and he wanted me to wait until Monday. I asked him if he was serious, and he said there was nothing he could do until then.

I told him that was unacceptable and asked to (sic) him to call External Affairs. He pointed me to the public pay phone.

I called EA and then, ultimately, court ops, which handled the problem

immediately and efficiently by getting the head clerk involved.

The head clerk was professional and helpful. However, he told me that the other clerk I'd been dealing with said I didn't give him enough time to respond and that he would have gotten someone to look at the files.

That was completely untrue – and I was not happy that someone would blatantly offer an untrue version of what had actually happened by trying to make me out to be the problem.

Again, it seems like the single-clerk redactor may be at work here; there should be many more than one person in each clerk's office able to handle redactions.

- If the information isn't readily available, often they will say they don't know/can't get it, even though I know they could with a little effort.
- Depends on the court and personnel. Most are very accommodating.

Judicial Branch has a real problem with the Meriden G.A. Clerk staff for criminal cases there are very rude, actively hostile to reporters and unaccommodating. They make people – both public and reporters – needlessly wait.

They have actually papered-over one clerk window so they won't be bothered. I once stood at the window and waited more than 15 minutes on a slow afternoon while I watched the clerks stand around a colleague's desk (after seeing me at the window) talking casually and sharing a birthday cake.

On another occasion, after a high-profile defendant appeared, I asked to see the file. It was late in the day. As usual, there was a long line at the window. Rather than allowing me to slide the file to the side and look at the contents within sight of the clerk while another client was served, they made me check the file while others waited, needlessly. Not only did I feel rushed, it was needlessly burdensome to the other people needing help and a ridiculous, unique rule I have experienced only in that courthouse.

- I think clerks are rightfully told to answer questions only if they are 100 percent accurate. But frequently their supervisors aren't available to help them out. Perhaps the establishment of a central resource person that they could call would be helpful in such instances.
- 1. I review new civil filings in the clerk's office every day. The stack I receive in New Haven every day never contains the new writs filed if the new writ is accompanied by a pending motion to seal a document, seal the file or to use pseudonyms. I have to audit missing case numbers or peruse the daybook and ask for it. This is not the case in Hartford Superior, where the cases are included in the daily stack of new filings supplied to the press.

2. It is difficult to know whether we are getting access to all the non-sealed portions of the file. Some clerks believe you can't see the outside of the sealed envelopes in the file so there is no way to see the list of what is sealed. Some decide what unsealed stuff they think you want and give you that instead of the file. Some clerks simply deny you the file, forcing you to talk to supervisors or call external affairs. Some provide perfect access. One day I had to get a supervisor to help because a clerk refused to sell me a photocopy of the large day-glo seal sticker on the outside of a file folder. I didn't even want the label on the folder that gave the party names, which were public.
3. There are documents likely to be missing in file folders; in civil cases it is the transcript pages from oral orders. In criminal cases the vagaries in local rules or practice affect access to documents by the parties to the case and the press in ways that appear substantial to me. My understanding is some changes are going to be implemented to address some of that.
4. As to the question of whether clerks are helpful in answering access questions: Connecticut has no tradition of being a 'sunshine state.' Expecting clerks to propagate a sunshine policy with confidence in response to inquiries is going to be a challenge. Usually they refer the questions to a supervisor. The judiciary is still trying on some of the philosophy and jurisprudence of it, and practice rules, laws and attitudes still exist that reflect deeply held counter philosophies, some of which unnecessarily dampen or deny access to parties to a case as well as the public. There is not much emphasis in Connecticut on individual rights, which most definitely come into play in access issues. Members of the public at the counter in the clerks' offices can have a somewhat lowly status. And Connecticut's tendency towards secrecy goes back to colonial times. So it would be a tall order to expect clerks to confidently embody sunshine policies. The status quo still has some way to go. But some of the recent changes should have been engrained in clerks by now. For instance, to be denied a case file in Stamford on the grounds that I was not a party or lawyer in the case, four years after the rule change on sealed files and after several public scandals, was very frustrating.
- Court clerks too often explain deny[ing] access by saying "that's just the way it is." I see this with the general public all the time, and most people don't know enough about the system to press the clerks.

This is especially the case (for me) when they refuse to release files that are unsealed because they have a feeling, for whatever reason, that they shouldn't disclose the particular file. I have called Hartford a few times before to correct this.

Several court clerks have admitted to me they simply do not know the rules of their job. They have one or two "go-to" clerks they check with before releasing files. This is time-consuming when those "go-to" clerks are busy or out of the

office.

Finally, the idea that they cannot locate a file is, in my view, inexcusable in almost all instances (note: this goes for reporters and the general public). The civil clerks in Stamford have never, not once, been unable to find a file. The criminal clerks often shrug and say someone must have misplaced it somewhere. This is understandable when a case is on the docket for that day and the file may be in transition from a courtroom to the clerk's office, but it happens on other cases as well.

- Some believe any cases with a juvenile party is off limits, even if redacted. Some believe that a file with one sealed document in it is totally sealed. Sometimes files are missing with no record of who's taken it, or where it can be found. Any self-respecting librarian would be embarrassed.

Question No. 4(c) – Media Responses

4(a) Are court clerks helpful in answering questions you have about access to court information?

(b) Explain problems.

(c) **Do you have suggestions on how they can be more helpful?**

- There seems to be a general reluctance to search for files, particularly criminal cases. Many times reporters go to court to cover a case and then can't get access to that file for more than a day. Clerks seem reluctant to go to a judge's chambers and retrieve files.
- New court employees are not always familiar with the rules regarding public access to court documents. It's important that they are instructed on public access rules.
- If they were more friendly and respectful that would make things easier for everyone. It would be better pr for the state judicial branch, too.
- Again, I've seen vast improvements, but attitude adjustment could still help, not just on behalf of clerks but the judges. Some clerks seem to be petrified of making a mistake and fearful of the judges at their courthouse. Even if a sealing order has lapsed, they will insist on consulting the judge about whether he/she wants to renew the order. This seems wholly inappropriate, but it remains the established practice.
- They could specifically cite the reason file is sealed.
- Maybe clerks could receive training on state FOI laws.
- Court system and procedures could be standardized better. Seems like some offices are better and more democratically run than others. This influences how the public (and reporters) are treated.
- My court experience is limited to Litchfield, Bantam, Hartford and on a much smaller scale, New Britain. I've found that clerks in Bantam, in particular, go the extra mile for just about everyone. Perhaps it's because things aren't quite as busy there.
- No, why would I? They are always helpful, in my experience. Typically they are overworked and underpaid. Just like us!
- A set hierarchal system where those without information know how to ask those in the know.

- Increased training would seem to be paramount. It's clear that many clerks have no understanding of the system whatsoever. At the bare minimum, they should know that property search warrants are kept on file.
- Understand journalists' needs and be willing to help.
- Hire more staff. Train staff in the importance of giving the media accurate and timely information.
- There has to be a better way to explain why a person "has no public record." That phrase leaves too much to the imagination.
- The more they know about what is and isn't public, the better they'll be able *[to]* answer our questions.
- Give important or unusual info that may have occurred.
- A less ancient system would free up loads of time and provide remote access to the public through the Internet.
- In many courts, there are not seating areas to view these files. Many times the clerk is hovering over you while helping someone else.
- Some are great; others could be better if they cared more.
- Smile. Notice if a line's getting long. Explain to people why there are delays; offer backup for staffer if one staff has a very long case with a member of the public to deal with.
- It would be helpful if the clerks added the month to the years of birth on the online docket. Just using the birth year causes some confusing (sic)/*[confusion?]* and it is difficult to find out if the defendant has a previous criminal record.

The online docket must always be changed once the charges faced by a defendant changes. I've had to write more than once *[a]* correction because the charges were not updated.

- The only time I run into trouble is when a clerk isn't secure about their knowledge. Most know their jobs, those that don't are the problem.
- Professional retraining? Dismissal? New hires?
- In many urban J.D.s, clerks have the thankless job of continually responding to questions from pro se litigants and don't have time for much else. In such courts, the office ideally should have more than one or two clerks assisting the public.

- 1. I am a bit dubious about using ‘customer service’ models to train clerks, and I say this without having reviewed the pedagogy but only reading some about it. The judiciary might consider instead teaching about the rights of the public/civics with an emphasis on the courts, which so many clerks and the public are lacking. First Amendment experts involved in clerk training sessions might be good. The clerk’s job, even in its mundane tasks, is to fulfill a certain role in democratic governing, which would seem a lot more exciting than customer service notions.

- 2. It might help to try harder to eliminate the tendency party politics reportedly still plays in access to jobs, even for clerks/chief clerks. Some seem really to merit their positions. There are really great people in the clerks’ office, who really seem to enjoy public service. Others make you wonder why they are drawn to running a clerk’s office. Addressing this issue with candidates for supervisory clerk positions would help establish that it is an important aspect of the job.

- 3. In criminal cases, the fact that so many of the clerk’s offices feel this recalcitrant identity with or loyalty to the state’s attorney’s offices is creating real abuses of the rights of the accused and a disrespect of the public in general, though not of lawyers. I have witnessed this personally in the lower court only in New Haven, the GA, and in one other courthouse. I have read about it as a historical fact in a book about the New Haven courthouse. In that book it was suggested this was a deeply engrained cultural element in Connecticut courts and this jibes with my observations. The book is “The Process is the Punishment.” I have covered courts in another state where this was not the case at all, so there is nothing inevitable about it.

- 4. Again, revamp the relationship between the clerk’s office and judges/judge’s chambers for retrieving cases.

- -Know the rules and follow them.
 -Know where to find files.
 -Have someone available to the public at all times. I know court clerks are busy, but the NUMBER ONE complaint from the public and the reporters is that there are several court clerks typing, talking on phone (on work business) or chatting and no one comes to the window for 10 or 15 minutes at a time. I’m used to this by now, but imagine being a criminal defendant or a family member of one and badly wanting access to a file. In that situation, it would be extremely frustrating to be standing there and not getting helped. This is especially ironic after (in Stamford) the hanging of a banner announcing Customer Service Week and the posting of new Judicial Branch signs outlining the rules for treating customers. The signs haven’t made a difference.

The public complains about this literally every single day, sometimes several people at once.

- Member of press or public should be allowed to put in an appearance for notification purposes on a key case, such as a sealed file hearing, so that clerk can notify if the matter is to be continued to a different day.

Question No. 5(b) – Media Responses

5(a) Do you use the Judicial Branch website for help in covering court cases? If so, how helpful is it?

(b) Explain.

-
- Website is very informative and easy to search for civil and family cases. Hopefully eventually it will be as easy to search for criminal cases.
 - The Web site is great ... just wish it was around a long time ago.
 - With the addition of pending criminal and daily dockets, we are now able to find certain defendants and track their progress through the system. This is a very exciting (overdue, but we understand how screwed up technology is across state agencies) development. The directories help in locating certain judges and providing contact numbers. I use the Supreme Court dockets and advanced released decisions on a daily basis.
 - Addition of criminal docket information is very helpful.
 - It would be extremely helpful if some of the paper documents could be put on line. EG: the copy of an original lawsuit or a police warrant. The fees charged for photocopies are not only exorbitant but seems to me unwarranted. Easier for everyone (and would save trees) to review these documents online. Federal court system already does this for a nominal fee (seven cents a page!)

I should add that the lawsuit lookup page is great – just would be nice for it to be expanded.

- The section that's been most helpful was added within the last few months, a feature that provides us – or anybody – basic information about criminal cases. Previously, there was only basic information about civil cases. The new criminal section is great because it provides daily dockets and an ability to find out a defendant's next court date as well as all of the charges that person faces. It's made life a lot easier. (Now), I'm making fewer phone calls to clerks and attorneys in search of some of that basic information. In covering the court system, I found one of the biggest challenges has been keeping tabs on cases in the geographical area courts like Bantam, where there are tons of cases each day with lots of continuances. Again, the search feature is a great tool.
- The Judicial Branch Web site is the single most significant area in which access to court information has improved in the 15 years I have been covering Connecticut courts.

The increased ease of access to appellate decisions that came first with the Electronic Bulletin Board Service and later with Web publication has increased the Journal Inquirer's coverage of those decisions dramatically.

The availability of civil docket sheets online has also been helpful. And the recent advent of online access to criminal docket sheets and pending-case information has been enormously helpful.

Likewise, the online availability of resources such as the Connecticut Practice Book and the Code of Evidence have been useful.

- No details, really. Just basic information. Not enough to cover a story adequately.
- For finding information on pending cases, it is very helpful. It is, however, lacking in greater detail.
- The on-line dockets and pending case searches are extremely helpful. I also use the web site to make sure I spell judges' names correctly. The attorney search also helps locate lawyers and is a much more surefire way to locate a lawyer than a simple Google search.
- I wish the property address were listed on foreclosure cases.
- I use it every day.
- It is a lot easier to keep track of defendants when you can do the searches yourself.
- The new criminal pending case information is useful (and saves some time for clerks, because I have to call them less often for court dates). More info from the file would be even more useful.
- The defendant and party searches are a huge help. My one complaint is that the system could do a better job telling what's going to happen on a given day (i.e. plea, PC hearing, etc.)
- Love the vocab section and the new "pending cases" and criminal docket info.
- I do use the daily criminal dockets, which are extremely helpful, as well as the search-by-defendant option. It would be more helpful if, on the same page as the daily docket, it would indicate which police department is the arresting department, as opposed to having to click on each and every defendant to find out.
- The new web site featuring pending criminal case is helpful not the old site. I would like to see more details though, including if there is a warrant in the file.

- I use it all the time to look up court dockets and pending cases.
- I can usually find files if I get help.
- Respondent referred to answer for 4(c), which suggested adding the month to the years of birth and updating charges a defendant faces when they change.
- It's annoying to have to click on each file for detail. It would be nice if the form listed the charges on the main page along with the names.
- The new media page is one-stop shopping. Very helpful and efficient. I only wish we could get more information directly from the website, particularly regarding criminal cases – attorneys and scanned documents such as pleadings, motions, etc. But of course, we want it all!
- The website doesn't get the recognition it should as a resource for journalists. Particularly helpful is being able to search civil cases by party name and being able to find where a particular judge sits. Also notice of Judicial Branch committee meetings, press advisories, etc. are very helpful, as *[is]* the availability of attorney grievance decisions and the advanced release of Supreme and Appellate Court rulings.
- The website is helpful. In the last two years or so, lots of new information has been added to it. It has been impressive and reflects really highly of external affairs.
- I use it to check that day's docket, and that's been a nice add-on. Updating the database to include convictions over the last five years (or whatever timeline the Public Access Task Force recommended) is essential to public access. The Dallas Morning News, for instance, just ran a story analyzing the sentences sex offenders received over the last decade. This story would be nearly impossible to write in Connecticut without making several trips to Enfield and going through cases by hand one at a time. The public, not just reporters, is entitled to this kind of information. The system is not open if the information is that hard to access.

For Question No. 6, respondent referred to answer in above paragraph.

- It wins awards because it is well organized and informative.

Question No. 6 – Media Responses

6) What information not currently on the website would be most helpful to you?

- More criminal case data.
- None.
- Briefs, motions, etc.
- I know disposed of cases will be added early next year, thank you, or I would have listed this. It would be nicer to have significant superior court rulings added in greater abundance, but I'm not sure who would decide the "significant" part. A prohibition on Supreme Court advance released decisions being posted on Fridays would be nice. (Okay, I'm being selfish here.)
- Full date of birth, disposition.
- Exact dates of birth, instead of just years. Police affidavits are a wish list item. Maybe affidavits could be scanned in.
- Respondent refers to answer in 5(b), which suggested putting copies of original lawsuits or police warrants online, and expanding the lawsuit lookup page. In answer to Question No. 6, the respondent wrote: "See above ... lawsuits especially. Decisions are already online which is great."
- Birthdates (we currently only get birth year on the Web) and address of criminal defendants would be extremely helpful, though I recognize there are probably arguments against it. But it's information available in court files, so why not put it out there. Birthdates of defendants are on dockets hanging daily in every courthouse. At least give us those. What about a password protect system allowing newspapers to get that information? Requesting and waiting around for files for this basic information that every story needs is a waste of my time and the clerks that have to do it for me. Something else that would be extremely helpful: make civil filings available on the Web, similar to the federal court system. It would save me trips to the courthouse to find these complaints and it would get the clerks out of searching around to find them for me. A historic archive spelling out the dispositions of court cases would be really helpful.
- My top priority would be Superior Court decisions. An ideal situation would be something along the lines of the federal-court PACER system, in which it is possible to click through from docket-sheet entries to the texts of court documents.

- Court dates and appearances – history – parole information.
- Direct links to the history, inmate information, and pending cases of individuals in the system.
- More information from the files would be great. If information from the court files were scanned on-line and could be accessed similarly to the federal court system's PACER, that would be an extreme improvement.
- I would like to be able to run a search by **type** of case, such as all foreclosures in a certain time period.
- Long-term criminal dockets, actual documents from criminal and civil cases (even if on a pay-per-use system, such as the federal courts' PACER), a searchable database of pending criminal cases and prior disclosable cases.
- It would be more helpful if it listed which courthouse the Part A cases were transferred from (without me having to click). Also, some information is not underlined, and, therefore, can't be clicked on for more detail.
- Whether or not the defendant is currently on trial, a sentencing, or a probable cause hearing would be extremely helpful.
- Respondent referred to answer in 5(b), which said his/her one complaint is that the system could do a better job of telling what's going to happen on a given day, i.e. plea. The respondent added in response to Question No. 6: "Also it would be a huge help when arrest warrant affidavits and other supporting info is included for criminal cases."
- Documents, addresses for defendants, more understandable docket info for civil cases.
- Actual dates of birth, as opposed to year of birth. I know of the concern about identity theft, but that info is in every file and should be on Judicial's as well. The Department of Correction provides that information on its website (when you search by inmate).

Also, and I believe this is coming, actual case dispositions would be beyond helpful. Rather than having to run a criminal records check with DPS, disposals would help ensure accuracy. I understand it would be far too difficult to post every disposal, but certainly, posting Part A disposals is something the Branch could consider?

- Town of defendant's residency; quicker update on cases.

- Better searchability for cases.
- Arrest and search warrants and police reports.
- Dockets for several days in advance.
- Respondent referred to answer to Question 5(b), regarding the new media page as one-stop shopping and wish that he/she could get more information regarding criminal cases from the website, i.e. scanned documents such as pleadings, motions, etc.
- PACER-type access to documents would be extremely helpful for research purposes.
- 1) It would be very helpful to list the specific names of parties' attorneys and not just their law firms. Searching by juris number isn't helpful because all it tells you is the law firm's name.
- 2) In the listing of motions in civil case, it is often unclear which judge it was who ruled on a specific motion.
- 3) Having online access to pleadings, though an enormous undertaking, would benefit public access to files exponentially. In that regard, more efforts to get attorneys to file documents electronically is needed. My newspaper, in particular, would be more than willing to help press for such change.
- 1. Access the full text of electronically filed, and scanned briefs that exist on this system already.
- 2. PDF calendars are not as easy as search.
- If law firms representing a party also listed a responsible lawyer, much time would be saved. It's remarkable how difficult it is to find out who is working on a case, especially with big firms, if only the firm name is listed.

Law firm phone number, or even better, key attorney phone number. Less cryptic docket detail descriptions. Theoretically, the docket could reflect what each motion or ruling is actually called.

Question No. 7(b) – Media Responses

7(a) Do you have problems obtaining copies of court documents, including exhibits?

(b) If yes, what kind of problems have you encountered?

-
- Sometimes clerks won't give it to you right away, and often times when you are on deadline, you need it right away.
 - Judges determining not to release certain full exhibits because they are too graphic. Judges withholding jurors' names. Judges not accommodating cameras capturing the evidence. Clerks not making time during the breaks or after court to view the exhibits. Again, I've seen improvements in these areas, but we're not at the point of full access yet.
 - Sometimes a file is in judge's chambers and clerk say[s] it is not available.
 - Documents not being in the folder when they should be.
 - Really, the only problems I've run into are clerks not knowing where a file is. They usually try their best to find them, but sometimes it just doesn't work out. Actually, here's a huge problem for me: When a criminal defendant isn't locked up and he's already seen the judge, his file stays in the courtroom until the end of the day. That means if I'm there for a DWI case in the morning I won't have access to that file until court adjourns for the day and the clerk comes out of the courtroom. Sometimes, I'm able to signal to the clerk that I need a file. But that's only if there's a clerk on the bench that I've got a relationship with.
 - Exhibits have sometimes been more of a problem than "court file" documents.

During one trial, I was denied access to documentary exhibits on chain-of-custody grounds. That made no sense to me, particularly since I was willing to pay for copies of those documents sight unseen. I didn't see how a clerk's photocopying of the exhibits represented any problem in terms of the chain of custody. Custody of the originals would remain with the clerk at all times.

I have also at times run into situations in which exhibits were effectively sealed only after I asked for them. This happens at times with other court documents as well. The typical scenario is that a reporter asks for a document that hasn't been sealed, or on which the sealing order has expired. The clerk then asks the judge for direction, and the judge directs the clerk not to release the document.

- Occasionally files will be sealed, or lacking narrative, for unknown/unexplained reasons.

- During the coverage of the Cheshire home invasion case, a colleague went to New Britain Superior Court to pull civil case files related to one of the defendants. A court clerk told him he was only allowed to have 10 pages copied from the file. Though there were many more pages he wanted, my colleague assumed that was the rules and asked for copies of the 10 pages he thought were most important. It turned out there were other pages that were important and it wasn't until later that I learned there was other information in the file that was important.
- Arrest warrant affidavits in criminal cases are often hard to come by.
- A clerk in Stamford tried to contend that exhibits were not to be made available (but ultimately reversed himself and made them available). With criminal cases, there is occasionally a presumption by some clerks that information – particularly before trial – is not to be released. In rare instances, this has been conveyed in a condescending, impatient or simply hostile manner.
- I often have trouble getting the police report when the officers make an on-site arrest. It's often not in the file.
- I believe the police reports in which a judge has found probable cause should be in the court files.
- None personally. Always very helpful.
- Not everything is in a file or the file is on its way to another court.
- While I can't say I've ever had trouble getting a copy of something, I do think in the era of multimedia evidence presentation, the Branch is going to have to consider ways to make such information accessible.

For example, it is routine (in probable cause hearings and at trial) for either side to use Power Point presentations, as well as to play CDs of 911 calls. If I later want to review that information, how will the clerk's office handle it? It's certainly something that needs to be addressed.

- Respondent wrote "See above (respondent circled No. 2 in reference to 7(a))
The respondent added: "Files will vanish for days or weeks at a time in a judge's chambers or staff, who will in turn half the time say they don't have it."
- Many times the files for big cases are not brought downstairs in a timely fashion. This makes for a very difficult time when new exhibits are added to a file during a trial. I'm not sure how we can change this but to provide additional access would be nice for those BIG cases. I've had a couple of incidences where letters from the defendants were introduced at trial that I needed for stories. I could not obtain because the trial day ended at 5 p.m. and so does the clerk's office. I work for a daily newspaper.

- Again, depends on the personnel. If it is in Meriden court, you can usually forget about getting ANYTHING from a criminal file the same day a defendant appears. The files are ALWAYS still in the courtroom no matter how late in the day. Other courts usually are good about getting same day hearing documents but exhibits are sometimes a hassle, especially on busy trial days.
- 1. It seems almost unfair to mark “2” (respondent circled 2 for 7a) when some courts do copies on the spot, but some courts don’t and the delay can be significant.
 2. Related to this is the statutory \$1 per page charge for copies, which exceeds the costs of copying. Meanwhile, lawyers, who are allowed to check files out of the clerk’s office, pay 10 cents per page on the copy machines in the court service centers and the courthouse libraries. Some believe it is scandalous and belies a lack of respect for the public, despite the financial needs of the judiciary.
 3. Chief clerks in some courts have banned small copy machines and hand scanners. This affects document retrieval people more than reporters. More recently they have allowed hand scanners but that took action from the top when I would have expected no resistance. Some chief clerks allow copiers.
- Respondent wrote “See above about sealed files.” Previous answers detailed difficulties in getting access to unsealed files. Respondent added: “Also, court clerks regularly make their own rules about what is public information and what is not. This is quite common among jury lists. I’ve had two different court reporters tell me, ‘We don’t disclose jury lists at this courthouse.’”
- No low-cost, DIY copying, as in library. Busy clerks, costly, time-consuming process.

Question No. 8(b) – Media Responses

8(a) Have you ever experienced any difficulties in covering trials that are open to the public?

(b) Explain.

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- Seating is sometimes an issue, especially when smaller courtrooms are utilized for higher profile cases. I applaud that most judges permit laptops to be used for note-taking, but I think this should be a universal policy, with reporters being instructed to mute any volume controls on the computer (dead battery beeps, email bouncing in, etc.)
 - A couple of trials have been held in courtrooms with limited seating. Newsworthy trials should always be held in a JD's largest courtroom.
 - No problems.
 - The only problems I have encountered here have involved physical access to seating. The only time I remember this being an issue was during the high-profile Chasity West capital-felony trial in Hartford Superior Court. On one occasion, a class of high school students took almost all the available seats in the courtroom. Another reporter and I made a quick, ad hoc pool agreement, and I managed to fit into the one small remaining space on a bench in the courtroom. I then shared my notes with the other reporter during a break in the trial. When final arguments were held in the West trial, I arrived early, knowing that seating would be in high demand, and got the third place in line. But when the courtroom opened, the marshals first ushered in the victims' family; then Ms. West's family, including a number of people who hadn't previously attended the trial; then the family of Alexis Grajales, the prosecution's cooperating witness in the case. The upshot is that I got the last available seat in the courtroom. The marshals then eased the crowding somewhat by seating all lawyers in front of the bar, and a reporter who was behind me did manage to get a seat. Still, I question the extent to which family members were given seating preferences, especially the family of a cooperating witness.

The one other problem I have experienced, which is relatively minor but annoying, is that the doors of the courtroom sometimes aren't opened until the judge is already on the bench and the hearing is proceeding on the record.

- Why?
- Cameras not allowed inside leaves broadcast reporters at a disadvantage versus print who can talk to people in court hallways.

- -This question speaks to access, and I have never been denied access to any hearing or trial that is public.
-But on an administrative note, it would be hugely helpful if judges or court staff could consider aiding the media's ability to accurately monitor the proceedings ... seating arrangements at hearing and sentencing play a major role in the quality of courtroom coverage, largely because of courthouse acoustics and sightlines. When the press is banned from the front row of seats by marshals who routinely mark them as "This row reserved for attorneys," it can become needlessly difficult for reporters to see and hear the proceedings. Typically, that front row (at least in Bristol and New Britain) goes unoccupied by attorneys, so the space is simply wasted.
-We recognize that area may be viewed by marshals as a buffer zone in those very rare cases where the defendant is considered a high risk for becoming violent, but in the overwhelming majority of sentencings, hearings and trials, that buffer is unneeded.
- Although I am able to go into court, as a radio reporter, I must leave my recorder outside, and I sprint to my car to get the recorder, after a court proceeding ends. Allowing checked bags at the court entrance might help (especially since marshals are already checking in cell phones).
- No problems, with the obvious and very large exception of cameras in the courtroom.
- They could do a better job informing reporters and the public of scheduling changes or delays. And we should be allowed to bring in laptops to type notes. I know cameras are a controversial issue; but we should at least be able to carry cameras and cell phones if we turn them off.
- Only when the defendant is a juvenile being tried for adult offenses in adult court.
- A marshal threw me out of a hearing because he thought it was a YO matter. It wasn't.
- Court personnel always try to be accommodating.
- Most of my trial coverage in Connecticut is in federal court. In state court, most of my experience is with case files in the clerks' offices. I have attended about 10 or 15 hearings total in state court. I was barred once from a civil hearing in New Haven Superior Court by a security guard stationed in the courtroom who reportedly was a new guard. He seemed to think that no nonparty or nonlawyer could attend. It was in one of the tiny courtrooms. There was plenty of room on the benches, but perhaps the intimate size of the room went to his head. He asked me out into the hall. While barring me, he also said that I had to check in with the guard stationed near the elevator on each floor during hearings to ask if I can attend a hearing. I knew this was ludicrous but I had no choice but to cooperate.

He also happened to use profane language. I missed the hearing. This prompted the only formal complaint I have lodged with the court marshal's service. His boss later called me to apologize, said he talked with the guard and that the guard told him he was only kidding, so he apparently admitted it. He said there was no policy requiring anyone to check in with the guard on each floor. Otherwise I have had no trouble attending a hearing. Finding out when and in which courtroom can be challenging,

- Judges who make too much use of sidebar conferences can hide key parts of the trial.
Poor acoustics, even in the Supreme Court, can make argument harder to follow.

Question No. 9(b) – Media Responses

9(a) Are court calendars adequate in providing notice of upcoming trials/hearings?

(b) If no, how can they be improved?

- I'd like to see calendars from a few days ahead go on-line for planning purposes.
- Sometimes you get the feeling they are slipping things in so the press/public can't find out.
- I actually can't answer this because I don't go in search of them. I call Rhonda. Are these calendars posted electronically? If so, it might be nifty to put a neat summary on the Judicial website just what helpful information is contained therein.
- While the online criminal dockets list the next court date, it is more difficult to follow civil cases because there are no next court dates listed. It takes some time to get used to the short calendars and wade through them.
- Civil trials and hearings can be difficult to track because of the volume of business in the civil courts, the limited newsworthiness of much of it, and the prevalence of settlements. The relatively new practice of listing scheduling information at the bottom of docket sheets is helpful. But anything that would make information on civil calendars more readily understandable would be helpful.
- How about an email alert on a certain case?
- I wish the property address were listed on foreclosure cases.
- At a minimum, the Judicial Department's website should have a searchable database listing all pending cases (excluding those of defendants who might be tried as youthful offenders).

In addition, a court calendar that lists cases scheduled for the ensuing two weeks would be useful; this would not be a comprehensive calendar, but would at least give the public an opportunity to know about sentencings and similar hearings that are scheduled months in advance.

- The same suggestion I made in No. 6 (Whether or not the defendant is currently on trial, a sentencing, or a probable cause hearing would be extremely helpful.)
- The online pending case information could be improved with an automated system that sends out e-mail notifications each time there is a court date or file update, to people who sign up for alerts on certain cases.

- They're good for date, so-so for time (too often 10 a.m. becomes 2 p.m.) and terrible for what's happening as far as whether there'll be a plea or just a continuance.
- It would be helpful if, like the legislative branch, you could type in a case number and get emails when something is scheduled or filed for that case.
- They should be posted in advance. Usually, they are not even there on the day of the trial.
- Reporters should be able to sign up to track a case and get email alerts on scheduling.
- They usually are very good.
- The notice provided of upcoming Supreme and Appellate Court arguments is terrific. The biggest problem is notice of matters coming up on short calendar.
- The PDF calendars are hard to search online and in the courthouse you have to peruse each column carefully. Something more searchable online?

Not everything is written on the boards in the halls.

Possibly post late write ins to the calendar in the clerk's offices. Some clerk's offices do, some don't and won't find out for you.

Some of the difficulty is not surmountable as the court sometimes needs to move things along with little notice.

- Ground up redesign with view to conveying useful information.

Question No. 10(b) and 10(c) – Media Responses

10(a) Are judges cooperative in allowing media access to open court proceedings?

(b) If not cooperative, please explain.

(c) Do you have suggestions to enhance cooperation?

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- c) This isn't really a cooperation issue, but I often feel like scheduling at courthouses stink. There's no way to figure out when a case is going to get called. I could sit around for hours. It's probably an issue between judges and prosecutors, but judges should be sure to keep these cases moving efficiently. Particularly at the GA level, business usually creeps along. Too many continuances or passed cases for silly reasons. Maybe it's only like that in Bantam. And how about this: if the clerk's office knows a case is going to be continued before its scheduled date, update the Web site.
 - c) I have not been physically excluded from the courtroom during open-court proceedings. As noted above, however, there have been problems with access to exhibits at times. In my view, exhibits are as much a part of the trial as what happens in open court, and I view it as my job to review them whenever possible. Some judges don't appear to be fully sympathetic to that viewpoint.

When there is disagreement over access to exhibits, communication with the judge is generally indirect, through a court clerk. This is one of the main reasons I feel limited-purpose intervention should be permitted when there are serious disagreements over document-access issues.

- b) Again, if the court is open, why are you asking this?
 - c) How about a judicial 'open house' day?
- c) Judges could give greater access to the media. While they obviously cannot comment about a case, I can't see why a judge can't have conversations with a reporter to help explain a ruling or proceeding to make sure the reporter fully understands it. This would seem to be a way to improve accuracy.
- A courtroom once remained locked after a closed proceeding involving a youthful offender. The second hearing involved an adult. Court staff later explained that they inadvertently forgot to unlock the door. (This response was under 10a)
 - c) With more and more courtrooms being locked, thanks to the youthful offender law, judges and other court staff members need to be mindful of the importance of an open courtroom for proceedings involving adults.
- c) I think there has to be more communications. Judges are completely inaccessible, and on specific cases I know that's for good reason. But if they've

never even spoken to us it's hard to imagine they'll trust us in their courtroom.

- c) It still seems that cases involving well-known individuals are being sealed for less-than-important reasons.
- c) I just read the "Judge's Journal" that specifically addressed cooperation with the media and was heartened by some of the judges' responses.

I will hear judges complain that the media doesn't get it right, or that they don't tell the whole story. I recently witnessed a judge dress down a reporter from the competition about the story she'd written for that morning's edition in which she got it completely wrong.

Yet, in fairness to her, she tried at the break to ask the judge to meet with her and explain what she got wrong, and he refused.

That doesn't help anyone. If people are relying on their local newspaper for court coverage – and newspapers by far are how most people get in-depth coverage of the Judiciary -- then judges have an obligation to point out errors and to help the reporter get it right. That helps the public.

By and large, reporters are not lawyers; in fact, I've yet to meet a court reporter who has a law degree. We do the best we can with the training we have, and it's up to the individual reporter to get it right, whether it's by cultivating relationships with prosecutors and public defenders, or by doing our own research.

But if I do get something wrong, I want to know.

I would also love to have judges take questions from the media during some trials, when there may be a complicated point of law being argued. Again, the better informed we are, the better informed the public is.

- b) It depends on the judge. No photographers are allowed. Some judges won't even let you bring in a laptop.
- c) Judges need to understand that this is our job. We have to report the information. Many treat us as if this was a hobby or like we are just snooping.
- c) Better notification of schedule changes; ability to bring cameras in (maybe use them in the hallways at least?); and less expensive, quicker-turnaround access to copies of court documents. All that would improve matters.
- c) This question can make a reporter some enemies!

Previously I covered a court system in another state where bringing handheld tape

recorders into the courthouse was a no-brainer, (cameras only with permission) and where Connecticut's policies, statutes and rules would be shocking, so you can imagine where I might stand on this issue. No one had ever asked me why I wanted to see a record before working here, because "idle curiosity" was the standard for asking and asking was frowned upon.

Here goes:

- 1) Visit real sunshine states. It's the culture of the court as much as or more than the laws. States that have always been more open have never needed to enact too many laws about it.
 - 2) Give rule making power to the legislature.
 - 3) Surrender to the public. You're one of us.
 - 4) Increase transparency whenever possible.
 - 5) Overhaul the court reporters system so that at least audio files, if not transcripts, are conveniently available. I believe this is extremely important and that whatever needs to be done to do this should be done.
 - 6) Barring 100-percent publicly funded general elections for judges (which is a pipe dream), the legislature could at least consider giving one or two seats on the committees involved in judicial selection to the law school deans for rotating tenures – Yale, UConn and Quinnipiac. One of them at least is now made up of lawyers and non-lawyers chosen by the governor and representatives of the two parties in the legislature. Many members of the committees have rotated in and out of these positions for decades, enjoying lifetime memberships. The positions are very political.
 - 7) Settle the FOI debate.
- c) I have never had a problem with a judge re: public information or access.
 - b) Example: a judge allows the lawyers to adjourn to work out a proposal in a conference room. He then hears the proposal in a sidebar conference. If arguments are not made in court, audibly, it really isn't any different from a closed courtroom.
 - c) Judges should be taught to routinely conduct proceedings so that public and press could follow the process – whether or not observers are actually present – so everyone involved gets into the habit of having argument out loud and in open court.

Question No. 11(b) – Media Responses

11(a) Have there been any other problems regarding access to court proceedings and/or records?

(b) If yes, please explain.

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- There is a growing use of prosecutors attempting to seal documents whether it be search warrants or arrest warrants under the umbrella that the investigation is on-going. I think that judges need to have a tougher standard for prosecutors to get documents sealed rather than just rubber stamping the process and placing the burden on the news media to come into court and fight for access to files.
 - Police reports to prosecutors are often unavailable in clerk's files. Clerks sometimes seem uncertain of policy.
 - Don't know if this is the appropriate place, but I've always had a complaint about the \$1 per page cost of copying documents, while other public documents are 25 cents. Not all the people getting copies are wealthy lawyers. This is more from a help-the-public perspective.
 - I guess the biggest problem I've run into has to do with files. Search warrants, for example, aren't always in the clerk's file. A reporter who doesn't know to ask for them won't know they exist. I've been burned like that a couple of times. But a reporter that does know to ask for them sometimes gets a response from the clerk saying that the search warrant can't be located. I've been told it depends on whether the police dept. that used it has returned the document to the courthouse. I don't know if that's accurate, but I'm guess[ing] it is because I've heard it several times. Also, what's the rule on court files after someone's been arrested? I've been told that those files are available at the courthouse before the person is arraigned. That's true some of the time, but again I've been told it depends on when the police department returns them. There doesn't seem to be any consistency, sometimes it's a day after the arrest and other times they won't be available until the arraignment day. The absolute biggest problem I run into regularly is tracking cases transferred from a GA to bigger courts. It usually happens with arraignments. In Bantam, for example, it seems like marshals take those case files to Litchfield, which is just down the street. There's no set time on when they take them. Generally, it's around 3 p.m., but if it's a slower day it could be earlier. I live in fear that I'll miss cut off. Once they are in the hands of marshals the files enter the Twilight Zone or something; no one knows where they are and they don't resurface until days later in Litchfield. I can't get someone's address or other basic details I get about the case unless I get a prosecutor who's willing to talk. That rarely happens because once the case is transferred the GA prosecutors won't discuss it. It hasn't been before the prosecutors in the big show yet, so they can't tell me anything either. Also, I'd like probable cause reports to be more readily available. I think a new public act gives reporters access to these

but so far there doesn't seem to be a system in place to make this happen. Prosecutors don't seem to know about it, and they're the ones I have to go to get them. Couldn't copies of these be placed in the clerk's file?

- I once had to seek transcripts of hearings that were held at the early stages of a case that had been transferred from the docket for juvenile matters to the regular criminal docket. Because the court reporter was forbidden by law from providing these transcripts to me without court approval, it was necessary for me to file motions to obtain access to the transcripts. I did file the necessary motions, and they were granted. But the issue of intervention was never raised in that instance. This is another example of the need for a procedure for limited-purpose intervention in such circumstances.
- Sometimes warrants that are supposed to be unsealed after 14 days take longer than the 14 days to become available and require an amount of pestering to be made available.
- Another big one is people being let out side doors. At least five times in the last year I've waited for a defendant outside the only courthouse entrance and the marshals let the defendant out an "employee-only" entrance. In my opinion, except for real security threats, no one should get special treatment.
- The State's Attorney's Office in Norwalk has refused to talk to me, due to a prior (The Hour) reporter's coverage and a beef with my paper resulting from that. It's petty and makes my job harder.
- I find it difficult to believe why the court allows family and friends to attend juvenile proceedings when they force out the press. Sometimes there are 5 to 10 people who stay in the courtroom of all racial and ethnic backgrounds to listen to a hearing. Many of these people are not immediate relatives but friends of the defendant. By allowing this, the court has allowed only a segment of the public to witness a juvenile proceeding. It is not fair to the press and the rest of the public.
- Again, most of the problems I experienced were in the Meriden G.A. clerk's office.

But I would love to see CT child abuse and neglect proceedings open to the media to enhance accountability, fairness, professionalism and the delivery of services by various agencies and entities involved in those courts. This appears to be an initiative gaining favor across the country.

- In responding to 11(a), the respondent wrote: "Occasionally, but only with regards to files that were partially sealed."

- Aside from the answers given above:
 1. I have taken two first-hand accounts from a reporter, and from a member of the public, who say they were barred from taking notes in New Haven GA. I read a story about note-banning in New Haven GA published by the AP. I followed with a story about two large, permanent signs posted in the New Haven GA banning note-taking and the rule was removed because of it, finally.
 2. I witnessed a serious denial of access to the courts by a woman in need of swearing an affidavit before a clerk who was denied use of the courthouse wheelchair. There was no alternative access available for her. Instead of writing about it, I intervened immediately on her behalf because the need was great and the decision was clearly wrong.
 3. In some clerks' offices, the rule against giving legal advice is interpreted so zealously it could be interpreted as denying access to the courts for members of the public. I have witnessed this as a chronic problem in one courthouse and never a problem in another – Hartford – where clerks seems to strike the right balance.
- Judges can make excessive use of chambers conferences, which, like overuse of sidebar conferences, can make key parts of a case harder to fathom.

Question No. 12(a) & (b) – Media Responses

12(a) Do you think reporters who cover the courts, in general, have sufficient knowledge about the court system?

(b) If no, what should reporters do to learn more about the system?

- a) Not by a long shot.

b) Attend law school for journalists on March 19, location tba.
Ask more questions of the lawyers involved if they are not clear about a particular plea or proceeding.
Attend more court sessions, particularly GA criminal sessions, to get exposed to a wider variety of cases.
Seek out experienced court reporter for advice/mentoring.
- b) New reporters could benefit from a workshop on basic procedures and terminology.
- b) Talk to defense lawyers, prosecutors, judges to learn about procedures.
- a) Not always, it's a learning process. The longer you cover it, the better you get to know the system.
- a) For reporters who cover courts every day, yes. For others who cover court stories only occasionally, no.

b) Ask questions of the Judicial Branch.
- b) Probably not. One thing I'm still trying to get my arms around is the myriad of pre-trial exams and programs available to defendants in criminal cases. The Judicial Branch web site is great, but how about spelling out all of this stuff in greater detail?
- a) Varies depending on individual and experience.

b) I think it is possible to learn through experience how to cover the courts accurately and informatively. But it would probably be possible to develop a brief training seminar on some basic concepts that would be helpful. One legal principle that has considerable impact on how I take notes in court, for example, is the principle that the answer a witness gives to a question is evidence but the question is not evidence. As a result, I listen to the entire question-answer exchange, then write down the witness' answer, followed by a brief summary of the question. [For example, my notes might say, "'No' (didn't kill Jones)"]
- b) Serve on a jury. Invest in a training class at a community college to learn what

FOI is and how to use it. Publishers have responsibility to make sure resources offered to reporters to prepare them for covering their beat.

- b) After a few months, yes. But a basic knowledge of how courts actually work would be good (i.e. pleas, continuations, nolle, etc.)
- b) The easiest way to learn more is to cover more proceedings and learn as you go. Reporters could make better use of public information people at the Judicial Branch. Also, it wouldn't hurt if judges would be willing to explain things to reporters.
- a) Some do, others don't.
- b) What various court proceedings mean and how cases flow through the legal system.
- b) As with any beat, it depends on the reporter, but I think the more open and accessible the courts are, the better educated reporters will be.
- b) Mostly. We had a tour of the courthouse, which was helpful.
- b) Reporters should be in court every day, not simply coming in for arraignments in high-profile cases or attending verdicts. But that's not likely to happen unless their employer thinks court coverage is important, and frankly, most media owners don't care about the day-to-day stuff.
- b) I came in with no experience and learned as I covered cases.
- a) Probably not when they first start.
b) Research, talk to attorneys and judges.
- b) We could use occasional tutorials perhaps esp. if clerk's office personnel could participate! They could explain to us better how things work; we can see each other's faces outside the context of tense daily lines and work together better.
- b) Reporting is a learning process. Knowledge comes with experience. The learning curve would be easier if more prosecutors and defense attorneys made themselves available to provide background information to the press.
- a) It's always good to know more.
b) Not sure.
- a) Yes, most do.

- b) Perhaps the Judicial Branch can offer semi-annual professional in-service days (just 1 or 2) for or with new reporters and clerks.
- a) Sufficient, yes, but not extensive.
- b) Either participate in No. 13 or take it upon themselves to learn more.
- a) Depends on the newspaper.
- b) Reporters have to be working in an environment where their editors are willing to invest in their training and/or serve as mentors. A lot of daily newspapers churn court reporters so fast, the reporters fail to grasp many nuances of the legal system.
- a) The ones I know seem to, or are learning quickly, which is a requirement of the job. But there is always more to learn.
- b) Read the newspaper. Attend court, ask questions, read up about the law (statutes, rules, case law) attend lectures about the law, listen to what court users, employees, lawyers, victims, convicts, activists and nonprofits have to say.

I heard the judiciary is updating a guidebook, which is great.

- a) YES, but there's always more to learn.
- b) Have knowledgeable mentors. Be able to turn to a lawyer or judge unconnected to the story, who can field a dumb question. Have an up-to-date manual for covering the courts with a good index. Read it before they need it.

Question No. 13(c) – Media Responses

13(a) Do you think the media could benefit from educational programs about the courts?

(b) Would you participate?

(c) **If yes, what topics would you like covered?**

-
- Definitions of court terminology. Knowing the various court rules/statutes on access. Know what your recourse is if denied access, particularly in the instance of a closed courtroom. A roadmap of all the resources readily available on the Judicial website, including how to monitor motions to seal/close courtrooms.
 - I think the department should offer on occasion a general primer course on where to find documents or when do reporters have rights to ask for documents. For example, many reporters probably don't even know that search warrants are public, as a matter of fact I think many clerks don't know it either or pretend they don't and that there are certain number of days that police have to return the warrants to court.
 - Capital felony; I think many reporters need a refresher course on what juries have to consider before reaching verdicts in death penalty cases.

Pre-trial hearings: Maybe an inside look at the process for reaching plea bargains or going to trial.

- History of courts in CT – I'm curious about how un-uniform the courts seem to be. Why aren't prosecutors elected, why no grand juries, etc?
- I think one very helpful area to cover would be to sketch out in general terms what happens in the proceedings we don't see, such as pretrial conferences. I think that would greatly enhance reporters' understanding of the process.
- DNA testing, evidence and chain of evidence; computer crime.
- How to navigate the miles of information and government labyrinths to find one thing we need.
- Any program that provided specific real-life examples about just about any topic would be worthwhile.
- Which documents are available to the public; how and when they are accessible.
- A user-friendly introduction by an experienced clerk who would discuss public vs. closed records, the best procedures to request records (especially when clerks are busy processing multiple files), the preferred ways to arrange to see exhibits during breaks in a trial, etc.

- I'd love to get the definitions of some terms that are used, such as the Latin ones.
- A basic definition of the Connecticut Rules of Practice, statutes that determine such things as how long someone can be held in jail without a bail hearing, how much time elapses before certain other hearings must be held, etc. Also, certain case precedents that are routinely mentioned during bail hearings, pleadings and sentence hearings.
- What topics [d]o lawyers and judges think are misreported?
Has terrorism changed Connecticut state law in this decade?
- Even something simple like how a case proceeds (plea, PC, pretrial, etc) would help many reporters. The more the better and I'll be there!
- What's accessible, what's not. Sealing/unsealing.
- Prosecution, where and how files are stored, sealing.
- I would love to see programs specifically presented by judges who can explain rules of evidence, etc. I often hear about exceptions, and the Pinkerton ruling, or Courchesne, etc and I've got absolutely no idea what they're talking about. A judge-prepared synopsis of frequently cited criminal cases would be amazingly helpful – as long as the reporter truly understands it.
- Time limits on cases; how continuances work; what goes on between attorneys and judges behind the scenes.
- Tracking cases, obtaining transcripts, viewing files.
- Child abuse and neglect courts, juvenile court, all aspects of juvenile law – FWSN, delinquency, serious juvenile offender, etc. – family court.
- A comprehensive crash course on the court system would be ideal.
- A panel exploring the protection of victims versus the media's obligations to the public would be a good one to start with.
- This is hard --- I would like the judiciary to suggest topics it thinks the press needs to know more about. I would attend talks. I know the court offers workshops for various groups (ex. Elder law) and I look for ones I would be interested in. Some of the ones offered to lawyers look interesting.
- What public records and statistics are readily available and how to access them.
- Court insiders' views of great stories the media is missing. Common mistakes the press should get right.

Question No. 14(c) – Media Responses

14(a) Do you think judges could benefit from educational programs about interacting with the media?

(b) Would you participate?

(c) **What topics would you like covered?**

-
- Deadline pressure. The desire to be able to consult with a judge on pleas, proceedings etc. – OFF THE RECORD. An opportunity to emphasize that the public gains knowledge and understanding of the court system largely through the media, ratcheting up the premium on the reporter getting it right. That we're not all fools.
 - Basic primer on news cycles and processes.
 - I think judges would benefit by hearing what exactly it is we are looking for when covering courts. What documents are important to us, the timeliness of getting that information.
 - Reporters' needs.
 - Importance of public access/timely availability of information/ do something about excessive court fees which are not in the public interest, even if the legislature seems to think it is.
 - I'd suggest that judges do a better job of updating the public – everyone in the courtroom – about what's been happening behind closed doors in pre-trial discussions. Judges don't have to spill the beans on everything, but giving explanations on why cases are being continued, what will happen next and detailed explanations about programs, sentences, etc., would help greatly. I know one judge who does this. His proceedings take a lot longer, but since his recent switch to the court I cover – it's only been a few weeks – I've already learned a few things. Too many judges treat it like an assembly line. Continuance, next customer. Sometimes, I'm left scratching my head. Getting judges to talk about some of their decisions would be nice, too. If they don't want to talk, how about requiring them to write more detailed rulings. Some of them are, many of them aren't.
 - Obviously, some judges are more media-savvy than others. I think some judges who have less experience with the media might benefit by an understanding of how the media go about covering the courts in practice and some exposure to what information the media are looking for in particular types of stories.

- That should be left up to the judge to decide, but I think a tour of the local newsroom might be welcomed by all concerned, and perhaps a meeting with the top editor might be wise.
- How best to tell reporters what they want to know, while explaining why certain info can't be released.
- Learning how to deal with each other.
- It would be useful to younger, less experienced reporters to hear a judge explain (in layman's language) just why judges must be extremely discreet in any dealings with the media, especially when a case is in progress. Some reporters consider this secretive and unreasonable behavior, and do not understand the professional restrictions that judges are under. And certainly it might be useful for judges to suggest a way for reporters to approach them for information – such as handing written questions to the judge's clerk, an option that would protect the judge's interests while not freezing out the press altogether.
- “Communicating With the Media: We Don't Bite.”
- What information and/or items can be made part of the public record and available to the media on a timely basis.
- Just to give judges an idea of what we do and how we do it would help. As I said, if a judge has never spoken to a reporter, how can a judge be expected to trust us?
- Talking to the media (interview), explaining [??rationale??] behind rulings, sentences, etc.
- Ideally, a judge-reporter committee could meet monthly to talk about how cases are reported, whether the media is getting it right, etc. The Judicial-Media Committee is a great start; as a member I truly believe that we (members of the media) were able to open up some judges' eyes about what it is we need and want, and that they shouldn't be afraid of us.
- Cameras in court, carrying cell phones or cameras in even if they're turned off; the need for timely copies of transcripts and access to files.
- Understanding the media's need for information; a discussion of media training (how we make our judgment calls), understanding media ethical standards when covering the courts. (How we screen ourselves)
- A crash course similar to No. 13 to provide a better, truer understanding of what journalists do and why we do it.

- I think it would be beneficial to them to know more about the thought process that goes into determining whether a case is newsworthy.
- Why access is important.
The role of the press in a democracy.
Why it is not good public policy to approve confidential settlements, especially in lawsuits involving public entities.
Talks by First Amendment lawyers.
Maybe a reading list, judiciary/press recommendations. There is so much good material – short list on the press side: “Minnesota Rag” by Fred Friendly, about *Near v Minnesota* and “The Hard Way” by Alexander Brook, about a crusading small newspaper in Maine. A place on the web to read about the reporters’ perspective is the Reporters Committee for Freedom of the Press.
- What media pros need – and don’t need.

Question No. 15(b) – Media Responses

***Please note that some responses to 15(a) are included, either for context or because the question prompted a narrative response**

15(a) Are there instances in which the media ought to exercise its discretion to avoid printing or publicizing information even though it has a legal right to do so?

(b) If so, when and why?

-
- a) I believe so.
b) This is situational, so it's difficult to define here. It's possible to convey the violence of an assault or the gory details without printing every detail. It's possible to cover a story without exploiting the victim, keeping in mind that the reason there is a case is because there is a victim. Being sensitive to children's issues and concerns.
 - b) Victim information, including identity, is sometimes sensitive and should be omitted.
 - a) Yes.
b) In general we don't identify sexual assault victims or minors.
 - a) Yes.
b) Not using names of rape victims or addresses of witnesses in protective custody.
 - a) Yes.
b) When it comes to protecting children.
 - a) Yes.
b) Not identifying sexual assault victims when their names are revealed in court. Case of Bloomfield girl who vanished for year before being found in West Hartford (Adam Gault) is good example. Many media reported her name.
 - a) Yes.
b) Sexual assaults, etc. to protect rights of victim. I have found however that warrants involving sexual assaults are routinely sealed (in the courthouses I go into) even though the victim's name is not in the warrant. But again, this practice varies.
 - b) Tough one. I think about this with sex assault cases mostly. And I'm not talking about the grisly, headline-grabbing stuff. I'm talking about the smaller stuff that I write about sometimes. Do readers need to know that a man and a woman got drunk and he groped her? I don't know if it's that important to readers. But I suppose that falls into the category of news judgment rather than

discretion.

- b) When there is serious reason to believe that a person will be put in physical danger by publication of certain information, it is appropriate to leave that information out of a news report. Also, it is frequently necessary to withhold certain information to avoid effectively identifying a sexual-assault victim.

Reporters need to respond as human beings and as citizens to the stories they cover. But they also need to draw the line and stand up for the legitimate public interest in disclosure of governmental information. It is possible to come up with an argument for withholding many types of information from the public, and the public interest is not served if journalists accept these arguments uncritically and fail to play their appropriate role as advocates of full, open public disclosure and discourse.

- a) Yes.
b) When the publicity might adversely affect the victim(s) of a crime, harm the intellectual or property rights of an artist or inventor or just serve to titillate the idle curiosity of a reader. When it serves little purpose in informing readers, why print it?
- a) Absolutely.
b) For the protection of victim identities.
- a) Yes.
b) This is a delicate issue that should be handled with great deliberation. If there are instances that publishing certain information could jeopardize someone's life or safety, journalists should be told of this. While it would be ultimately up to the news organization to decide whether to withhold this information, it is imperative that prosecutors, defense attorney(s) and even judges tell journalists of their concerns.
- a) I believe this question is aimed at the jury. Both the courts and the press are divided on the issue of public jurors. The U.S. Supreme Court has ruled a particularized showing must be made to keep the names of jurors private. The press can decide whether to contest the action. I have done both, fought efforts to keep jurors' names private and agreed they can be kept private for their safety's sake.

But the press and the courts should be mindful that juries have been public in Anglo-Saxon jurisprudence since the 11th century. And that the Supreme Court has affirmed that the Constitution calls for public juries.

In supporting the Boston Globe's right to publish jurors' identities, the First federal Circuit Court of Appeals ruled in 1982, that, "Knowledge of juror identities allows the public to verify the impartiality of key participants in the

administration of justice, and thereby insures fairness, the appearance of fairness and public confidence in that system.”

Two years later the U.S. Supreme Court overturned a state court decision barring the public and the Riverside (CA) Press-Enterprise from attending jury selection in a murder trial.

The Supreme Court held that jury selection must be held in open court unless a particularized showing can be made that permits overriding the public’s right to know. “The open trial thus plays as important a role in the administration of justice today as it did for centuries before our separation from England. The value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed,” the court ruled.

Justice Thurgood Marshall wrote that defendants’ rights “are most severely jeopardized when courts conceal from the public sensitive information that bears upon the ability of jurors impartially to weigh evidence.” Justice Harry Blackmun held, “It is difficult to believe that when a prospective juror receives notice that he is called to serve, he has an expectation ... that what he says in court will be kept private ... a trial is a public event.”

- b) Yes, in cases of sexual assault against children, we don’t use the child’s name or their relationship to the abuser. In general, we don’t use victims’ names unless necessary.
- a) Yes.
b) It is not in the interests of society – or of our readers – to have the fairness of court proceedings needlessly tainted. There are frequent occasions when the press must pursue its own duties even if it may entail some inconvenience for the legal system (such inconvenience could range from changing the venue of a trial to spending additional time and effort on jury selection). But other occasions arise when the media can – without undermining its responsibilities – opt against publishing information which carries minimal or no public interest yet threatens to significantly impair the court’s operations.
- a) Yes.
b) For ex., if the name of a sex assault victim does not get redacted, we should not publish it. (Unless the victim wants it publicized.)
- a) Yes.
b) We generally do not publish the names or identifying information about sex assault victims, and in some instances victims of crimes where the perpetrator(s) or assailant(s) has not been arrested.
- b) I’m hesitant to answer as a broad statement, but I’m sure it’s possible to create

a hypo where it would make sense. I know we routinely hold info for a few days at request of law enforcement to avoid jeopardizing an investigation.

- a) Yes.
b) Names of underage perps and victims of certain violent crimes if it could endanger the individual.
- a) On occasion.
b) Sexual assault cases.
- b) One recent case that comes to mind is the Connecticut Post's decision to publish the names of the jurors in the Russell Peeler sentencing hearing. I thought it was a dreadful decision.

The very heart of that case was witness murder: a 7-year-old boy and his mom are hunted down and killed in their own home because the boy was going to testify against Peeler, a longtime thug, drug dealer and killer.

Peeler is obviously someone to be feared, even though he's behind bars. I simply see no good reason for the Post to have printed the jurors' names. If I'd been on that case, I absolutely would have asked to be recused because I was afraid. A man who would kill or have killed a child would, in my estimation, have no compunction about trying to have me killed, or at least scared so that I would vote a particular way.

While I can understand the Post, in previewing the story, wanting to show who would be making the decisions in the sentencing phase, they could and should have simply identified them by age, race, occupation, hobbies, etc. – not by name.

As far as discretion, that's an individual thing. I think I am extremely sensitive to victims and their families, and in particular children and elderly victims. I have many times heard a victim's actual name be used in court (in sex cases) usually by the defendant, who wants to embarrass them, but I simply won't identify them. It's the right thing to do.

- b) I would never print the name of a rape victim. Everything else is fair game.
- a) Yes.
b) Occasionally, I've come across a case involving a victim or plaintiff that could be in danger, so I haven't printed the person's name.
- a) Yes.
b) We should use discretion about embarrassing personal information about people. And we shouldn't print the names of jurors if there's a reasonable expectation that they face violent consequences.
- b) This already occurs.

- a) Yes.
b) Information that could truly endanger someone. Information about victims of sexual abuse or assault.
- a) Yes.
b) As a policy we do not print the names of sexual assault victims without their expressed permission. We also do not print the names of minors charged with crimes without the consent of their parent or guardian.
- a) The media always need to carefully consider the impact of its actions. My first question, however, in deciding whether or not to report something that is public information is what proactive steps did the person seeking to keep that information under wraps, or his or her legal advocate, take in that regard.
- a) This question surely comes from a member of the judiciary on the survey committee. Yes, and the media does.
b) It has been a long time practice of the press to withhold the names of victims of sexual abuse or alleged victims unless the party wishes to be identified.

Traditionally, troop movements in advance are not publicized by the press because of the obvious risk to life. A controversial troop movement known in advance causes a lot of deliberation – ex. Bay of Pigs.

At one newspaper I worked for, the policy was not to publish the name of juveniles involved in crimes, even though the information was public and available. The newspaper made an unprecedented exception when a juvenile was alleged to have committed a crime that was far more violent and gruesome than any juvenile crime the small community had ever known.

Sometimes it's not the party's name but other information.

In one case I wrote about, the newspaper I worked for did not withhold information that put someone at risk. The question was barely deliberated and only because I received numerous calls about it. A young man in a small, homophobic town was going to a nearby prison for killing his alleged boyfriend for telling someone that they were in a relationship. I was warned that disclosing the homosexual theme of the case would increase the chance he would be raped in prison. But this consideration was overridden by a mile by the need to inform the public of the hate aspects of the crime committed in a community that was notorious for its intolerance of gays and lesbians. If the intolerance had not been intense, it is not clear the young man would have murdered his friend. To this day in that community, there is still a lot of sympathy for the killer, not because he was a victim of pressure by a bigoted community, but because many there believe it is normal to at least want to kill a homosexual.

- a) Yes.
b) There are several, and I think the media doesn't get enough credit for exercising discretion in most cases. Some include: printing the names of victims; printing the names of juvenile offenders; printing the names of witnesses who could be in danger if made public.

- a) Yes.
b) Family names in incest incidents. Horror story child custody cases that identify children's suicide attempts, medical embarrassments, and sexual abuse. Jurors' names, identities, unless they assent. On the other hand, judges should expressly instruct jurors, at the end, that they have not lost their First Amendment right to speak to the press or anyone else, simply by sitting on a jury trial.

Questions No. 16 & 17 – Media Responses

16) Do you wish to make any comments regarding your dealings with the Judicial Branch?

17) Do you have any suggestions for improving interactions between the Judicial Branch and the media?

16) Only to emphasize, again, that I'm seeing improvements, at least at the clerk level. It's very hard to assess judge attitudes, though I'm optimistic given what I've seen at the very top administrative levels of the branch.

I also think the marshals in some courthouses need to overhaul their attitudes, not just to the media but to the general public. Again, in some courthouses, they're terrific. I suggest some top administrators might want to "dress down" and visit the courthouses as defendants or, worse, reporters (!) to get a bird's eye view.

17) Perhaps an email "alert" system for bulletins on upcoming cases or same-day notice of the release of lower court decisions, with links to the rulings. Rhode Island has an amazing media relations machine. Connecticut's is getting closer to it by the day.

Also extending courthouse operating hours when high profile cases are in session so reporters have time to file at least a brief story before being ordered into the snow or rain.

Even if cameras are not allowed into a particular courtroom, I see no harm in permitting them inside the building – in the lobby – to conduct interviews, etc.

16) Relations have improved recently.
--Congratulations on the effort to work with clerks on access issues.
--Communications office is very responsive.

17) I would like the mindset among state's attorneys, judges, clerks, etc. to be more focused on openness than on concealing information.

17) After years of super-secret divorce cases and cart blanche sealing of files I sense that there has been a general change in the department's attitude about what the public has a right to see and that justice done behind closed doors will always be questioned. I hope that we continue down this path.

16) In my 28 years of covering Bridgeport state courts I have found very helpful and knowledgeable judges and clerks. Chief Clerk Donald Mastrony and Administrative Judge Richard Gilardi have been particularly helpful to me.

17) It's important that reporters ask questions of judges, clerks, lawyers and prosecutors. I'm always learning new things about our judicial system and it's because I always ask questions.

17) I think perhaps the support staff should be more aware of the importance of being helpful to the press. Too often, they are rude and not helpful and that gives the impression that they are incompetent or hiding something or just plain rude.

16) I think one thing the Judicial Branch can do to make information more quickly available is to have all its files ready for public inspection. I had to wait many times for clerks to find out what documents can and cannot be released, and for documents to be redacted.

16) Just that my experience is very mixed – some wonderful people who are very helpful and others who seem very overworked and distrustful of the media. The glass windows are very off-putting and depersonalizing. That's my feeling as a reporter and a citizen.

17) More openness and transparency, whenever possible, allow documents to be viewed online.

16) Overall, I've found the Judicial Branch great to work with. The media reps are always a great help and it seems to have done the most of any other state department to create a Web presence that's media friendly.

17) Here's a big one (maybe it's there and I don't know about it): How about giving us easier access to probation-related files? Where is a person doing their community service? What are the community service programs available to them? What types of programs are probationers involved in? Who are the probationers who have moved out of state and where are they? As far as probation-related stuff goes, I feel like we're in the dark. How about a Web-based probation database?

16 & 17) The greatest frustration I have experienced in the 15 years I have dealt with the

Judicial Branch is that the process has become increasingly formal and rule-bound during that period. When I began covering courts in the early 1990s, it was relatively easy for reporters to interact with lawyers during breaks in court proceedings. Reporters were even permitted to use this time to review court documents in courtrooms when those documents weren't needed for other purposes. Now reporters and others are shooed out of the courtroom as soon as the judge leaves the bench. Frequently, lawyers remain in parts of the courthouse to which reporters lack access. Court documents are generally available only in the clerk's office and, as noted above, sometimes only after significant delays.

I'm sure there are reasons for all the new rules. And it is certainly true that some court personnel make efforts to ease the impact of these rules. But I think more could be done to make "customer service" a priority, both in formulating rules and procedures and in daily interactions.

16) For the most part, I find judges I have interviewed to be fascinating people with varied interests and concerns. The knowledge I have gained about the legal rights and protections of a citizen I gained from them thanks to their patience and understanding. Obviously, those of us who are not trained in the law need to understand the law before we can report on the significance of a court ruling or decision in a meaningful way. So whatever "off the record" explanation offered is welcomed. Still, the reporters I know also understand that the court is, ultimately, charged with protecting the rights of citizens and cannot have that compromised by disclosure of certain information. If that is understood, all will be better off in trying to do their jobs as officers of the court and as reporters.

17) As mentioned, how about an "open house" or a day of "job shadowing" a judge or other court officer? An all-day seminar sponsored by the CT-FOI Commission on the basics of FOI would be useful – but it has to be offered free or at not cost.

17) I think the easiest thing for both parties would be to treat the Judicial Branch (or more specifically, individual courts) like any business, town government or police station and have a media/public relations director who has a heads-up on stories of interest, as well as acts as an inside liaison when judges don't feel like talking to the press.

16) While my dealings with the branch have generally been good, especially with Rhonda Stearley-Hebert, relying on the court system to provide information is a bit foolish. The best way to get information is to develop sources who work in the system.

17) It would be helpful if the branch had quicker access to specific questions and cases

from the media.

16) Marshals should be consistent court to court. Some courts you can't stand on the stairs. Some marshals will allow defendants to exit non public doors.

17) Judicial marshals (especially those who dislike reporters and photographers) and the press could be invited to workshops to try to discuss common ground, and to better understand each other's responsibilities.

Many years ago, a young reporter covering a murder trial with me in Bridgeport was chatting about opinions on the defendant's guilt – this occurred as we rode an elevator during a meal break in the trial. The elevator stopped on another floor and a marshal escorted jurors from that trial into the elevator; the other reporter clearly knew who they were, but continued her discussion – without even lowering her voice. This did not result in a mistrial, but might have ... and all for no reason. I believe if reporters (particularly new reporters, or those unacquainted with the court beat) better understood the damage they could do inadvertently, we could avoid some of the negative interactions between court staff and the media.

Conversely, if marshals better understood deadlines and the pressures on the press, they might do a better job of exercising discretion when clearing a courtroom at a recess or meal break. Rather than ordering the press to follow the rest of the public **immediately** out of the room, they might consider offering a 1- or 2-minutes window for a reporter to speak with the clerk (or the attorneys) who otherwise might be unavailable for hours.

17) Open up the lines of communication.

16) In general, information is readily made available to the media. But the availability of some things such as dockets with the defendants' names and charges can vary from courthouse to courthouse.

17) An after hours, emergency phone number for judicial relations.

16) I know some reporters earn the "vulture" stereotype, but most are honorable and respectable and I think the more communication we can foster, not just with the PIOs, but

with the actual participants, the smoother the system will run.

17) I think the more information that's readily accessible (i.e. online or easily from clerk's offices) the better the media will get along with the entire judicial branch.

17) This survey helps!

16) My dealings with Judicial have been very, very positive, particularly when dealing with External Affairs. In full disclosure, Rhonda Stearley-Hebert is my former editor. However, she isn't now – and I don't think I've ever gotten special treatment because of that relationship!

Instead, for the last nearly five years that I've been covering court, any time I've had a question, it's been answered quickly and professionally.

A couple of years ago I had a tough story where a woman died in the courthouse lockup. There were no easy answers, and yet Judicial was extremely responsive and candid. I unequivocally feel that the Branch couldn't be better represented than by the people who work in that office.

16) Most of my experiences have been positive, except for slow service in the clerk's offices and the refusal of Chief Assistant State's Attorney Bob Hall's office to speak to me.

17) The prosecutors should be open with the media and return calls, even if they don't like the coverage. Also, some judges decline to talk and it would be helpful if they would.

16) Lots of good people work there. I understand the clerks are short-staffed and overworked. But they're a disaster in terms of public service and media accountability and accessibility. Judges similarly are largely decent dedicated people, I know, but are in the Stone Age when it comes to the legitimate needs and role of the media, from cameras to security to accessibility to documents to scheduling information.

17) Many. Please see above. Let's start with cameras.

16) This was a great survey. It *[was]* very easy to understand. It shows that the process is working.

17) See comments about sealed documents; and allowing family and friends into juvenile proceeding[s].

16) The one thing I find frustrating is when I cover a hearing, then go to the clerk's office to view it and am told it's still in the courtroom and that the clerk can't go get it. We shouldn't have to wait half a day to get a file.

A couple weeks back a clerk in Waterbury told me I'd have to come back in three or so hours. That's ridiculous. I ended up getting the file (warrant actually) another way in a much more timely manner.

16) I would just like to say that Rhonda and Melissa and the rest of the staff in the external affairs office have always been tremendously helpful, quick, and resourceful. It is greatly appreciated. I would like to participate in a pilot project allowing news media to cover state child abuse and neglect hearings for the reasons mentioned above.

17) Open the juvenile courts' child abuse and neglect proceedings.

16) I've had no problems in my interactions, and in many cases, I've been pleased with the Branch's willingness to provide ample amounts of information – especially regarding committee meetings.

17) A better understanding of one another's philosophy about news gathering and reporting would lead to improved relations.

16) I think most judges and most journalists are conscientious and well-meaning, and trying to fulfill the obligations of their roles as fairly as possible.

17) Any opportunity to get both sides together in the same room can only serve to improve how the judiciary is covered in the media. Both sides share many of the same objectives, one of which is to fairly advise the general public on matters of public import.

16) Today its sternest critics are genuinely impressed with recent changes toward openness, but big challenges loom as new policy is made to reconcile issues of technology, privacy and accountability. Vigilance will always be needed to counter the

human preference for lack of accountability and an absence of checks and balances. The Bill of Rights isn't a list of self-evident democratic values, it's an antidote for chronic human – and governmental – weaknesses.

17) Judges should be assured they will not be assigned to Siberia if they speak with the press, and should also be instructed on what they can and can't say about court matters. Reporters should know the meaning of off the record and honor it scrupulously. If the public is to be well-informed the press needs to have a broad-based understanding of the story and the legal principles in play. Judges, or other Judicial Branch personnel, can help.