

**Minutes of Public Access Task Force  
Committee on Access to Meetings and  
Judicial Branch Administrative Records  
July 18, 2006**

The Committee on Access to Meetings and Judicial Branch Administrative Records met in Courtroom 5D at the Superior Court at 1061 Main Street, Bridgeport, on Tuesday, July 18, 2006, from 1:45 PM to 2:40 PM. Those in attendance were: Judge William J. Lavery, Judge Aaron Ment, and Judge Barry Stevens.

The minutes of the meeting of June 28<sup>th</sup> will be held for approval until the next meeting.

Continuing the discussion of the definition meeting, the committee discussed whether the Civil Jury Instruction Committee and Criminal Jury Instruction Committee should be included in the list of committees whose meetings would be open to the public. The consensus was that these committees are essentially educational for the judges and would not be included. A motion was made by Judge Lavery and seconded by Judge Stevens to exclude these two committees and the motion was unanimously approved.

The next discussion addressed the need to provide committees, commissions, and boards that are conducting an open meeting the option of having a closed session under specific limited circumstances. Proposed language was given to the members of the committee permitting closed sessions under limited circumstances, i.e., matters that are sensitive and when not having a closed session would chill debate. The rationale for including this language seeks to recognize that there may be situations that arise at a meeting which would necessitate a closed session, and that any proposal from this committee should expressly acknowledge that need. This language would be added to the definition of a "meeting."

A discussion ensued regarding adding to the list of committees, commissions, and boards which are open as a result of the addition of this language, if adopted. However, no consensus was reached. Therefore, any changes to the list will be taken up at the next meeting.

There was unanimous approval of the language regarding closed session. A copy of that language is attached to and incorporated in these minutes along with the definition of a meeting.

Discussion then turned to a discussion of the definition of administrative records. Judge Lavery asked if the definition conformed to the definition contained in the Supreme Court decision on G.A. 7. Attorney Porter will review this definition and report back to the committee at the next meeting.

Judge Ment reviewed what the committee had done: approving the definition of meeting as well as the language permitting closed sessions and removing the civil and criminal jury instruction committees from the list of meeting that are open because they are actually for purposes of judicial education. He then asked Attorney Sellers to discuss the process for putting together the committee draft report. She stated that the staff had taken all the issues that had been compiled and organized at the first Task Force meeting and produced a list for the committee to ensure that all the original issues had been addressed in some way by the committee. This list will be provided to each

committee member at the next meeting. The substance of the report itself will be the recommendations of the committee, although there will also be information regarding the methodology used by the committee and background on the issues. Judge Ment emphasized that the committee report should not emphasize form over substance. Judge Lavery agreed that what is germane is what the committee recommends.

There was a brief discussion of the schedule for draft committee reports, comments, and Task Force reports.

Judge Ment stated that the committee had to discuss several issues at its next meeting including security concerns and retention schedules for administrative records. There was a brief discussion of some proposals that are being considered on access to proceedings and the pilot program on cell phones in Middletown.

The meeting was adjourned at 2:40 PM.

**“Meeting” –**

- (a) For purposes of this provision, a “meeting” is defined as a hearing or other proceeding of (1) the Rules Committee of the Superior Court, (2) the Appellate Court Rules Committee, (3) the Annual Meeting of the Judges of the Superior Court, (4) the Executive Committee of the Superior Court, (5) a multi-member Judicial entity established by Practice Book rule, statute, or administrative authority of the Judges of the Superior Court, the Appellate Court, or the Justices of the Supreme Court or (6) any subcommittee of the foregoing bodies.
- (b) A meeting as defined in subsection (a) shall not include: any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; an administrative or staff meeting of a single-member public agency; and communications limited to notice of meeting of any public agency or the agendas thereof. A quorum of the members of a committee included within the definition of a meeting in subsection (a) who are present at any event other than a meeting of the committee of which they are a member shall not be deemed to be at a meeting of that committee provided that no discussion of official business related to their committee occurs.
- (c) Except as otherwise provided by statute or Practice Book rule, any meeting as defined in subsection (a) shall be open to the public. Notice of the time and place of such a meeting, as well as a copy of the agenda for such a meeting, shall be posted on the Judicial Branch Internet website at least 48 hours in advance of the meeting.

**Closed Session**

Upon motion and a two-thirds vote of the members present and voting, a committee may go into closed session (1) for any purpose permitted by the Freedom of Information Act, or (2) if a public session would have a chilling or deleterious impact on debate or the receipt of information. Any motion to go into closed session shall specify the permissible purpose, in accordance with the Freedom of Information Act, for the closed session, or the reason a public session would have a chilling or deleterious impact on debate or the receipt of information.

No vote shall be taken at a closed session except as permitted pursuant to the Freedom of Information Act.

Examples of a public session that may have a chilling or deleterious impact on debate or receipt of information includes, but are not limited to, situation where: (1) the information sought to be disclosed would invade “personal privacy” as that term has been construed in C.G.S. § 1-210(b)(2), (2) a judge would provide comment on a pending or impending proceeding<sup>1</sup>, (3) disclosure or discussion of information would be likely to give a party to pending or impending litigation a procedural or tactical advantage, and (4) the committee determines that its need for information obtainable only on a promise of confidentiality outweighs the public’s interest in attending the portion of the meeting at which the confidential information will be received or debated.

---

<sup>1</sup> Pursuant to Canon 3(a)(6) of the Code of Judicial Conduct, a judge “should abstain from **public comment** about a pending or impending proceeding in any court...: (Emphasis added.) By making various judges’ committee meetings public, any discussion by a judge regarding pending or impending proceedings relevant to the committee would be public and hence prohibited under the Code.