

**Minutes of Public Access Task Force
Committee on Access to Judicial Proceedings
July 6, 2006**

The Committee on Access to Judicial Proceedings met in the Attorneys' Conference Room at 231 Capitol Avenue, Hartford. Those in attendance: Judge Clifford, Ms. Heather Collins, Ms. Erin Cox, Judge Lavine, Mr. Ken Margolfo, Judge Ment, Attorney Stephen Nevas, and Mr. Patrick Sanders.

The meeting was called to order by Mr. Sanders co-chair, at 8:25 AM.

The Minutes as distributed were unanimously approved pursuant to a motion made by Ms. Cox and seconded by Judge Clifford. They will be posted on the Task Force website.

The committee then began a discussion of specific proposals, beginning with the proposal for recommending a pilot program for electronic media coverage of certain Superior Court proceedings. After extensive discussion, the committee agreed to suggest the pilot program be conducted in an appropriate judicial district and apply to criminal sentencings and special civil proceedings. Discussion of the specifics of the proposal also addressed: the need to require the articulation on the record of specific reasons for refusing to allow such coverage; how objections should be handled; upon whom the burden should be placed; whether a statement of reasons for refusing such electronic access is needed; and who should be heard in any argument on an objection. Further discussion ensued as to how the pilot program should be structured, i.e., continued by vote or continued unless rejected by a vote. After discussion, the following language was suggested:

Such pilot program of expanded media coverage of special civil proceedings and criminal sentencings shall continue for at least one year, and shall continue thereafter unless rejected by a vote of the judges of the Superior Court, and shall be considered for expansion to additional proceedings.

A motion was made by Judge Ment and seconded by Ms. Cox to add the above language to the proposal.

The discussion continued about providing the time frame for media to notify the court of their intent to broadcast a criminal sentencing, the time for filing of objections by any party, and the scheduling of hearings on such objections. Concern was expressed regarding the impact of additional hearings on scheduling sentencings and whether allowing media to be heard in the hearings was appropriate. After extensive discussions, the following language was suggested in connection with criminal sentencings:

The media shall inform the court at least seven business days prior to the commencement of a criminal sentencing that they will broadcast, televise, record, or photograph the hearing. The court shall promptly inform counsel who shall have four business days to file an objection. If there is an objection, the judge shall schedule a hearing for argument at which a media representative shall be heard. The burden shall be on those wishing the proceeding to not be recorded to articulate the reasons.

Judge Ment moved that the above language be added to the proposal and Ms. Collins seconded the motion, which was then passed unanimously.

Judge Ment stated that the proposal would be reviewed by the Legal Services division to be certain it is not at variance with existing rules or proposals. If there is no change, he suggested that this proposal be sent to the members of the Task Force.

Judge Ment expressed concern that the time frame might not be appropriate for a special civil proceeding, which could come up without much advance notice. Judge Lavine suggested adding: "in connection with civil proceedings, the presiding judge shall be permitted to waive the time limitations, if, in the judge's view, it is in the public's interest to do so."

Judge Ment moved to add this language and Ms. Collins seconded the motions, which was then passed unanimously.

Mr. Sanders then asked for a motion to accept the entire proposal as amended. Judge Ment moved that the proposal be accepted as amended and Ms. Collins seconded the motion. The entire proposal as amended was then accepted unanimously. A copy of the proposal as amended is attached to and incorporated into these minutes.

The next item discussed was the proposal to specifically allow note-taking in the courtroom. This proposal had been discussed at the meeting on June 27, 2006, but the motion that was made by Judge Quinn failed for lack of a second. Ms. Collins requested the committee to reconsider the proposal. After extensive discussion of the need for judges to retain control of the courtroom and the need for a consistent policy regarding note-taking, the following language was proposed by Judge Lavine:

The taking of notes in any courtroom shall be permitted. the chief court administrator shall inform all judicial branch employees of this policy. Nothing in this rule or policy shall be construed to limit in any way the court's inherent power to prevent the disruption of court proceedings.

Ms. Collins moved to adopt the language as a recommendation of the committee and Judge Ment seconded that motion, which was unanimously accepted.

Judge Lavine reported to the committee on his conversation with a retired judge from the appellate court in Massachusetts regarding the experience of the judges resolving access issues with the informal dispute resolution committee, known as the "fire brigade." The committee has been operating for 17-20 years and has been a success. The judges do not view the input provided by the committee as intrusive. In fact, the judges have been appreciative of the perspective provided by the members of the committee. Judge Lavine reiterated that this informal dispute resolution committee speaks only on issues of access, not on substantive decision making.

Mr. Sanders reminded the committee that the next meeting of the full Task Force is the 13th of July. There was a discussion as to what recommendations the committee would submit as rolling recommendations at that meeting. After discussion and a motion made by Ms. Collins and seconded by Ms. Cox, the committee voted to submit the recommendations on the establishment of the judicial- media committee, the expanded electronic access to the appellate courts, and the policy on note-taking in the courtroom to the full Task Force. Judge Lavine abstained on the issue of presenting the proposal on expanded electronic access to the appellate courts.

The meeting was adjourned at 9:50 AM.

Proposal Concerning a Pilot Program for the Expansion of Media

Coverage of Superior Court Proceedings

The Committee on Access to Judicial Proceedings of the Public Access Task Force formed by Justice Borden is looking at public and electronic access to proceedings of all types. As part of that process, the Committee reviewed and discussed the Practice Book rules governing media coverage of Superior Court proceedings (Practice Book Section 1-11). Following that review and discussion, the Committee expressed interest in recommending the expansion of media coverage of such proceedings and concluded that a pilot program expanding media coverage of Superior Court proceedings should be instituted. The Committee has reached a consensus on the following recommendations regarding such pilot program.

- Section 1-11 of the Practice Book should be amended to allow for the broadcasting, televising, recording or photographing of those special civil proceedings and criminal sentencing in which there is a significant public interest.
- Such pilot program of expanded media coverage of special civil proceedings and criminal sentencing will be limited to a period of one year from the date of adoption of the rule change by the judges unless extended for a longer period by a vote of the judges.
- Such pilot program will be limited to a single judicial district to be selected by the Chief Court Administrator.
- Requests for and the approval of media coverage of special civil proceedings and criminal sentencing will be as set forth in Practice Book Section 1-11 except that objection to such coverage may be made by one of the parties or counsel in the matter. Such objection shall be made at least one day prior to the commencement of the proceeding that is to be broadcast, televised, recorded or photographed.
- The general limitations set out in Section 1-11 of the Practice Book as to the types of proceedings that may not be covered by the media shall apply to the pilot program to the extent that such limitations do not conflict with this proposal.

Amended Proposal Concerning a Pilot Program for the Expansion of Media

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- Section 1-11 of the Practice Book should be amended to allow for the broadcasting, televising, recording or photographing of those special civil proceedings and criminal sentencing in which there is a significant public interest.
- Such pilot program of expanded media coverage of special civil proceedings and criminal sentencings shall continue for at least one year, and shall continue thereafter unless rejected by a vote of the judges of the Superior Court, and if not rejected, shall be considered for expansion to additional proceedings.
- The general limitations set out in Section 1-11 of the Practice Book as to the types of proceedings that may not be covered by the media shall apply to the pilot program to the extent that such limitations do not conflict with this proposal.
- The media shall inform the court at least seven business days prior to the commencement of a criminal sentencing that they will broadcast, televise, record or photograph the hearing. The court shall promptly inform counsel, who shall have four business days to file an objection. If there is an objection, the judge shall schedule a hearing for argument at which a media representative shall have the opportunity to be heard. The burden shall be on those opposing the broadcasting, television, recording, or photographing of the proceeding to articulate their reasons.
- In connection with civil proceedings, the presiding judge shall be permitted to waive the above time constraints if, in the judge's view, it is in the public's interest.