

Chairman McDonald, Chairman Lawlor and Members of the Judiciary Committee:

My name is Lewis Lerman and I am the President of the Connecticut Defense Lawyers Association. The Connecticut Defense Lawyers Association is an association of defense attorneys who devote a substantial portion of their time defending damage suits on behalf of individuals, insurance companies and corporations. It is an honor to appear before this Committee and I greatly appreciate the opportunity to discuss the Connecticut Defense Lawyers Association's views about raised bill numbers 126 and 5258. We commend the work of the Public Access Task Force, and the Governor's Commission on Judicial Reform, and generally support their recommendations.

The mission of the Public Access Task Force, as expressed by Justice Borden in his remarks on May 25, 2006, was to "make concrete recommendations . . . for the maximum degree of public access to the courts, consistent with the needs of the courts in discharging their core functions of adjudicating and managing cases." We agree that the legal profession and the judiciary must have the trust and confidence of the public, and that public access helps to achieve that goal.

The Connecticut Defense Lawyers Association opposes raised bill no. 126, section 16, and raised bill no. 5258, section 3, to the extent that they provide for the use of still cameras, video cameras or audio recording of civil proceedings. We believe that allowing such coverage of civil proceedings is not only unnecessary to discharge the core functions of the judicial branch, but more importantly imposes significant privacy concerns to litigants. As one court wrote many years ago, concerning broadcasting of a trial proceeding, "the function of a trial is not to provide an educational experience; and there is a serious danger that any attempt to use a trial as an educational tool will both divert it from its proper purpose and lead to suspicions concerning the integrity of the trial process."

Our views about cameras in the courtroom should not be interpreted by this Committee or by the media as an anti-media position. We believe that the media provides a useful and important function in reporting on cases, and that the media should continue to do so by attending court proceedings and providing fair and impartial reporting of those proceedings. However, we believe that the privacy concerns of litigants, particularly defendants who find themselves parties to litigation not by choice, substantially outweigh the media's desire to use cameras to cover judicial proceedings.

Our concerns parallel the concerns expressed by the Supreme Court in *Estes vs. Texas*, a 1965 ruling reversing a criminal conviction. The court explained,

It is common knowledge that 'television can work profound changes in the behavior of the people it focuses on.' The present record provides ample support for scholars who have claimed that awareness that a trial is being televised to a vast, but unseen audience, is bound to increase nervousness and tension, cause an increased concern about appearances, and bring to the surface latent opportunism that the traditional dignity of the courtroom would discourage. Whether they do so consciously or subconsciously, all trial participants act differently in the presence of television cameras. And, even if all participants make a conscientious and studied effort to be unaffected by the presence of television, this effort in itself prevents them from giving their full attention to their proper functions at trial.

Allowing cameras to be used in judicial proceedings would threaten the integrity and dignity of the courtroom, and would seriously impair the privacy rights of litigants.

Thank you again for giving me this opportunity to express our views. I would be happy to answer any questions the Committee might have.