Statement by Janet Manko
Publisher and Editor-in-Chief of The Lakeville Journal
Before the Joint Committee on the Judiciary, Connecticut General Assembly
Monday, April 9, 2007

In Support of Senate Joint Resolution 32

"All courts shall be open, and every person, for an injury done to him in his person, property and reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay."
— *State of Connecticut Constitution, Article First, Section 10*

How did Connecticut stray so far from this clear statement in the state Constitution? "All courts shall be open..." How did it go from these simple, strong words to the super-sealing of court cases, based on influence and affluence? To the unwise actions of the former Supreme Court Chief Justice, William Sullivan, that withheld from the public a decision on a case concerning, ironically, secrecy in the judiciary, in order to help a friend get a job? Can the public be assured that gains made toward openness in the courts since Acting Chief Justice David M. Borden took over won't be lost as time goes on?

The state judiciary needs to move forward from the culture of favors done for those in the loop, and to be accountable to the legislature and to the public for its actions. While many steps have been taken toward openness on Acting Chief Justice Borden's watch, these can be lost if there is not continued oversight. The state's judiciary has operated under a closed atmosphere of unaccountability for too long. Of course, there are many judges now in favor of transparency and openness, and there are judges, like Superior Court Judge Dale W. Radcliffe, who have spoken out in support of this legislation and are serious about ongoing reform.

During the legislative hearing on the confirmation of Judge Chase Rogers as Chief Justice of the state's Supreme Court, Judge Rogers said she tends to favor openness. While this is encouraging on the face of it, her statements do not insure that the Freedom of Information Act will be recognized and used during judicial administration, or that supersealing of cases will end. After all, there are still almost 800 cases supersealed at a "Level Two" category.

A constitutional amendment will re-emphasize the rule-making power of the legislature, and the fact that the judiciary is subject to the Freedom of Information Act. A renewed openness in the courts is vital to the health of the democratic process in Connecticut. At this critical time in Connecticut's history, there needs to be real, lasting accountability in the judiciary, and this very necessary reform can be accomplished through the passage of Senate Joint Resolution 32.