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*TESTIMONY OF  
ATTORNEY GENERAL RICHARD BLUMENTHAL  
BEFORE THE JUDICIARY COMMITTEE  
MARCH 10, 2008*

I appreciate the opportunity to support Senate Bill 605, An Act Concerning Judicial Branch Openness.

This legislation establishes a clear directive: the public's right to know includes the courts. The Judicial Branch may be separate but it must be open.

Ended forever should be a raft of unfortunate practices -- super sealing, docket sealing, selected secret proceedings, and the like.

These significant recommendations incorporate basic tenets of openness and accountability. Adopting these steps -- which I strongly support -- would mean sweeping, significant overdue overhaul of judicial practices. The legislative Judiciary Committee would have formal input into court rules. Most meetings of Judicial Branch committees would be open to the public, with exceptions similar to existing provisions of the Freedom of Information Act. The Chief Court Administrator would review complaints about a judge and refer such complaints to the Judicial Review Council or issue an admonishment. Most criminal docket information and arrest and conviction information would be available to the public on the Judicial Branch website. The Judicial Review Council could disclose the existence of an investigation prior to finding probable cause, if the public interest warrants.

Even with all the good intentions and initiatives from the Judicial Branch's present leaders, this legislation is vitally necessary.

A crisis in confidence provided both the need and opportunity for such measures, which the Judicial Branch is moving to implement administratively. Laudable as these steps may be, we cannot rely only on administrative rules to achieve open and accountable government. What is done administratively can be undone -- just as readily -- by judicial fiat. Openness and accountability must be made a legal mandate.

Sustaining and enhancing public confidence in the courts requires legal guarantees that are contained in this legislation.

Trust and credibility require accountability and transparency. What the public can't see, they suspect -- and their suspicion spreads like a contagion undermining credibility and public

confidence. Connecticut has long recognized this principle. It was one of the first states to pass a Freedom of Information act and create an independent commission to enforce our open government statutes.

This principle must apply with equal force to Connecticut courts. Many functions of the Judicial Branch have been excluded from the provisions of the Connecticut Freedom of Information Act. As a result, our court system and its committees routinely conduct meetings and hearings that are closed or unknown to the public. The public cannot know, and the media cannot adequately report, whether and how justice is served in the courts. Secrecy has been a judicial prerogative -- often standard operating procedure by judicial order.

Other measures, such as opening the Judicial Review Council process, also are important in assuring public awareness and confidence in discipline applied to judges. Further, there should be no question about public access to the criminal court docket. What appears on the court docket is essential to open trial and proceedings, since it provides basic information about court schedules, changes in charges, and other facts especially important for victims to know.

I urge the committee's favorable consideration of Senate Bill 605.