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JUDICIAL BRANCH

CHAMBERS OF
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Testimony of Judge Patrick Carroll, III
Judiciary Committee Public Hearing
March 10, 2008

Senate Bill 605, *An Act Concerning Judicial Branch Openness*

Good afternoon. My name is Patrick Carroll and I am the Deputy Chief Court Administrator. I am here today to speak on behalf of the Judicial Branch regarding S.B. 605, *An Act Concerning Judicial Branch Openness*. Judge Quinn has asked me to convey her apologies for not being here today to address you on this bill; she has a speaking obligation at a conference in St. Louis that was scheduled some time ago.

I fully understand the issues that gave rise to this bill, which was originally proposed last session, but was not enacted into law. I have to say that my colleagues and I were disappointed when this bill was proposed again during this session. We have been working diligently to implement recent rules changes, to revise procedures and to develop new ideas -- all towards the goal of making the judiciary more open, accountable and transparent.

Let me give you some examples. The judges this past June approved rules that allow cameras in arraignments. We have been working with members of the media to implement this change, which requires a balancing of the media's First Amendment right to cover and broadcast proceedings and the defendant's right to a fair trial. Since January 1, 2008, when the new camera rules took effect, about 24 arraignments have been videotapes or photographed. These arraignments have occurred in Hartford, New London, Middletown, Norwich, Rockville, Danielson, Derby, Enfield, New Haven, Meriden and Waterbury.

In addition, the judges (in June) approved a rule establishing a criminal court camera pilot program and the Hartford Judicial District has been selected. Since January 1, 2008, when the pilot project began in Hartford, court proceedings from three different cases have been videotaped.

We are working cooperatively with the media in other areas as well. For example, the Judicial Media Committee has been working diligently to arrange a "law school for journalists" program on the dilemmas posed by sexual assault cases, which will take place on March 19, 2008.

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The Committee has also completed a survey of judges and media representatives designed to provide frank and open feedback as to issues of mutual concern and areas that can be improved. The survey results are availabie on the Judicial Branch's website. I invite you to speak with any of the members of this Committee, as I am certain that they will acknowledge the great strides that the Judicial Branch has made to become more open. I believe that our relationship with the media has improved tremendously in a very short period of time and also believe that it will continue to flourish as we review the results of the criminal court camera pilot program.

I would also like to report to you that the Judicial Branch (about two years ago) opened up all of its meetings to members of the public. Meeting notices, agendas and minutes are posted on the Judicial Branch website and any one is welcome to attend these meetings.

As you know, Chief Justice Chase T. Rogers has been in office for less than one year. Since that time, she has begun to address the issues that she discussed with you during her confirmation hearing last session. She has established the Public Service and Trust Commission and charged its members with creating a strategic plan for the Judicial Branch -- the first time in its history. The ultimate goal of the plan is to improve services and to enhance the public's trust in the judiciary. Many members of the bar, judges and the public have expended a great deal of time and energy since last summer to create this plan.

In addition, the Chief Justice has been working collaboratively with the members of the minority bar associations to increase the number of minorities working in the Judicial Branch and also to encourage minority attorneys to apply to the Judicial Selection Commission to become judges. Last year, only one minority attorney applied to the Judicial Selection Commission to become a judge. That is just not acceptable. To address this concern, the minority bar associations, in conjunction with the Judicial Branch, sponsored a panel comprised of the chair of the Judicial Selection Commission, minority judges and the Governor's legal counsel to explain the process to become a judge and to encourage minority attorneys to apply. We have more work to do. But, we <u>are</u> working.

In addition, the Judicial Branch has already addressed many of the issues raised in this bill and I believe that the Judicial Selection Commission and the Judicial Review Council have also addressed some of the issues in the bill (namely the establishment of web sites.) I would like to take a moment to update you on the progress that the Judicial Branch has made with regard to particular issues addressed in this bill.

Section 1 of the bill concerns the rulemaking process. I believe that this issue has already been addressed. In June, the judges of the Superior Court approved a resolution establishing a mechanism to ensure that the Judiciary Committee and the Rules Committee of the Superior Court meet often to discuss issues of mutual concern. In fact, you all should have received a letter from the Chief Justice inviting you to attend a joint

meeting of the Judiciary Committee and the Rules Committee on Wednesday, March 26, 2008, in the Supreme Court courtroom across the street. I do hope that you can attend and I am certain that with open dialogue, any issue can be resolved.

In addition, the Judicial Branch has already implemented Section 5 of the bill, which requires the Branch's website to include a link to the Judicial Review Council's web site under the heading "complaints against judges."

Section 5(i) of the bill addresses the topic of ethics advisory opinions for the judges. This issue is already being addressed. The Chief Justice appointed a committee chaired by Justice Barry Schaller to research the best way to provide judges with ethics advisory opinions. The Committee has recently submitted its proposal to the Chief Justice to establish a judicial ethics committee comprised of judges and a law professor, who will provide judges with advisory opinions on ethical issues that may arise. The Chief Justice has recently approved the proposal and directed its implementation.

In addition, Sections 15 and 16 of the bill are unnecessary as they have already been implemented. Our website already contains the daily criminal docket, criminal conviction information and the status of pending criminal cases.

Section 20 of the bill requires the Judicial Branch's Commission on Official Legal Publications to publish agency regulations on-line. The Judicial Branch has been participating as a member of an interagency workgroup, which is led by the chairs of the Legislature's Regulations Review Committee to address this issue. For this reason, we do not believe that this provision of the bill is necessary.

In conclusion, I hope that you would agree that the judiciary has made great strides in the last couple of years to be more accountable, open and transparent. This direction will not change. Chief Justice Rogers has made a commitment to you and to the people we serve that she will work to improve services and to enhance trust in our courts. So, I stand here today and ask you not to implement this bill, but rather to give us a chance to meet the goals that the Chief Justice has discussed with you.

I would be happy to answer any questions that you may have.