



STATE OF CONNECTICUT
JUDICIAL BRANCH

CHAMBERS OF
BARBARA M. QUINN, JUDGE
CHIEF COURT ADMINISTRATOR

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HARTFORD, CT 06106

**Testimony of Judge Barbara M. Quinn
Government, Administration and Elections Committee Public Hearing
March 23, 2009**

***Senate Bill 912, An Act Concerning the Definition of Administrative Functions
under the Freedom of Information Act***

Good morning, Senator Slossberg, Representative Spallone, Senator McLachlan Representative Hetherington, and members of the General Administration and Elections Committee. I am Barbara Quinn, and I am the Chief Court Administrator of the Judicial Branch. I appear before you today to explain our opposition to **Raised Bill No. 912, An Act Concerning the Definition of Administrative Functions under the Freedom of Information Act.**

This bill defines the term "administrative functions" for purposes of the Freedom of Information Act as "all matters not directly related to judicial decision-making in individual court cases, and (B) those matters that relate to the management of the internal institutional machinery of the judicial branch, including, but not limited to, budgeting, accounting, rulemaking, personnel, facilities, physical operations, docketing, recordkeeping and scheduling."

The Judicial Branch is opposed to the inclusion of "rulemaking" in this definition as it violates the separation of powers by making an inherent Judicial function, namely, the adoption of procedural rules for the courts, subject to the oversight of an Executive Branch agency, namely, the Freedom of Information Commission. This is not to say that the rulemaking process is not open. Quite the contrary, the rulemaking process is

open pursuant to the First Amendments of the state and federal constitutions. Notices of the meetings, agendas and minutes are available on the Judicial Branch's website and the meetings are open to all. I am not aware of any complaints that documents about the rulemaking process were not made available to any member of the public who requested it.

I should mention that the Judicial Branch has complied with the Freedom of Information Act for documents involving any of its administrative functions, including budgeting, accounting, personnel, facilities, and physical operations. We are not opposed to including docketing, recordkeeping and scheduling in the definition, as we do not believe that doing so would implicate the separation of powers.

Let me assure you that Chief Justice Rogers and I both firmly believe that the more transparency and openness with which we do our jobs, the greater the degree of trust, confidence and respect the public will have in us. The Judicial Branch is committed to doing our part to ensure the openness of all aspects of Connecticut courts. In fact, the judges of the Superior Court changed the practice book rules to allow the broadcast and televising of arraignments. We have received hundreds of requests from media outlets to cover these proceedings and the vast majority of these requests have been granted.

We have made tremendous progress over the past two years, and we would hope that the Legislature has confidence in our ability to continue that progress. I urge the Committee not to include "rulemaking" in the definition of "administrative functions."

Thank you for your consideration.