

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
RAISED BILL SB 912, AN ACT CONCERNING JUDICIAL BRANCH
OPENNESS**

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Good Afternoon Senator Slossberg, Representative Spallone and members of the committee. I am Colleen Murphy, the Executive Director and General Counsel of the Freedom of Information Commission. I would like to comment favorably on SB 912, An Act Concerning Administrative Functions.

It continues to be the FOI Commission's belief, despite the well-intentioned and positive reform efforts by the judicial branch to shine light on the courts, that legislation is essential to guaranteeing greater transparency of the judicial system. The Commission strongly believes that the best legislative approach would be to amend the definition of administrative functions, thereby carving out those matters that are not part of the adjudicatory or judicial functions of the courts, and ensuring that such matters will be open to the public.

Without a definition, we will continue on the path that has been traveled for the past three decades. The courts will provide their own definition on a case-by-case basis and will modify it to suit particular needs or concerns. That has led to some confusing results, particularly evident in the most recent and well-known case, Clerk v. Freedom of Information Commission, 278 Conn. 28 (2006), wherein the Supreme Court determined that basic docketing information contained on the court's computer system was not "administrative" and could not be accessed pursuant to the FOI Act.

It should be noted that the High Court has decided to revisit the issue. Immediately after the initial Supreme Court ruling, the FOI Commission, following the law established under the Clerk decision, had to conclude that it had no authority to order the disclosure of docket sheets (FIC # 2007-313). The decision was appealed by the Connecticut Council on Freedom of Information and the Supreme Court has decided to take the case. Although the FOIC is gratified that the court will revisit the issue, it feels that codifying the definition of administrative functions would eliminate the confusion caused by ad hoc rulings on the subject. By passing this bill, you will ensure that the public will be entitled to this basic information.

This concept has been raised and viewed favorably by many legislative committees in recent sessions. The FOIC feels that this proposal is an opportunity to have a meaningful impact on the transparency of the judicial system. I am happy to answer any questions you may have.